

**THE AZAD JAMMU AND KASHMIR
DEPUTY SECRETARIES RECRUITMENT RULES, 1978**

“Muzaffarabad”
Dated: 20th July, 1978

NOTIFICATION:

No. SO/14901-60/S&GAD/78. 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 regulating recruitment to the posts of Deputy Secretaries in the Azad Jammu and Kashmir Civil Secretariat, other than the reserved posts, and prescribing conditions of service for the persons appointed thereto, namely:-

**THE AZAD JAMMU & KASHMIR DEPUTY SECRETARIES
RECRUITMENT RULES, 1978.**

PART-1: GENERAL

1. **Short Title and Commencement:**- (i) These rules may be called the Azad Jammu and Kashmir Deputy Secretaries Recruitment Rules, 1978.
 - (ii) They shall come into force at once.
 - (iii) They shall apply to all posts of Deputy Secretaries in the Azad Jammu and Kashmir Civil Secretariat other than the reserved posts referred to in Rule 3.
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) “**Appointing Authority**” means the authority specified in rule 4;
 - (b) “**Commission**” means the Azad Jammu and Kashmir Public Service Commission;
 - (c) “**Government**” means the Azad Government of the State of Jammu and Kashmir;
 - (d) “**Post**” means a post of Deputy Secretary in the Azad Jammu and Kashmir Civil Secretariat to which these rules are applicable; and
 - (e) “**Recognized University**” means any University incorporated by law in Pakistan including JamiaIslamia Bahawalpur or any other University declared by Government in consultation with the

Commission to be a recognized University for the purpose of these rules.

PART-II: RECRUITMENT

3. **Number of Posts:-** ¹[20% posts] of Deputy Secretaries in the Azad Jammu and Kashmir Secretariat shall be reserved for members of the Management Group and remaining posts shall be filled in accordance with the rule 5 infra.
4. **Appointing Authority:-** Appointment to the posts shall be made by the Government.
5. **Method of Recruitment:-** Not more than ²[60%] posts shall be filled by selection on merit with particular reference to their fitness for higher responsibilities from amongst members of the Azad Jammu and Kashmir Secretariat (Section Officers) Service and the remaining ³[20%] posts shall be filled in by transfer of suitable officers from any departments of Government.
6. **Tenure:-** Appointment to the posts by transfer shall be made on tenure basis and on completion of his tenure, the holder of the post shall revert to his parent Department.
7. **Qualification:-** No person shall be appointed to a post by transfer unless he possesses degree from a recognized University and has at least eight years service in grade 16 or higher post.

PART-III: CONDITIONS OF SERVICE

8. **Probation:-** (1) A person appointed to a post against a substantive vacancy, otherwise than by transfer, shall remain on probation for a period of one year.
Explanation: Officiating service and service spent on deputation to corresponding or a higher position may be allowed to count towards the period of probation.
 - (2) If the work or conduct of a holder of a post during the period of probation has been unsatisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, revert him to his former position and if there be no such position, dispense with his services.
 - (3) On completion of the period of probation by the holder of a post, the appointing authority may, subject to the provisions of sub-rule (4) confirm him in his appointment or if his work or conduct has, in the opinion of such authority, not been satisfactory:

¹ Substituted vide Notification No. S&GAD/R/A-4(88)/2011 dated 04.02.2013

² Substituted vide *ibid*.

³ Substituted vide *ibid*.

- (a) revert him to his former position and if there be no such position dispense with his service, or
- (b) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation-I: 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.

Explanation-II: 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 or probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in a post unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If the holder of a post fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, the appointing authority may revert him to his former position, and if there be no such position, dispense with his services.

9. **Seniority:-** The seniority inter-se of the holders of posts appointed otherwise than by transfer shall be determined with reference to the dates of their continuous appointment therein;

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

Explanation-I: If a junior officer in a lower grade is promoted to a higher grade temporarily 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 junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

Explanation-III: A junior officer appointed to a higher grade shall be deemed to have superseded a senior officer only if both the junior and the

senior officer were considered for the higher grade and the junior officer was appointed in preference to the senior officer.

10. **Liability to Transfer and Serve:-** Holders of posts shall be liable to:
 - (a) transfer anywhere in Azad Jammu and Kashmir; and
 - (b) serve in any department of Government or any local authority or statutory body set up or established by Government.
11. **General Rules:-** In all matters not expressly provided for in these rules, holders of posts shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.
12. **Delegation:-** Government may delegate all or any of its powers under these rules to any officers subordinate to it.

Powers of President to Safeguard Rights of Government Servants:- Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of Azad Government of the State of Jammu and Kashmir as guaranteed by any law for the time being in force, are likely to be adversely affected, the President of the Azad Jammu and Kashmir shall make appropriate orders to safeguard the constitutional and legal rights of such person.

Sd/--
(Khalil Ahmed Qureshi)
Secretary Services