

**THE AZAD JAMMU AND KASHMIR MANAGEMENT
(COMPOSITION, RECRUITMENT & PROMOTION) RULES, 1980**

“Muzaffarabad”

Dated: 20th December, 1980

No. S&GAD/R-21/SO-I/80. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the President of Azad Jammu and Kashmir is pleased to make the following rules regulating the composition of Azad Jammu and Kashmir Management Group and prescribing terms and conditions of service as to recruitment and promotion etc. for the persons appointed thereto:-

1. These rules may be called the Azad Jammu and Kashmir Management Group (Composition, Recruitment and Promotion) Rules, 1980.
2. In these rules, unless the context otherwise requires:-
 - (a) ‘**Appendix**’ means the appendix attached to these rules;
 - (b) ‘**Appointing Authority**’ means the authority specified in Schedule A-III of the Azad Jammu and Kashmir Rules of Business, 1974;
 - (c) ‘**Cadre Post**’ means the posts within the sanctioned strength of substantive posts in any tier of the service and includes any equivalent post reserved by the Government for management group in the Secretariat or any other department or organization ;
 - (d) ‘**Commission**’ means the Azad Jammu and Kashmir Public Service Commission;
 - (e) ‘**Government**’ means the Azad Government of the State of Jammu and Kashmir;
 - (f) ‘**Initial Recruitment**’ means appointment made otherwise than by promotion or transfer from another service or Department;
 - (g) ‘**Management Group**’ as constituted under these rules;
 - (h) ‘**Recognized University**’ means any University incorporated by law in Azad Jammu and Kashmir or in Pakistan or any other University which may be declared by Government after consultation with the Commission to be a recognized University for the purposes of these rules;
 - (i) ‘**Service**’ means the Management Group Service.

3. **Formation of Management Group:-** ¹[The Azad Jammu and Kashmir Management Group shall comprise of:-
- (a) Field posts of civil administration of the district and the Revenue Division or Territory viz Commissioner, Additional Commissioner, Deputy Commissioner, Additional Deputy Commissioner, Assistant Commissioner and such other posts of the Revenue Department as may be included in the Group from time to time;
 - (b) The number of posts in the rank of Deputy Secretary, in the Azad Jammu and Kashmir Civil Secretariat, Mirpur Development Authority and Ushr and Zakat Department; as specified;
 - (c) Ex-cadre posts in Basic Pay Scale No. 18 in Settlement and Rehabilitation Departments.]
4. **Method of Recruitment and Promotion:-** Recruitment and promotion in the service shall be made by the Government in the following manner:-
- (1) Recruitment to the post of Assistant Commissioner shall be made by the Government in the following manner:-
 - (a) Sixty percent of the posts of Assistant Commissioners shall be filled in by initial recruitment on the basis of competitive examinations to be conducted by the Commission subject to the allocation of quota system. ²[The syllabus for competitive examination shall be notified by the Public Service Commission];
 - (b) ³[Forty percent of the posts of Assistant Commissioners shall be filled in by promotion by Selection Board from members of Extra Assistant Commissioners who are confirmed under relevant laws having passed the departmental examination in the required standard as provided in the Punjab Assistant Commissioner/Extra Assistant Commissioner departmental examination Regulations, 1981, and on the basis of merit and fitness for higher responsibilities;

Provided that such confirmation and passing of departmental examination as aforesaid will not be a bar to such promotion during the period/attempts prescribed for passing such examination under the said Regulations or any other law for the time being in force. The period prescribed for passing such examination will commence from the date of issue of this amendment.]

¹ Substituted vide Notification No. S&GAD/11-650/Sec-1/84 dated 13.09.84.

² Substituted vide Notification No. S&GAD/R/A-4(331) dated 08.08.2003

³ Substituted vide Notification No. S&GAD/A-4(2)/96 Part-III dated 02.01.1998.

- (c) Assistant Commissioners recruited by initial recruitment may be promoted to next higher grade after completion of their five years service in usual grade.
- (2) (a) The post of Deputy Commissioners shall be the selection post;
- (b) ⁴[Sixty percent of posts in the cadre of Deputy Commissioner and equivalent posts allocated to the service shall be filled by selection from among the Assistant Commissioners appointed through initial recruitment and confirmed in their cadre under the provisions of sub-rule (1) of rule 8 of these rules, and rest of forty per cent vacancies shall be filled by selection from among the confirmed Assistant Commissioners who are promoted from Extra Assistant Commissioner cadre].
- (c) (i) The post of Commissioner shall be filled in by promotion on the basis of merit and fitness for higher responsibilities from the members of service holding the post not below the status of Deputy Commissioner who have put in at least 15 years service in the Management Group or in National Pay Scale No.17 and above or by horizontal movement of any officer of this service holding the post of Secretary to the Government or equivalent;
- (ii) The post of Secretary to the Government or equivalent reserved for the Management Group shall be filled in the manner laid in sub-rule (i) above;
- (d) No person shall be promoted from Assistant Commissioners to the post of Deputy Commissioner or equivalent or above unless he fulfills the requirements as prescribed under rules 6(1) and 8(1).
5. **Age:-** (1) No person shall be appointed to the service by initial recruitment who is below 21 years or above 28 years of age:-
- (a) Where recruitment is to be made on the basis of a written examination, on the 1st January of the year in which the examination is proposed to be held and in any other case on the last date fixed for submission of application for appointment;
- Provided that in the case of person whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him, shall for the purpose of the upper age limit under this rule, be excluded from his age;

⁴ Substituted vide Notification No. S&GAD/A-4(2)/96 Part-III dated 02.01.1998.

(b) In the case of persons serving in connection with the affairs of the Government upper age limit shall be ⁵[thirty years].

⁶[(2)]

6. **Qualifications:-** (1) No person shall be appointed to the service unless he is as graduate from a recognized University.

(2) No person, not already in Government service, shall be appointed to the service unless he produces a certificate of character from the principal Academic officer of the Academic institution last attended, and also certificate of character from two other responsible persons not being his relatives, who are well acquainted with his character and antecedents.

7. **Probation:-** (1) Persons appointed to the service against substantive vacancies shall remain on probation for a period of two years.

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

(2) If the work or conduct of a member of the service during period of probation has not been satisfactory in the opinion of the appointing authority, then notwithstanding that the period of probation has not expired, the authority may dispense with his service, if he has been appointed by initial recruitment, and if he has been appointed otherwise revert him to his former post or if there be no such post dispense with his service.

(3) On completion of the period of probation of a member of the service, the appointing authority may, subject to the provisions of rule 8(1) confirm him in his appointment or if his work or conduct has, in the opinion of such authority, not been satisfactory-

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post dispense with his services; or

(c) extend the period of probation by a period not exceeding three 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.

⁵ Substituted vide Notification No. S&GAD/SO-I/22787-856/81 dated 13.12.1981.

⁶ Deleted vide Notification No. S&GAD/A-4(2)/96 Part-III dated 02.01.1998.

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, subject to the provisions of rule 8 (1) be deemed to have been confirmed in his appointment from the date his probation was last extended or may be deemed to have been so extended.

8. (1) No person shall be confirmed in his cadre unless he successfully completes such training and passes such examination as have been prescribed by the Government of Punjab. All rules on this subject stand adapted in Azad Jammu and Kashmir.
- (2) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (1) within such period or in such number of attempts as prescribed by the Government of Punjab the appointing authority may:
- (a) in case he has been appointed by initial recruitment, dispense with his service; and
- (b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with the services.
9. **Seniority:-** (1) Separate seniority lists shall be maintained for the members of the service appointed as Assistant Commissioners by initial recruitment and for those appointed by promotion from Extra Assistant Commissioner cadre and the seniority inter-se the members of each of the two groups shall be determined as under:
- (a) In the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Commission, provided that persons selected in an earlier selection shall rank senior to the person selected in a latter selection;
- (b) In the case of members appointed otherwise, with reference to the date of their continuous regular appointment in the Management Group:

Provided that if the date of continuous appointment in respect 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 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-II: 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 officers were considered for the higher grade and the junior officer was appointed in preference to the senior officer.

- (2) The seniority of the members holding the post of Deputy Commissioner or equivalent shall be determined by reference to the date of their continuous appointment on the post on the basis of regular appointments:

Provided that the date of appointment of two or more officers being the same, the seniority shall be determined by reference to their seniority on the post next below held by them:

Provided further that seniority of two such officers on the post next below being maintained separately the officer appointed by promotion shall rank senior to the officer appointed directly.

- (3) The members of service appointed on ex-cadre post in National Pay Scale No.18 shall continue to occupy the same post in their seniority as was held by them in the post next below in the regular cadre.
- (4) The seniority of members of service holding the post of Commissioner, Secretary to the Government or on equivalent post shall be determined with reference to the date of promotion to such post unless any such member was superseded within the meaning of Explanations I and II of sub-rule (1) above.

10. **Liability to Transfer and Serve:-** Members of the service shall be liable-
- (a) to transfer anywhere in Azad Jammu and Kashmir; and
- (b) to 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 the rules, members of the service shall be governed by such rules as have been or may hereafter be framed by Government and made applicable to them.
12. **Relaxation:-** Any of these rules, may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned:

Provided that wherever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

13. **Delegation:-** Government may delegate all or any of its powers under these rules, to any officer subordinate to it.

14. **Protection:-** (1) Notwithstanding anything contained in these rules, all officers holding the post of Deputy Commissioner, Additional Commissioner⁷[Deputy Commissioner Rehabilitation, Estate Officer Mirpur Development Authority] or above in the regular cadre on the date of enforcement of these rules and all the such officers who have held any such post as aforesaid at any time earlier shall be deemed to have been appointed to such post under these rules:

Provided such officer possesses minimum qualification prescribed in rule 6 sub-rule (1).

(2) All officers appointed as Assistant Commissioners by initial recruitment holding the post in National Pay Scale No.17 on the date of enforcement of these rules are deemed to have been appointed as such:

Provided they have been declared suitable by the Public Service Commission and fulfill the requirements as prescribed under rule 6(1).

15. **Powers of Government to Safeguard Rights of Government Servants:-**

Wherever in the application of these rules, the terms and conditions of service of any person serving in Azad Jammu and Kashmir as guaranteed by any law for the time being in force, are likely to be adversely affected, the Government may pass appropriate orders to safeguard the constitutional and legal rights of such person.

Sd/-

(S. Aftab Ahmed Khan)
Secretary Services

⁷ Inserted vide Notification No. S&GAD/MG-53/90 dated 16.05.1990.

‘APPENDIX ‘A’
EXAMINATION RULES
PART-I

The competitive examination will be conducted by the Azad Kashmir Public Service Commission for recruitment to the posts in Grade 17 included in District Management Group in accordance with the following rules:-

1. **Place of the Examination:-** The examination will be held at Muzaffarabad.

QUALIFICATIONS.

Age - Limits

2. (i) A candidate for admission to the examination must have attained the age of 21 and must not have attained the age of 28 on the 1st January in the year in which examination is held.
- (ii) **Relaxation of the upper age limit:-** In the case of Government servants who have rendered a minimum of 2 years continuous service on the last date prescribed for submission of applications, the upper age limit would be relaxed to 30 years of age. This relaxation will, however, be allowed for not more than two chances to appear in the examination after the Government servant has attained the age of 28 years. These two chances shall be allowed in addition to the chances which the Government servant may have availed of before entering Government service.

EDUCATION

3. A candidate must hold at least a Bachelor’s degree in any one of the faculties of the Azad Jammu & Kashmir University or a Pakistan Universities or an equivalent degree or comparable educational qualifications of a foreign University.

NATIONALITY

4. The candidate for the examination must be a State Subject of the State of Jammu and Kashmir.

GENERAL

5. (i) A candidate 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 or the appointing authority, as the case may be, may prescribe) is found not to satisfy these recruitments, will not be appointed.
- (ii) A candidate must satisfy the Azad Kashmir Public Service Commission that he is suitable in all respects for employment under the Government.
- (iii) No candidate will be admitted to the examination who does not hold a certificate of admission from the Commission.
- (iv) The decision of the commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final.
6. **Warning:-** (a) Candidates are warned that if an application is not signed or is received incomplete or wrongly filled in or is not accompanied by any of the documents mentioned in the Instructions to candidates, it will be summarily rejected, and no appeal against its rejection will be entertained.
- (b) A candidate who knowingly furnishes any particular which is false or suppresses material information or attempts to influence the Commission, officers or members of the staff of the Commission or to obtain support for his candidature by improper means, or deliberately submits forged certificates, or tampers with the entries in his age and educational certificates, or misbehaves in the examination hall, or found guilty of misconduct during medical and V.V. tests may be disqualified for that examination or even for subsequent examinations/ selections held by the Commission and/or criminally prosecuted and debarred from employment under Government.
- Note:-** (i) Certificates of age and educational qualifications in which any entry is overwritten, altered, erased mutilated or tampered with in any way or the genuineness of which is otherwise doubted will be liable to be impounded till such time as the Commission consider it necessary.
- Note:-** (ii) In order to prevent disappointment, candidates are advised to have themselves examined by a Government Medical Officer of the standing of a Civil Surgeon before applying for admission to the examination. The particulars of the nature of the medical test to

which candidates will be subjected before appointment and of the standards required can be had from the Commission's Office.

Note:- (iii) Candidates who qualify in the written examination will be medically examined by the Medical Boards constituted for the purpose.

Note:- (iv) Answer papers in all the subjects of the examination are secret documents and cannot, therefore, be permitted to be seen by the candidates or their representative nor re-examination of the answer book/scripts is allowed under any circumstances.

SUBMISSION OF APPLICATION

7. (i) A candidate seeking admission to the examination must apply to the Azad Kashmir Public Service Commission, Muzaffarabad, on the prescribed form of application on or before the fixed date.
- (ii) Government servants who fulfill the conditions laid down in these rules are eligible for admission to the examination if permitted by the competent authority in their departments or offices. No Government servant shall be competent to apply without the permission in writing of his department/office as the case may be, and such permission must accompany the application. Candidates who join Government service after submitting their applications for admission to the examination should also submit the Departmental permission immediately thereafter:-

Note:- A candidate who after submitting such Departmental permission joins or is transferred to another Department, should also obtain the permission of that Department and submit the same to the Commission as soon as possible.

- (iii) A candidate who has left Government service should submit with his application the original as well as a copy of his discharge/service Certificate.
- (iv) **Number of attempts:-** No candidate, not already in Government service, shall be permitted to attempt more than thrice at examination. Additional 2 chance will be allowed to candidates in Government service as provided in para 2(ii).

Explanation: A candidate shall be deemed to have attempted at the examination if he actually appears in any one or more papers.

- (v) No plea that an application form or a letter respecting such form, has been lost or delayed in the post, will be entertained unless the person making the allegation produces a post office receipt.

SUBJECT OF EXAMINATION

8. The subjects for the competitive examination will be as given in part II.

FEE

9. Candidates must pay fees as prescribed by the Public Service Commission. No claim for refund of any fee will be entertained except to the extent indicated in this Appendix nor can the fees paid be held in reserve for another examination or selection. No refund of fee will be allowed for the failure of a candidate in the examination.

VACANCIES

10. The approximate number of vacancies in grade 17 to be filled on the basis of results of this examination will be determined by the Government and the Government reserves the right to fill a smaller or larger number of vacancies than those announced.

APPOINTMENTS

11. Subject to the recruitment policy, the candidates shall be appointed to service in order of merit list prepared on the basis of the aggregate of the marks obtained in the written examination and viva voce. No candidate will, however, be considered for appointment to any of the Groups/posts for which he has been declared unsuitable by the Commission at the time of Viva Voce Test. No candidate will be called for Viva Voce who failed in written examination.
12. Mere passing of the examination will confer no right to appointment to any candidate. Appointments will be made only after the Government is satisfied, after such enquiry as may be necessary, that the candidate is suitable in all respects for appointment to the Public Service and subject to the availability of vacancies.

⁸[*****]

⁸ Parts II & III of the Appendix A deleted vide Notification No. S&GAD/R/A-4(331) Dated 08.08.2003.