

**THE AZAD JAMMU AND KASHMIR CIVIL SERVANTS
(APPOINTMENT AND CONDITIONS OF SERVICE)
RULES, 1977**

“Muzaffarabad”

Dated: 8th May, 1977

NOTIFICATION:

No. S&GAD/8216-8300/. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Government is pleased to make the following rules namely:-

**THE AZAD JAMMU AND KASHMIR CIVIL SERVANTS
(APPOINTMENT AND CONDITIONS OF SERVICE)
RULES, 1977**

PART – 1 (GENERAL)

1. (1) These rules may be called the Azad Jammu and Kashmir Civil Servants (Appointment and Conditions of Service) Rules, 1977.
(2) They shall come into force at once.
(3) They shall apply to all Civil Servants.
2. **Definitions:-** In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-
 - (a) **“All Pakistan Unified Grades”** has the same meaning as in All Pakistan Services (Change in Nomenclature) Rules, 1973;
 - (b) **“Appointing Authority”**, in relation to a post means the person authorised under rules 6 to make appointment to the post;
 - (c) **“Autonomous or Semi-autonomous Organization”** means an organization set up under a law by the Government as a unit separate from the formal departmental organization;
 - (d) ¹¹**“Board”** means the Azad Jammu and Kashmir Selection Board or Boards as constituted by the Government from time to time;]
 - (e) **“Commission”** means the Azad Jammu and Kashmir Public Service Commission;
 - (f) **“Committee”** means a Departmental Selection Committee;

¹ Substituted vide Notification No. S&GAD/A-4 (111) 89 dated 26.03.1989.

- (g) **“Department”** has the same meaning as in the Government Rules of Business, 1975;
- (h) **“Functional Unit”** means a group of posts or a part of such group sanctioned as a separate unit in or under a Department;
- (i) **“Government”** means the Azad Government of the State of Jammu and Kashmir;
- (j) **“Grade”** has the same meaning as in the Azad Jammu and Kashmir Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1977; and
- (k) **“Post”** means a post in connection with the affairs of the Government;
- (2) Words and expressions used but not defined shall bear the same meanings as they bear in the Azad Jammu and Kashmir Civil Servants Act, 1976.
3. (1) Appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed by the Government in relation to the posts in a grade from time to time.
- (2) Appointments, by promotion or transfer shall be made in accordance with Part II and by initial recruitment in accordance with Part III of these rules.
- (3) The appointment shall be made from among such persons possessing such qualifications and fulfilling such other conditions as may be prescribed by the Government from time to time.
- ²(4) The Government may, with due regard to the population, provide for the proper representation of the component units of Azad Jammu and Kashmir and the refugees settled in Pakistan in the services of Azad Jammu and Kashmir.
- (5) All orders, Notifications issued for determining the quota for the initial recruitment, in the Services, shall be deemed to have been issued under Sub-rule (4).]
- ³ [3-A [.....]]
4. (1) In the Civil Secretariat, each Department or office of the Government, there shall be one or more Departmental Selection Committees.

² Added vide Notification No. S&GAD/R/A-4(III)/91 dated 28.11.1991

³ Added vide Notification No. S&GAD/R/A-4(283)/92 dated 25.07.1992 and deleted vide Notification No. S&GAD/R/A-4(283)/92 dated 05.03.1994.

- (2) ⁴[The Government shall set up Azad Jammu and Kashmir Selection Board or Boards.]
- (3) Each such Committee or Board shall consist of at least three members one of whom shall be appointed as Chairman.
- (4) The composition of such Committees and Board and the procedure to be observed by such Committees and Board shall be determined by the Government.
- (5) The appointing authority or its representative shall be ex-officio member of the Board making selection.
- (6) ⁵[Respective Departmental Selection Committees shall make Selection for appointment:-
- (i) by initial recruitment, transfer or promotion to all posts in ⁶[B.S.]1 to 15;
- (ii) by transfer or promotion to all posts in BS-16 and 17 in or under a Department or Office for which it is constituted.]
- (7) The Azad Jammu and Kashmir Selection Board shall make selection for appointment:-
- (i) ⁷[by promotion and transfer to all posts in ⁸[Basic Scales 18 to 20] except the post of the Secretary to the Government and Non-technical posts in BS-21 and above;
- Provided that the specially meritorious cases for the grant of scale 21 or 22 would be scrutinized and recommended by a Special Selection Board headed by the Prime Minister and consisting of the Chief Secretary and such other members as may be determined by the Prime Minister.]
- (ii) by initial recruitment to all such posts in B.S:-16 and above as may be specified to be filled without reference to the Commission under the Azad Jammu and Kashmir Public Service Commission (Functions) Rules.

⁴ Substituted vide Notification No. S&GAD/A-4(111)89 Dated 26.03.1989

⁵ Substituted vide Notification No. S&GAD/R/4 (112)/89 Dated 02.12.1993.

⁶ Words "B.P.S" or "Grade" wherever occurring are substituted by letter B.S. vide Notification No. S&GAD/R/4 (112)/89 Dated 02.12.1993

⁷ Substituted Vide Notification No. S&GAD/R-A-4 (283)/92 Dated 25.07.1992

⁸ Substituted Vide Notification No. S&GAD/R/4 (112)/89 Dated 02.12.1993.

5. Where an appointing authority other than the Prime Minister does not accept the recommendation of a Committee or a Board, it shall record reasons thereof and obtain orders of next higher authority and act accordingly.

⁹ [6. The authority competent to make appointment to various grades shall be as follows:-

B.S.	Appointing Authority
17 and above.	Government.
16	Minister concerned.
01 to 15.	Respective Authorities exercising such powers immediately before the commencement of these rules or such authorities as may thereafter be empowered.

7. (1) A person appointed to a post in a grade against a substantive vacancy shall remain on probation for a period of two years if appointed by initial recruitment, and for a period of one year, if appointed otherwise;

Provided that the appointing authority may extend the period of probation by a further period not exceeding two years in all.

Explanation: Officiating service and service spent on deputation to corresponding or a higher post may be allowed to count towards the period of probation.

(2) No person shall be confirmed in a post unless he has successfully completed such training and passed such Departmental Examination as may be prescribed.

(3) If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

(4) Subject to the provisions of sub-rule (2) above, if no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(5) A probationer, who has satisfactorily completed his period of probation against a substantive vacancy, shall be confirmed with effect from the date of his continuous appointment in such a vacancy;

⁹ Substituted Vide Notification No. S&GAD/A-4 (111)/86/90 dated 30.08.1990.

Provided that where the period of his probation has been extended under the provisions of sub-rule (1) of this rule, the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended.

8. The seniority inter se of persons appointed to post in the same grade in a Functional Unit shall be determined:-

- (1) (a) In the case of persons appointed by initial recruitment, in accordance with the order of merit, assigned by the selection authority;

Provided that persons, selected for appointment to the grade in an earlier selection shall rank senior to the persons selected in a later selection; and

- (b) In the case of persons appointed otherwise, with reference to the dates of their continuous appointment in the grade;

Provided that if the date of continuous appointment in the case of two or more person appointed to the grade is the same, the older if not junior to the younger in the next below grade, shall rank senior to the younger person.

Explanation I: If a person junior in a lower grade is promoted to a higher grade on adhoc basis, in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II: If a person junior in a lower grade is promoted to higher grade by superseding his senior and subsequently the latter is also promoted, the promoted first shall rank senior to the one promoted subsequently.

Explanation III: Subject to the provisions of rule 14 of these rules, a junior appointed to a higher grade shall be deemed to have superseded his senior only if both the junior and the senior were considered for the higher grade and the junior was appointed in preference to the senior.

- (2) The seniority of the persons appointed by initial recruitment to the grade vis-à-vis those appointed otherwise shall be determined with reference to the date of continuous appointment to the grade;

Provided that if two dates are the same, the persons appointed otherwise shall rank senior to the person appointed by initial recruitment;

Provided further that *inter se* seniority of persons belonging to same category will not be altered.

Explanation: In case a group of persons is selected for initial appointment at one time, the earliest date on which any one out of the group joined the service will be deemed to be the date of appointment of all persons in the group. Similarly in case a group of persons is appointed otherwise at one time in the same office order the earliest date on which any one out of the group joined the service will be deemed to be date of appointment of all persons in the group. And the persons in each group will be placed with reference to the continuous date of appointment as a group in order of their *inter se* seniority.

(3) Notwithstanding the provisions of this rule, the seniority lists already prepared in accordance with the rules applicable immediately before the commencement of these rules shall be construed as seniority lists for the respective new grades in respect of persons already in service and amendments therein shall continue to be made in accordance with those rules to settle *inter se* seniority disputes among them.

PART II--APPOINTMENTS BY PROMOTION, TRANSFER OR DEPUTATION

9. (1) Appointments by promotions or transfer to posts in various grades shall be made on the recommendations of the appropriate committee or Board.
- (2) Promotion including proforma promotion shall not be claimed as of right by any Civil servant.
10. Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Selection Authority.

¹⁰[10-A-**Appointment on Acting Charge Basis:** (1) Where the appointing authority considers it to be in the Public interest to fill a post reserved under the rules for departmental promotion and the most senior Civil Servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service, the authority may appoint him to that post on acting charge basis.

(2) Where the appointing authority is satisfied on report of the selecting authority that no suitable officer is available to fill a post in grade 17 and above reserved under the rules to be filled by initial recruitment and it is

¹⁰ Added vide S&GAD/R/A-4(111)/IV/86 dated 03.12.1988.

expedient not to allow the post to remain unfilled, it may appoint to that post on acting charge basis the most senior officer eligible for promotion to that post.

(3) No appointment on acting charge basis shall be made against a post which is likely to remain vacant for a period of less than six months.

(4) No appointment on acting charge basis shall be made without the recommendation of the Departmental Promotion Committee or Azad Jammu and Kashmir Selection Board as the case may be, but such appointment shall not be deemed to have been made on regular basis for any purpose nor shall confer any right for regular appointment.

10-B- **Appointment on Current Charge Basis:** (1) Where a post is likely to remain vacant for a period of less than six months and the appointing authority does not consider it expedient to make an appointment on ad-hoc basis it may appoint a civil servant, who is eligible for promotion under Rules, to that post on current charge basis.

(2) An appointment made on current charge basis shall come to an end on appointment of a person on regular basis or on the expiry of six months whichever is earlier.]

11. Appointments by transfer to posts in functional unit shall be made from among the persons holding appointments on regular basis in another functional unit in the same grade in which the post to be filled exists;

Provided that persons holding posts in all Pakistan Unified Grades may be appointed to a certain number of posts as may be determined for time to time.

12. Until the rules laying down the qualifications and other conditions for the purposes of promotion are made no person shall be promoted to a post in a higher grade on regular basis unless he has passed such test as may be specified by the appointing authority to be conducted by the selection authority.

Provided that the Government may dispense with the requirement of passing the test in relation to such posts as may be specified.

¹¹{13. **Appointment by Promotion on Officiating Basis:** [(1) Where a post falls vacant as a result of (ex-cadre) transfer, deputation, leave or appointment on acting charge /officiating basis of the regular incumbent or is reserved under the rules to be filled by transfer or is permanently available as vacant and is reserved for regular promotion on the recommendation of the appropriate

¹¹ Substituted vide Notification No. S&GAD/A-4(III)VI/86 dated 03.12.1988 and sub section (1) further substituted vide Notification No. S&GAD/R/A-4(283) /92 dated 20.03.2010.

selection board/committee, the appointing authority may make appointment by promotion against such post on officiating basis.]

(2) No person shall be promoted on officiating basis unless he possesses the qualifications and experience prescribed for the post and his promotion as such is approved by the Chairman of the appropriate Selection Authority.

(3) An officiating promotion shall not confer any right of promotion on regular basis but shall be liable to be terminated as soon as a person becomes available for promotion on regular basis.

(4) Officiating promotion shall be made on the same terms and conditions as to pay as are prescribed for regular appointment by promotion. }

14. (1) All persons holding posts in a functional unit in the same grade who possess the minimum qualifications and experience prescribed for promotion shall be eligible to compete for promotion and take part in the test to be held for the purpose.

(2) A person who fails in the test and is not promoted on the basis of competitive merit, shall be deemed to have been superseded by his juniors, who are promoted provided that inter se seniority of the officers thus promoted shall be maintained on promotion;

Provided that a person, who was not able to take part in the test due to reasons beyond his control, may be permitted in writing one more chance by the appointing authority and, if so allowed, shall retain his inter se seniority on promotion if he does not fail in a special test, which may be held for the purpose, or the next regular test, following the previous test in which he did not appear. In any other case a person not appearing in the test shall be deemed to have failed in the test and has been superseded.

[14-A. ¹²[.....]]

[15. (1) ¹³[.....]]

Subject to any rules or orders on the subject issued by the Government, a civil servant who fulfils the conditions and is considered suitable may be sent on deputation to an Autonomous or Semi-Autonomous Organization, established by law, on such terms and conditions as may be decided by the appointing authority in consultation with the Borrowing Organization;

Provided that leave and pension contributions shall invariably be made by the borrowing Organization.

¹² Added vide Notification No. A-4 (III)/SO VI/86 dated 25.11.1989 and omitted vide Notification No. S&GAD/R/A-4(111)/89 dated 20.02.1993.

¹³ Sub-rule (1) of Rule 15 deleted vide No. S&GAD/R/A-4(III)/98 dated 28.07.1998.

PART III- INITIAL APPOINTMENT.

16. Initial appointment to the posts in grade 16¹⁴[to 20], except those which under Azad Jammu and Kashmir Public Service Commission (Functions) Rules, do not fall within the purview of the Commission or which are specified to be filled without reference to the Commission, shall be made on the basis of examination or test conducted by the Commission.
17. Initial appointment to all posts in B.S 1 and above except those filled under rule 16, shall be made on the basis of examination or test to be held by the appropriate Committee or the Board, as the case may be, after advertisement of the vacancies in newspapers, or in the manner to be determined by the Government.
18. (1) A candidate for initial appointment to a post must possess the prescribed educational qualifications and experience and also, except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post;
- Provided that experience, where prescribed, would include equivalent experience, to be determined by the Government in a profession or in the service of an Autonomous or Semi Autonomous Organization or a Private Organization.
- (2) (i) Where recruitment is to be made on the basis of a written examination, age shall be reckoned as on the first of January of the year in which the examination is proposed to be held; and
- (ii) In other cases, as on the last date fixed for submission of applications for appointment.
19. (1) No person shall be appointed to a post unless he is a State Subject as defined in the Azad Jammu and Kashmir Interim Constitution Act, 1974, provided that this restriction may be relaxed by the Government in suitable cases.
- (2) No person, who has married a foreign national shall be appointed to a post; provided that this restriction may be relaxed by Government in case of person who has married a citizen of India.
- ¹⁵[(3) No person shall be appointed to a post unless he make before the appointing authority an Oath in form set out in the Schedule.]

¹⁴ Substituted vide Notification No. S&GAD/R-4/(112)/89 Dated 02.12.1993.

¹⁵ Added vide Notification No. S&GAD/R/A-4 (III)/91 dated 21.11.1993.

20. Vacancies in various posts shall be filled from persons who are State Subjects in accordance with merit provided that some particular posts may be reserved for persons domiciled in a particular area as may be specified.
21. A candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who after such medical examination as Government may prescribe is found not to satisfy these requirements shall not be appointed.
22. (1) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the Principal Academic Officer of the academic institution last attended and also certificates of character from two responsible persons not being his relatives who are well acquainted with his character and antecedents.
- (2) Notwithstanding anything in sub-rule (1) an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the persons appointed to the satisfaction of the appointing authority.

PART IV- ADHOC APPOINTMENT

23. (1) When a post is required to be filled, the appointing authority shall forward a requisition to the selection authority immediately after decision is taken to fill the post.
- (2) After forwarding a requisition to the selection authority, the appointing authority may, if it considers necessary in the public interest, fill the post on adhoc basis for a period not exceeding six months pending nomination of candidate by the selection authority:

Provided (1) the vacancy is advertised properly in the newspapers;

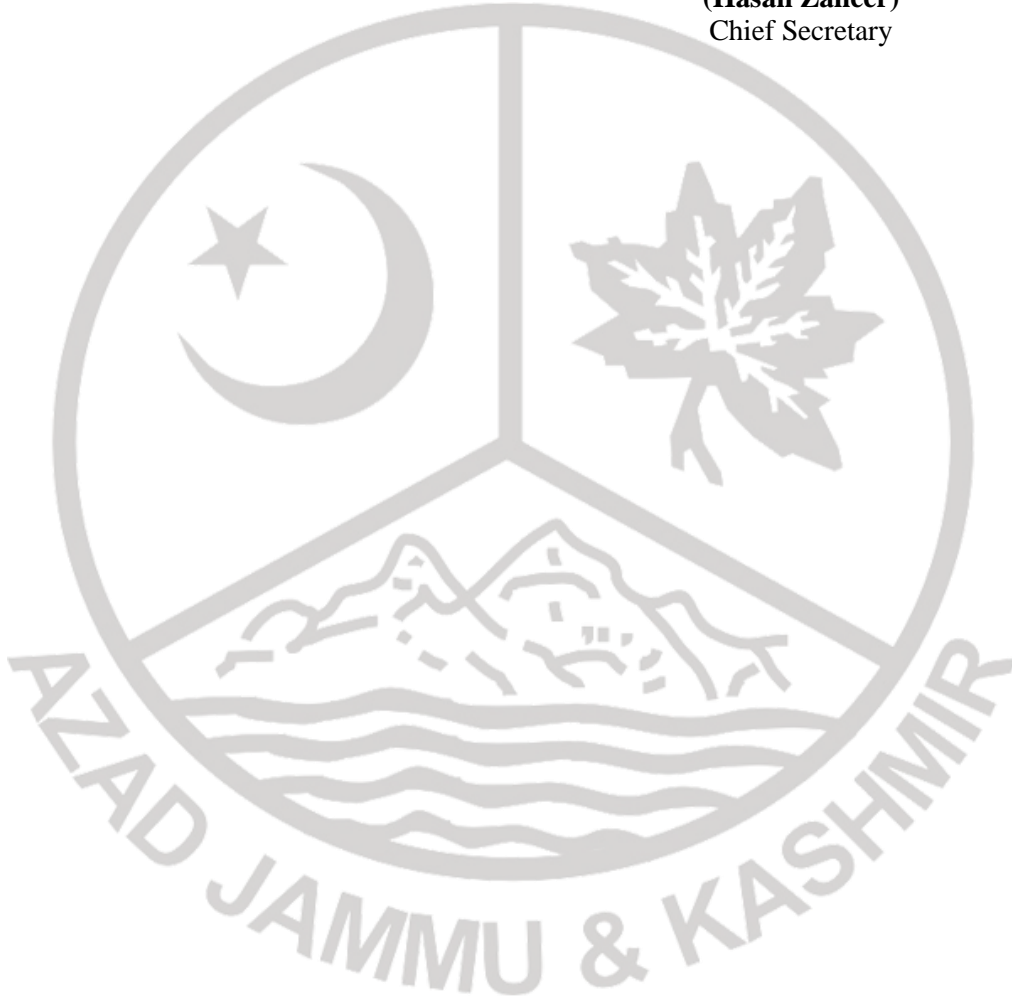
- (2) the appointment is made of a person duly qualified in accordance with the provisions of the rules and orders applicable to the post;
- (3) the selection is made on the basis of merit determined by objective criteria;
- (4) the appointment order certifies that a requisition has been sent to the selection authority; and
- (5) the appointment is made subject to revocation at any time by the competent authority;

Provided further that adhoc appointment shall not confer any right on the persons so appointed in the matter of regular appointment to the same post nor the service will count towards seniority in the grade.

PART V- RELAXATIONS

24. Government may, for special reasons, relax any of the rules in any individual case.

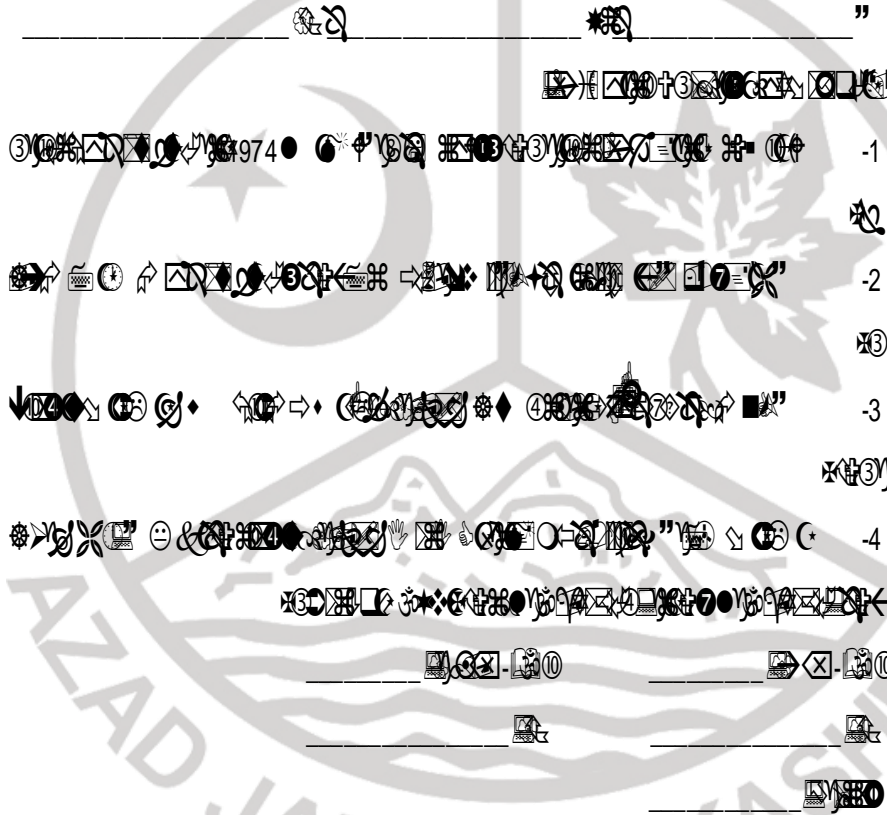
Sd/--
(Hasan Zaheer)
Chief Secretary



¹⁶[Schedule]

(See Rule 19(3))

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③	_____	-1
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¹⁶ Added vide Notification No. S&GAD/R/A-4(111)/91, dated 21.11.1993.