

**AZAD JAMMU AND KASHMIR PUBLIC SERVICE
COMMISSION (FUNCTIONS) RULES, 1978**

“Muzaffarabad”
Dated: 11th April, 1978

NOTIFICATION:

No. S&GAD/PSC/23/II/78. In exercise of the powers conferred by Section 10 of the Azad Jammu and Kashmir Public Service Commission Ordinance, 1978, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules:-

1. (1) These rules may be called the Azad Jammu and Kashmir Public Service Commission (Functions) Rules, 1978.
(2) They shall come into force at once and shall be deemed to have taken effect on the twenty-fourth day of August, 1974.
2. In these rules, unless there is anything repugnant in the subject or context:-
 - (a) **“Grade”** means the ‘National Scale of Pay’ in which a post or group of posts is placed:
Provided that in the case of a post or group of posts which have not been placed in any ‘National Scale of Pay’ grade means the ‘National Scale of Pay’ corresponding to the ‘existing Scale of Pay’, in which a post or group of posts would have been placed; and
 - (b) **‘Test’** includes written examination, interview and viva-voce.
3. The Commission shall conduct tests and examinations for recruitment to:-
 - (i) The civil services and civil posts connected with the affairs of the Government falling in grades 16 and above, except those specified in Schedule I;
 - (ii) Such posts in or under a Corporation or other body or organization set up by Government under any law carrying a scale of pay the maximum of which is Rs.2,200/- per mensem or above as may be referred to the Commission; and
 - (iii) Any other posts which may be referred to the Commission for recruitment by the Government.
4. Notwithstanding anything contained in these rules, the Commission shall conduct tests and examinations for:-

- ¹[(i) Assessing the suitability of the persons recruited without reference to the Commission to the posts prescribed under Section 7 of the Azad Jammu and Kashmir Public Service Commission Ordinance 1979, at any time between twenty-fourth day of August, 1974 and coming into force of these rules;
- (ii) Reviewing the cases of recruitment of persons other than those mentioned in sub-rule (i) to the posts prescribed under Section 7 of the Azad Jammu and Kashmir Public Service Commission Ordinance 1979, at any time between twenty fourth day of August, 1974, and coming into force of these rules;]
- (iii) Assessing the suitability of the persons appointed by promotion to posts in Grades 16 and 17 at any time between twenty-fourth day of August, 1974 and eight day of May, 1977.
5. The Government may associate the Commission in the framing of rules regulating appointments to civil service or such posts connected with the affairs of the Government, as may be prescribed, in such manner as it may determine.
6. Notwithstanding anything contained in rule 3, the Commission shall not conduct test for recruitment to posts which are filled-
- (i) On contract for a specified period; or
- (ii) For a period of six months or less pending selection of a candidate on the basis of test conducted by the Commission;
- Provided that the above period may be extended:
- (a) For a further period of six months with the approval of the Commission if a requisition for filling the post was sent to the Commission before filling of the post on ad-hoc basis and the Commission had failed to nominate a candidate; or
- (b) In any other case, by order of the Government; or
- (iii) By transfer of an Officer of the Armed Forces or an officer already holding a post on regular basis in equivalent grade under the Government or Azad Jammu and Kashmir Council or under the Federal or a Provincial Government of Pakistan.

Explanation: For the purpose of clause (iii) 'regular basis' means other than ad-hoc, contract or temporary basis for a specified period.

¹ Substituted vide Notification No. S&GAD/1024-84/78 dated 28.04.1979.

7. Notwithstanding anything contained in rule 3, the Government may, in public interest, specify posts which may be filled, without reference to the Commission, by persons possessing such qualifications and experience and in such manner as it may determine.
8. (1) The Commission shall, not later than ²[15th day of April] in each year, prepare a report as to the work done by it during the preceding year ending on the 31st day of December and submit the report to the President.
- (2) The report shall be accompanied by a statement setting out, so far as known to the Commission, cases, if any, in which its advice was not accepted and the reasons why the advice was not accepted.
9. The Chairman may for the performance of the functions of the Commission constitute one or more committees each comprising not less than two Members one of whom shall be a member appointed under sub-section (1) (iii) of Section 3 of the Azad Jammu and Kashmir Public Service Commission Ordinance, 1978, belonging to the Department of the Government to which the post or posts for recruitment to which the committee is constituted, belongs:

Provided that in the case of a competitive examination conducted by the Commission for recruitment to posts under more than one Department of Government, the member referred to in this rule shall be the member appointed under the said sub-section for such post or posts in respect of the Services and General Administration Department.

Sd/--
(A. R. Banhali)
Section Officer-II
S&GAD

² Substituted as 15th day of March vide Notification No. S&GAD/A-4(272)/96 dated 10.11.2003 and with the words "15th day of April" vide Notification No. S&GAD /A-4(272)/96 dated 10.02.2004.

SCHEDULE - 1

(See Rule 3)

Posts excluded from the purview of the Commission:

1. Private Secretary to the President.
2. Press Secretary to the President.
3. Personal Assistant to the President.
4. Political Secretary to the Prime Minister/Chief Executive.
5. Press Secretary to the Prime Minister/Chief Executive.
6. Private Secretary to the Prime Minister/Chief Executive.
7. Private Secretaries to the Ministers.
8. P.R.Os to President/Prime Minister/Chief Executive/Ministers.
9. Private Secretaries to the Presidential Assistants to President and Advisers to Prime Minister/Chief Executive.

Sd/--
(A. R. Banhali)
Section Officer-II
S&GAD

