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THE PUNJAB REGULARIZATION OF SERVICE ACT 2018 (XV of 2018)

CONTENTS

- 1. Short title, extent, application and commencement**
- 2. Definition**
- 3. Regularization, etc**
- 4. Procedure for regularization**
- 5. Scrutiny Committees**
- 6. Appointments**
- 7. Termination of contract**
- 8. Determination of seniority**
- 9. Pay fixation**
- 10. Option for regularization**
- 11. Legal framework**
- 12. Appeal or review**
- 13. Rules**
- 14. Removal of difficulties**
- 15. Saving**

TEXT

**¹THE PUNJAB REGULARIZATION OF SERVICE ACT 2018
(XV of 2018)**

[30th April, 2018]

**An
Act**

to provide for appointment on regular basis.

It is necessary in public interest to provide for the appointment on regular basis of certain employees presently serving on contract; and, for matters connected therewith.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent, application and commencement.— (1) This Act may be cited as the Punjab Regularization of Service Act 2018.

(2) It extends to whole of Province of the Punjab.

²[(3) It shall apply to all the persons employed on contract in a department, who have completed three years continuous service before or after the commencement of the Act.]

(4) It shall come into force at once.

2. Definition.— In this Act, unless the context otherwise requires—

(a) “Act” means the Punjab Regularization of Service Act 2018.

(b) “Commission” means Punjab Public Service Commission.

(c) “contract employee” means an eligible person appointed on contract in a department immediately before the commencement of the Act but does not include a person appointed to a post in a project, programme, project management unit, project management office, time bound (one-time) development activity or as work-charged employee or an employee on daily wages;

(d) “department” means the department as defined in the Punjab Government Rules of Business 2011 and includes an attached department or a special institution;

(e) “Government” means Government of the Punjab;

(f) “regularization” means the appointment of an eligible contract employee on regular basis, with immediate effect, in accordance with the Act; and

¹This Act was passed by the Provincial Assembly of the Punjab on 27 April 2018; assented to by the Governor of the Punjab on 30 April 2018; and, was published in the Punjab Gazette (Extraordinary), dated: 30 April 2018, pp. 7585-7587.

²Substituted by the Punjab Regularization of Service (Amendment) Act 2019 (XXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13 December 2019, pp. 2537-2538, s.2

- (g) “special pay package” means a special pay package, otherwise than the basic pay scales and includes Management Position Scales.

3. Regularization, etc.– (1) Notwithstanding the mode or manner of appointment, or any deficiency or defect in the procedure or anything contained in the Punjab Civil Servants Act 1974 (*VIII of 1974*), the rules framed thereunder or any recruitment policies, any person appointed on contract, immediately before the commencement of the Act, shall be deemed to have been validly appointed and such appointment shall not be called in question.

Explanation.– The expression ‘appointed’ includes the extension, from time to time, of the term of the contract.

³[(2) Notwithstanding anything contained in the Act, the contract employees who have continuously been serving as such for a period not less than three years shall be eligible to be considered for appointment on regular basis if:

- (a) a regular vacancy allocated for initial recruitment is available for regularization;
- (b) he is qualified for the post;
- (c) he has not been appointed on a special pay package;
- (d) his performance during the period of contract has remained satisfactory; and
- (e) he does not opt to continue as contract employee.]

4. Procedure for regularization.– (1) The case of a contract employee appointed on the recommendations of the Commission shall be submitted to the appointing authority for regularization without reference to the Commission or the Scrutiny Committee.

(2) If the post falls within the purview of the Commission but the contract employee was appointed otherwise than on the recommendations of the Commission, the case shall be referred to the Commission for recommendations.

(3) If the post is outside the purview of the Commission, the case of a contract employee shall be placed before the Scrutiny Committee constituted under the Act for recommendations.

5. Scrutiny Committees.– (1) The appointing authority shall constitute one or more Scrutiny Committees for purposes of the Act.

(2) A Scrutiny Committee shall scrutinize the academic record and other relevant documents of the contract employee and verify that the contract employee is eligible and qualified for regularization.

(3) The Scrutiny Committee shall forward its recommendations to the appointing authority.

6. Appointments.– (1) Subject to the Act and the fulfilment of the conditions for regularization, the appointing authority shall:

³Substituted by the Punjab Regularization of Service (Amendment) Act 2019 (XXIII of 2019), published in the Punjab Gazette (Extraordinary), dated: 13 December 2019, pp. 2537-2538, s.3

- (a) in a case covered under subsection (1) of section 4 of the Act regularize the service of the contract employee with immediate effect; and
- (b) in a case covered under subsection (2) or subsection (3) of section 4 of the Act, regularize the service of the contract employee if so recommended by the Commission or, as the case may be, the Scrutiny Committee with immediate effect.

(2) The service rendered by a contract employee shall not be counted for pensionary benefits or for any other purpose whatsoever.

7. Termination of contract.— Notwithstanding anything contained in any law or the terms and conditions of the contract, the contract of a contract employee, who is not recommended for regularization by the Commission or, as the case may be, the Scrutiny Committee, shall be terminated forthwith.

8. Determination of seniority.— (1) A contract employee, who is regularized, shall be placed at the bottom of the seniority list of the respective cadre and shall rank junior to the other civil servants.

(2) The *inter se* seniority of the contract employees, on regularization, shall be determined on the basis of their continuous service on contract and if the date of such continuous service of two or more contract employees is the same, the employee older in age shall rank senior to the younger.

9. Pay fixation.— A contract employee, on regularization, shall be allowed the initial stage of the respective pay scale and the increments earned by him during the contract appointment shall be converted into personal allowance but no other privilege allowed to a contract employee shall be admissible.

10. Option for regularization.— A contract employee who does not wish to be regularized shall furnish his option to the appointing authority within sixty days from the commencement of the Act; otherwise, he shall be deemed to have opted for regularization.

11. Legal framework.— A contract employee, regularized under the Act, shall cease to be governed by the Contract Appointment Policy 2004 and the terms and conditions of the contract and shall be regulated under the Punjab Civil Servants Act, 1974 and the rules framed thereunder.

12. Appeal or review.— (1) Subject to subsection (2), a contract employee who is aggrieved by the final order of the appointing authority under the Act may, except where the order has been made by the Chief Minister, within thirty days from the date of communication of the order, prefer an appeal through the concerned department to the Appellate Committee constituted by the Chief Minister by notification in the official Gazette.

(2) Where the final order has been passed by the Chief Minister, the aggrieved contract employee may, within the period mentioned in subsection (1), submit a review petition through the concerned department to the Chief Minister.

(3) The decision taken under subsection (1) or, as the case may be, subsection (2) shall be final.

13. Rules.— The Government may make rules for carrying out the purposes of the Act.

14. Removal of difficulties.— If any difficulty arises in giving effect to any provision of the Act, the Chief Minister may, within two years of the commencement of the Act, make such order not inconsistent with the provisions of the Act, as may appear to him to be necessary for the purpose of removing such difficulty.

15. Saving.— Notwithstanding anything in the Act, Government of the Punjab, Services and General Administration Department (Regulations Wing) Notification No.DS(O&M)(S&GAD)5-3/2013, dated 1st March 2013 shall continue to apply to the employees mentioned therein.