

THE RELATIONSHIP BETWEEN GOVERNMENT OF PAKISTAN AND GOAJK
CABINET DIVISION
Government of Pakistan

D.O. No. 8/9/70-Coord.1

Rawalpindi May 11, 1971

My dear Secretary,

I invite your attention to the Cabinet Division Office Memorandum No. 8/9/70 (Coord.1) dated the 24th June, 1970 in which the following instructions pertaining to the Affairs of Azad Kashmir were conveyed for observance by all Ministries and Departments of the Central Government.

- (i) “Although Azad Kashmir is not a part of Pakistan within the meaning of Article 1(2) (b) of the Constitution, it should for all practical purposes be treated like any other Province”.
 - (ii) “Azad Kashmir should be brought into the mainstream of the general administration (of the country). For this purpose the leaders and officials of the Government should be invited at appropriate level to attend inter-ministerial meetings in which the problems of that area are coming up for discussion.”
 - (iii)
 - (iv) “The Ministers and senior officials of the Central Government particularly those belonging to the Ministries of Finance, Agricultural, Education, Health, Commerce and Industries should visit the Azad Kashmir territories at suitable intervals with a view to acquainting themselves with its problems on the spot, and for having personal discussions with the President and other officials of that Government”.
2. While considering the reports of the reorganization committee and of the Special Team on the programs and priorities of the Fourth 5 years Plan, for Azad Kashmir, the President, in the weekly meeting of 28th April 1971 was pleased to observe once again that the problems of the administration and development of Azad Kashmir should no longer be looked upon as the exclusive concern of Kashmir Affairs Division and every Ministry in the field of its special responsibility should look upon and deal with Azad Kashmir as if it were another administrative unit of the country. A formal decision was also taken to the effect that while the Kashmir Affairs Division would continue to deal with the political problems of Azad Kashmir and matters relating to the settlement of the Kashmir dispute for all purposes the Central Ministries should exercise the same powers and play the same role in regard to the affairs of Azad Kashmir as they were doing in their respective fields in relation to other administrative units of the country, (Kashmir Affairs Division of course retaining the overall role of coordinators assigned to it under the Rules of Business).
- It was particularly stressed that there should be more frequent consultations with Azad Kashmir Government policy matters in the field of development and more frequent visit to Azad Kashmir by senior officers of the Central Government. All with a view, to mounting, without in any way interfering with the day to day administration of Azad Kashmir which was recognized as the role concern of the Azad Kashmir Government itself, a concerted attack on its development problems and to bring about a speedy improvement in the economic conditions of its people.
3. I am to bring these instructions and decisions once again to your notice for guidance and necessary action.

Sd/--

(GHULAM ISHAQ KHAN)
HQA, S.PK.GSP
Cabinet Secretary

EXTRACT OF RELEVANT PROVISIONS FROM THE AZAD JAMMU AND KASHMIR INTERIM CONSTITUTION 1974

Article - 2

Definitions.-(1) In the Constitution, unless there is anything repugnant in the subject or context,-

‘Azad Jammu and Kashmir’ means the territories of the State of Jammu and Kashmir which have been liberated by the people of that State and are for the time being under the administration of Government and such other territories as may hereafter come under its administration;

‘Service of Azad Jammu and Kashmir’ means any service, post or office in connection with the affairs of Azad Jammu and Kashmir, including the Council, but does not include service as Chairman of the Council, President, Speaker, Deputy Speaker, Prime Minister, Minister, Federal Minister in-charge of the Council Secretariat,²[*]³[Parliamentary Secretary, Advisor to the Prime Minister] or a member of the Assembly or member of the Council;

‘State Subject’ means a person for the time being residing in Azad Jammu and Kashmir or Pakistan who is a State Subject, as defined in the late Government of the State of Jammu and Kashmir Notification No. I-L/84, dated the 20th April, 1927, as amended from time to time;

Article - 3 - E

Parochial and other similar prejudices to be discouraged.- The State shall discourage parochial, racial, tribal and sectarian prejudices among the State Subjects.

Article - 3 - I

Promotion of social justice and eradication of social evils.- The State shall,-

- (a) ...
- (b) ...
- (c) ...
- (d) ensure inexpensive and expeditious justice;
- (e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;
- (f) ...
- (g) ...
- (h) ...
- (i) decentralise the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

¹ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act 1975 (Act IX of 1975) dated 12-11-1975.

² Omitted by Constitution (Thirteenth Amendment) Act, 2018.

³ Inserted by the Azad Jammu and Kashmir Interim Constitution (Tenth Amendment) Act, 1993 (Act XX of 1993) dated 21-03-1993

Article - 3 - J

Promotion of social and economic well-being of the people.-The State shall,-

- (a) provide for all persons employed in the service or otherwise, social security by compulsory social insurance or other means;

Article - 4

Fundamental Rights.- (1) Any law or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Article, shall, to the extent of such inconsistency, be void.

(2) ⁴[No law shall be made] which takes away or abridges the rights so conferred and any law made in contravention of this sub-Article shall, to the extent of such contravention, be void.

(3) The provisions of this Article shall not apply to any law relating to the members of the defense services or of the forces charged with the maintenance of public order for the purpose of ensuring proper discharge of their duties or the maintenance of discipline among them.

(4) **The Rights**

⁵[15. **Equality of State Subjects.**- (1) All State Subjects are equal before law and are entitled to equal protection of law.

(2) There shall be no discrimination against any State Subject on the basis of sex.

(3) Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.]

⁶[17. **Safeguard against discrimination in services.**- No State Subject otherwise qualified for appointment in the service of Azad Jammu and Kashmir shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, residence, sex or place of birth:

Provided that in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex:

Provided further that under-representation of any class or area in the service of State may be redressed in such manner as may be determined by an Act of Assembly.]

22. **Right to information.**- Every State Subject shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

⁴ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

⁵ Substituted by Constitution (Thirteenth Amendment) Act, 2018.

⁶ Substituted by Constitution (Thirteenth Amendment) Act, 2018.

Article - 7

President to act on advice, etc.- (1) ⁷[Subject to an express provision to the contrary in the Constitution,] in the performance of his functions, the President shall act on and in accordance with the advice of the Prime Minister and such advice shall be binding on him.

(2) The question whether any, and if so what, advice was tendered to the President by the Prime Minister shall not be enquired into any Court.

Article - 12

The Government. - (1) ⁸[*] The executive authority of Azad Jammu and Kashmir shall be exercised in the name of the President by the Government, consisting of the Prime Minister and the Ministers, which shall act through the Prime Minister who shall be the Chief executive of Azad Jammu and Kashmir.

(2) In the performance of his functions under the Constitution, the Prime Minister may act either directly or through the Ministers.

(3) The Prime Minister and the Ministers shall be collectively responsible to the Assembly.

⁹[(4) Orders and other instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the Government, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the President.

(5) The Government may regulate the allocation and transaction of its business and may for the convenient transaction of that business delegate any of its functions to officers or authorities subordinate to it.]

Article - 17

Minister performing functions of Prime Minister.- (1) In the event of the death of the Prime Minister or the office of the Prime Minister becoming vacant by reason of his ceasing to be a member of the Assembly, the most senior Minister for the time being shall be called upon by the President to perform the functions of that office and the Ministers shall continue in office until a new Prime Minister has been elected and has entered upon his office.

(2) If the Assembly is in session at the time when the Prime Minister dies or the office of the Prime Minister becomes vacant, the Assembly shall forthwith proceed to elect a Prime Minister, and if the Assembly is not in session the President shall for that purpose summon it to meet within fourteen days of the death of the Prime Minister or, as the case may be, of the office becoming vacant.

(3) When, ¹⁰[the Prime Minister is unable to perform his functions due to physical

⁷ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

⁸ Omitted vide Constitution (Thirteenth Amendment) Act, 2018

⁹ Added by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

¹⁰ Substituted by the Constitution (Thirteenth Amendment) Act, 2018

incapacitation or sickness] the most senior Minister for the time being shall perform the functions of Prime Minister until the Prime Minister resumes his functions.

(4) In this Article, “most senior Minister” means the Minister for the time being designated as such by the Prime Minister.

Article - 19

¹¹**[Extent of executive authority of Government.-** (1) The executive authority of the Government shall extend to the matters with respect to which the Assembly has power to make laws including Part-B of Third Schedule and shall be so exercised as,-

- (a) not to impede or prejudice the responsibilities of Government of Pakistan in relation to the matters specified in sub-Article (3) of Article 31; and
- (b) to secure compliance with the laws made in relation to matters specified in Third Schedule as set out under sub-Article (3) of Article 31.

(2) The Government, if deems necessary or expedient in the public interest and to secure paramount purpose of social and economic wellbeing of the people of the State, may with the consent of the Government of Pakistan, entrust, either conditionally or unconditionally, to the Government of Pakistan or to any of its subordinate authority including a ministry, division, organization or statutory body or entity of Pakistan, to perform any of such functions within territory of the State as may be prescribed by law.

(3) The Government of Pakistan may also entrust, either conditionally or unconditionally, any of its functions to the Government in relation to any matter specified in Part-B of the ‘Third Schedule as set out under sub-Article (3).

(4) The relationship between Government of Pakistan with the Government shall be such as manifested in sub-Article (3) of Article 31 and the Cabinet Division D.O. No. 8/9/70-Cord-1 dated the 11th May, 1971 of the Government of Pakistan with respect to peculiar political status of Azad Jammu and Kashmir and shall be the guiding principles to maintain direct working relationship of Government with the Government of Pakistan.]

Article - 38

Budget.- (1) The ¹²[Government] shall, in respect of every financial year, cause to be laid before the Assembly a statement of the estimated receipts and expenditure for that year, to be called the Annual Budget.

(2) The Annual Budget shall be submitted to the Assembly in the form of demands for, grants and the Assembly shall have power to assent to, or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein:

Provided that, for a period of ten years from the commencement of the Constitution or the

¹¹ Substituted by the Constitution (Thirteenth Amendment) Act, 2018

¹² Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

holding of the second general election to the Assembly after such commencement, whichever occurs later, a demand shall be deemed to have been assented to without any reduction of the amount specified therein, unless, by the votes of a majority of the total reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the¹³[Government].

(4) The Annual Budget as passed by the Assembly shall be placed before the President who shall authenticate it by his signature.

¹⁴(5) If in respect of any financial year it is found,-

(a) that the amount authorized to be expended for a particular service for the current financial year is insufficient, or that need has arisen for expenditure upon some new service not included in the Annual Budget for that year; or

(b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

the Government shall have power to authorize expenditure from the Azad Jammu and Kashmir consolidated Fund and shall cause to be laid before the Assembly a Supplementary Budget or, as the case may be, an Excess Budget, setting out the amount of that expenditure, and the provisions of this Article shall apply to those budgets as they apply to the Annual Budget.

(6) Notwithstanding anything contained in the foregoing provisions of this Article, the Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year, not exceeding four months, pending completion of the procedure prescribed in sub-Article (2) for the voting of such grant and the authentication of the Budget as passed by the Assembly in accordance with the provisions of sub-Article (4) in relation to the expenditure.]

Article - 40

Restriction on expenditure.- No expenditure shall be incurred by the Government except as authorized by the Annual or Supplementary Budget as passed or deemed to have been passed by the Assembly.

Article - 47

Administrative Courts and Tribunals.- (1) Notwithstanding anything hereinbefore contained,¹⁵[*]¹⁶[the Assembly in respect of matters to which the executive authority of the Government extends,] may by Act provide for the establishment of one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of:-

(a) matters relating to the terms and conditions of persons who are or have been in the service

¹³ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975

¹⁴ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

¹⁵ Omitted vide Interim Constitution (Thirteenth Amendment) Act, 2018.

¹⁶ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

of ¹⁷[Azad Jammu and Kashmir] including disciplinary matters;

- (b) matters relating to claims arising from tortious acts of ¹⁸[*] the Government or any person in the service of ¹⁹[Azad Jammu and Kashmir]or of any local or other authority empowered by law to levy any tax or cess and any servant or such authority acting in the discharge of his duties as such servant; or
 - (c) matters relating to acquisition, administration and disposal of any property which is deemed to be enemy property under any law.
- (2) Notwithstanding anything herein before contained, where any Administrative Court or Tribunal is established under sub-Article (1), no other Court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal shall abate on such establishment.
- (3) An appeal to the Supreme Court of Azad Jammu and Kashmir from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court of Azad Jammu and Kashmir, being satisfied, that the case involves a substantial question of law of public importance, grants leave to appeal.

Article - 48

²⁰[**48. Public Service Commission.**- (1) There shall be a Public Service Commission consisting of a Chairman and such number of members who shall be having such qualification as may be prescribed by an Act of the Assembly.

(2) The appointment of the Chairman Public Service Commission and members shall be made by the President on advice of the Prime Minister on such terms and conditions as may be prescribed by an Act of the Assembly:

Provided that in respect of appointment of Chairman, the Prime Minister, may solicit the opinion of Leader of Opposition in the Assembly before making advice to the President for such appointment.

(3) The Chairman and members of Public Service Commission appointed immediately before the commencement of this amending Act, 2018 shall be deemed to have been appointed under this Article subject to terms and conditions already determined and notified at the time of their appointment.]

¹⁷ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

¹⁸ Omitted by the Interim Constitution (Thirteenth Amendment) Act, 2018

¹⁹ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

²⁰ Substituted by Interim Constitution (Thirteenth Amendment) Act, 2018.

Article - 49

The Services.- (1) Subject to the Constitution, the appointment of persons to and the terms and conditions of service of persons in, the Service of Azad Jammu and Kashmir may be regulated by law.

²¹[(2) Until an Act of the Council in respect of persons in the service of Azad Jammu and Kashmir employed in connection with the affairs of the Council, or an Act of the Assembly in respect of such persons employed in connection with the affairs of the Government, makes provision for the matters referred to in sub-Article (1), all rules and orders in force immediately before the commencement of the Constitution, shall continue in force and may be, amended from time to time by the Council or, as the case may be, the Government.]

Article - 57

The Constitution to over-ride other laws, etc.- (1) The provisions of the Constitution shall override and have effect notwithstanding the provisions of any law for the time being in force.

(2) No Court, including the ²²[Supreme Court of Azad Jammu and Kashmir] and the High Court, shall call into question or permit to be called into question, the validity of the Constitution ²³[or an Act to amend it.]

Article - 58

Power to make rules.- The President may ²⁴[on the advice of Prime Minister,] make rules for carrying out the purpose of the Constitution.

Article - 59

Repeal and saving.- (1) The Azad Jammu and Kashmir Government Act, 1970, hereinafter referred to as the said Act, together with the Acts amending it, and the rules made there-under are hereby repealed. ²⁵[(2) Omitted]

²¹ Substituted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

²² . Inserted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

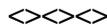
²³ Inserted by the Azad Jammu and Kashmir Interim Constitution (First Amendment) Act, 1975 (Act IX of 1975) dated 12-11-1975.

²⁴ Inserted by Interim Constitution (Thirteenth Amendment) Act, 2018

²⁵ Omitted vide Interim Constitution (Thirteenth Amendment) Act, 2018

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

SERVICES & GENERAL ADMINISTRATION DEPARTMENT



‘Muzaffarabad’

Dated: 1st June, 1985

NOTIFICATION:

No.S&GAD/JS/1876-1975/85. In exercise of the powers conferred by Section 58 of the Jammu & Kashmir Interim Constitution Act, 1974 and in supersession of the Azad Government of the State of Jammu & Kashmir Rules of Business, 1975, the President, Azad Jammu & Kashmir is pleased to make the following rules for transaction of the business of the Government:

PART ‘A’ GENERAL

1. **Short Title and Commencement:-** (1) These rules may be called the Azad Government of the State of Jammu and Kashmir Rules of Business, 1985.
 - (2) They shall come into force at once.
 - (3) Notwithstanding anything contained in these Rules, the Business relating to the subject included in the Council Legislative List in the Azad Jammu and Kashmir Interim Constitution Act, 1974, shall be conducted in accordance with the rules which may be framed by the Azad Jammu and Kashmir Council from time to time.
2. **Definitions:-** (1) In these rules, unless there is anything repugnant in the subject or context-
 - i) ‘Act’ means the Azad Jammu and Kashmir Interim Constitution Act 1974;
 - ii) ‘Assembly’ means the Legislative Assembly of Azad Jammu and Kashmir.
 - iii) ‘Attached Department’ means a Department mentioned in column 3 of Schedule-1;
 - iv) ‘Business’ means all work done by the Government;
 - v) ‘Cabinet’ means the Prime Minister and the Ministers;
 - vi) ‘Case’ means a Particular Matter under Consideration and includes all papers relating to it and required to enable the matter to be disposed of viz correspondence and notes and also any previous papers on the subject or subjects covered by it or connected with it;
 - vii) ‘Chief Secretary’ means the officer notified as such in the Gazette;
 - viii) ‘Council of Islamic means Ideology’ the Azad Jammu and Kashmir Council of Islamic Ideology or as in section 32 of the Interim Constitution Act, 1974;
 - ix) ‘Council’ means Azad Jammu and Kashmir Council constituted under the Act,
 - ¹ (ix-a) ‘Department’ means a self-contained administrative unit in the Secretariat responsible for the conduct of Business of the Government in a distinct and specified sphere, and declared as such by the Government.
 - x) ‘Gazette’ means the official gazette of Azad Jammu and Kashmir;
 - xi) ‘Government’ means the Government as defined in section 12 of the Act;

¹ Added vide Notification No. S&GAD/A-4(a)/Part III/R/92 Dated 7-6-93

- xii) 'Head of an Attached Department' means an officer shown in column 4 of Schedule-1;
- xiii) 'Member' means a member of the Assembly;
- xiv) 'Minister Incharge' means a Minister holding the Charge of the Department to which a particular case pertains;
- xv) 'President' means the President of Azad Jammu and Kashmir;
- xvi) 'Prime Minister' means the Prime Minister of the Azad Government of the State of Jammu and Kashmir; and includes the person for the time being exercising the powers and performing the functions of the Chief Executive of Azad Jammu and Kashmir;
- ²“(xvi-a) ‘Parliamentary Secretary’ means a Parliamentary Secretary appointed for the Department or Departments;
- xvii) 'Plebiscite Advisor' means the Plebiscite Adviser appointed under Section 11 of the Act;
- xviii) 'Public Service Commission' means the Azad Jammu and Kashmir Public Service Commission;
- xix) 'Schedule' means a schedule appended to these Rules;
- xx) 'Secretariat' means the departments of the Government when referred to collectively;
- xxi) 'Secretary' means the Secretary or Acting Secretary to Government, incharge of a Department and includes the Chief Secretary, Additional Chief Secretary, ³[Special Secretary], Ex-officio Secretary, incharge of a Department, Secretary to President, Principal Secretary to Chief Executive/ Prime Minister;
- xxii) 'Section' means a basic working unit in a department as determined by the Government; and
- xxiii) 'Speaker' means the Speaker of the Assembly.

(2) All words and expressions used in these Rules but not defined have the same meanings as in the Interim Constitution Act, 1974.

3. **Allocation of Business.-** (1) The Secretariat shall consist of the Departments specified in column 2 of Schedule-I;

(2) The Prime Minister may constitute new Departments or vary the composition or number 2 column of the Departments.

(3) The business of the Government shall be distributed amongst the several Departments in the manner indicated in Schedule II.

Provided that the Prime Minister may transfer any subject or matter from the department to which it stands assigned in accordance with Schedule II, to any other Department.

- (4) The Prime Minister may assign:-
- A Department; or
 - Part of a Department; or
 - Part of Different Departments; or

² Added vide Notification No. S&GAD/A-4(a)/Part III/R/92 Dated 7-6-93

³ Inserted vide Notification No. S&GAD/A-4(94)2015 Dated 12-8-2015

- d) More than one Department; or
 - e) One or more Departments together with part or parts of other Departments to a Minister;
- Provided that a Department or part of a Department not so assigned shall be in the Charge of the Prime Minister:

⁴“Provided further that the Prime Minister may also assume the charge of an Attached Department or an autonomous body.

4. **Organization of Department.-** (1) Each Department shall consist of Minister, a secretary and of such other officials as the Government may determine; provided that the same person may be secretary to more than one Department.

(2) The Secretary shall be the official head of the department and shall be responsible for its efficient administration and discipline and for the proper conduct of business assigned to the Department under Rule 3 (3) and for the due execution of sanctioned policy;

(3) The Secretary shall, by means of standing orders distribute the work of the Department among the officers, branches and/or sections of the department.

(4) The business of Government, other than the business done in the secretariat or the attached Department, shall be conducted through such agencies and offices as the Prime Minister may determine from time to time.

⁵(5) Omitted

⁶(6) In Rule-4 after Sub-rule 5, the following sub-rule "6" shall be added:-

“There may be one or more Special Assistants to the Prime Minister with such Status, functions and such terms and conditions as may be determined by the Prime Minister”.

5. **Functions of Prime Minister.-**

(1) The Prime Minister shall;-

- a) be the head of the Cabinet;
- b) be responsible for co-ordination of all policy matters,
- c) perform other functions assigned under the Act and these rules; and

(2) No order shall be issued without the approval of the Prime Minister in cases enumerated in Schedule III.

(3) The cases enumerated in schedule IV shall be submitted to the Prime Minister for his information. The Prime Minister may require any case to be submitted to him for information.

6. **Functions of Minister.**

A Minister shall:-

- (a) be responsible for policy matters and for the conduct of the Business of his Department.

Provided that in the important political, economic and administrative matters, the Minister shall consult the Prime Minister.

⁴ Added vide Notification No. A-4(94) R/91 Dated 21-5-1992

⁵ Omitted vide notification No. S&GAD/A(94) part-III/R/92 Dated 7-6-93

⁶ Added vide Notification No. S&GAD/A-4(94)/31 Dated 8-4-1991

- (b) submit cases to the Prime Minister as required by the provisions of these Rules;
- (c) keep the Prime Minister informed of any important case disposed of by him without reference to the prime Minister; and
- (d) conduct the business relating to the Department in the Assembly.

⁷6-A. **The functions of the Advisors and Special Assistants.-** There may be Advisors and Special Assistants to the President and the Prime Minister to be appointed for the performance of such duties and functions as may be specified from time to time. They shall hold their offices during the pleasure of the President and Prime Minister as the case may be. Their terms and conditions shall also be determined by the respective authorities:-

⁸6-B. **Duties of Parliamentary Secretary.-** A Parliamentary Secretary for a Department shall, subject to any general or special orders issued by the Prime Minister in this behalf, deal with such Parliamentary Affairs concerning that Department and perform such public relations and functions as may be entrusted to him by the Minister.”

7. **Functions and Powers of Chief Secretary.-** In addition to the duties and functions assigned to him under any other provisions of these Rules the Chief Secretary shall;-

- (a) be the official head of the Secretariat;
- (b) coordinate the activities of all Departments in the administrative fields and for this purpose all cases submitted to the Prime Minister shall be routed back through the Chief Secretary;
- (c) shall be generally responsible for all matters affecting public tranquility;
- (d) have the powers to call for any case or information from any office; attached Department or Department ; and
- (e) be the Secretary of the Cabinet

8. **Duties and Functions of the Secretary.-**

(1) A Secretary shall.

- (a) assist the Minister in formulation of policy and bring to the notice of the Minister cases which are required to be submitted to the Prime Minister under the Rules;
- (b) duly execute the sanctioned policy;
- (c) be the official head of the department and be responsible for its effective administration and discipline and for the proper conduct of the business assigned to the department under Rule 3;
- (d) submit all proposals for legislation to the Cabinet with the approval of the Minister;
- (e) be responsible to the Minister for the proper conduct of business of the Department and keep him informed about the working

⁷ Amended vide Notification No. S&GAD/A-4(94)/Part-III/92 Dated 7-6-1993

⁸ Added vide Notification No. S&GAD/A-4(94)/P-III/R/92 Dated 7-6-93

- (f) of the Department and of any important cases disposed of by him without reference to the Minister.
 - (g) keep the Chief Secretary informed of any important case disposed of in the Department
 - (h) where the Minister's orders from appear to involve a departure from rules, regulations Government policy re-submit the case to the Minister inviting his attention to the relevant rules, regulations or Government policy, and if the Minister still disagree with the Secretary the Minister shall refer the case to the Prime Minister for orders;
 - (i) subject to any general or special orders of the Government in this behalf, issue standing orders specifying the case or class of cases which may be disposed of by any officer subordinate to the Secretary; and
 - (j) be responsible for the careful observance of these rules in his Department
- (2) While submitting a case for the orders of the Minister, it shall be the duty of the Secretary to suggest a definite line of action.

9. General Procedure for Disposal of Business.-

(1) Instructions as to the manner of the business in the Secretariat shall be issued by the Services and General Administration Department in the form of Secretariat instructions and the Secretariat Instructions framed under Rules of Business 1975, shall, however, remain in force till further orders.

(2) If any doubt arises as to the Department to which case properly pertains, the matter shall be referred to the Chief Secretary, who shall obtain the orders of the Prime Minister, if necessary³⁴[and the orders thus passed shall be final].

(3) All orders shall be made in writing, where a verbal order is made; the officer receiving the order shall reduce it in writing and, as soon as may be, show it to the authority making the order.

(4) If an order contravenes any law, rule or policy decision, it shall be the duty of the officer next below the officer making such order to point it out to the officer making the order and the latter shall refer the case to the next higher authority.

10. Orders, Instructions, Agreements and Contracts.-

(1) All executive actions of Government shall be expressed to be taken in the name of the President.

(2) Save in case where an officer has been specifically empowered to sign an order or instrument of Government, every such order instrument shall be signed by the Secretary, the Special Secretary³⁵, the Additional Secretary, the Deputy Secretary³⁶, the Section Officer to Government or the Officer on Special Duty in the Department concerned, and such signature shall be deemed to proper authentication or such order or instrument.

(3) Instructions for the making of contracts on behalf of the President and the execution of such contracts and all assurance of property shall be issued by the³⁷Justice and Parliamentary Affairs Department.

³⁴ Added vide Notification No. S&GAD/S.O.R./94/1163-1330/86 Dated 9-4-1986

³⁵ Added vide Notification No. S&GAD/R-A-4(94)2015-P-XIV dated 19-7-2016

³⁶ Added vide Notification No. S&GAD/A-4(94)/Part-III/R/92 Dated 7-6-1993

³⁷ Added vide Notification No. S&GAD/A-4(94)/Part-III/R/92 Dated 7-6-93.

PART-B

REFERENCES TO THE PRESIDENT

11. References to the President.-

- (1) No order shall be issued without the approval of the President in case enumerated in Schedule V.
- (2) The cases enumerated in Schedule VI shall be submitted to the President through Prime Minister for his information.
- (3) All cases of detention by Government under Sub-section (1) of Section (3) of the Public Safety Act and Rule 23 of the Civil Defence Rules, 1962 shall be submitted to the President through the Prime Minister for his orders.
- (4) A case submitted to the President for his orders shall be accompanied by a self-contained concise summary stating the relevant facts and points for decision. The summary to the President shall be submitted through the Prime Minister and shall contain the latter's specific recommendations.
- (5) The Prime Minister shall keep the President informed of all important political and administrative matters and major development, industrialization etc.

PART-C

DEPARTMENTAL PROCEDURE

12. Consultation Among Departments.-

- (1) When the subject of a case concerns more than one Department:-
 - (a) The Department incharge shall be responsible for consulting the other Department concerned, and
 - (b) No order shall issue nor shall the case be submitted to the Prime Minister or the cabinet, till it has been considered by all the Departments concerned.

Provided that in case of urgency, and with the approval of the Prime Minister this requirement be dispensed with, but the case shall, at the earliest opportunity thereafter be brought to the notice of the other Departments concerned.
- (2) In the event of difference of opinion between the Departments concerned, the Minister primarily concerned shall submit the case to the Prime Minister.

Provided that in a matter of urgency the Minister primarily concerned may submit the case to the Prime Minister at any stage.
- (3) When a case is referred by one Department to another for consultation, all relevant facts and the points necessitating the reference shall be clearly brought out.
- (4) Even where a consultation is not required, a Department may, for purpose of information, transmit copies of a communication received by it, or show a case, to such other department as may be considered to be interested in or to profit by it.

Provided that copies of Cypher telegrams received or dispatched by the Cypher Bureau shall be distributed in accordance with standing orders issued by the Chief Secretary.
- (5) A Minister may ask to see a case of another Department if it required for the disposal of a case in his Department.

(6) The Minister of Finance may ask to see a case of any Department in which a financial consideration is involved.

(7) Request made under sub-rule (5) or sub-rule (6) for seeing a case shall give the reason for which the case is called for and shall be dealt with under the general or special order of the Minister in-charge. If, for any reason, the case, or relevant extracts form it, cannot be made available, the Minister shall explain the position to the Minister making the request or bring the structure or bring the matter to the notice of the Prime Minister, if necessary.

(8) If a Minister desires any further action to be taken on the case of another Department, he shall take up the matter with the Minister in-charge of the Department.

13. Services and General Administration Department.-

(1) The Services and General Administration Department shall be responsible for-

- (a) the determination of the principles of control of Government servants, including recruitment, conditions of service and discipline;
- (b) the co-ordination of the policy of all departments with respect to the Service under their control so as to secure consistency of treatment;
- (c) securing to all Government servants the rights and privileges conferred on them by law for the time being in force;
- ³⁸(d) determining the strength and terms and conditions of services of the personal staff of Minister;
- (e) dealing with petitions addressed to the President of Pakistan by the members of All Pakistan Services posted in Azad Jammu and Kashmir;
- (f) selection of Officers for appointment under the Federal or a Provincial Government of Pakistan or Azad Jammu and Kashmir Council.

Provided that the ³⁹Strength and the terms and conditions of service of the staff of the Presidential Secretariat shall be as have been determined by the President.

Provided further that the strength and the terms and conditions of service of the personal staff of the Prime Minister, Ministers and Advisors shall be as have been determined under the rule and can be changed with the approval of the Cabinet.

(2) No Department shall, without the concurrence of Services and General Department, authorise any orders, other than an order in pursuance of any general or special delegation made by the Services and General Administration which involve;-

- (a) reduction or extension in scope of functions of a Department as specified in Schedule II of the transfer of such functions from one Department to another;
- (b) re-organization or change in the status of Department, attached Department and offices directly administered by the Department.
- (c) interpretation of rules and orders relating to service matters other than rules and orders issued by the Finance Department; and

³⁸ Added vide Notification No.S&GAD/A-4(94)/III/R/92 Dated 7-6-93

³⁹ Added vide Notification No.S&GAD/A-4(94)91 Dated 25-11-91

- (d) any change in the terms and conditions of service or the statutory right and privileges of Government servants.
- (3) No order in respect of emoluments, promotion or conditions of service of any officer employed in the Finance Department shall be made and no expenditure proposal relating to the Department shall be sanctioned without prior concurrence of the Services and General Administration Department. The Chief Secretary shall perform in respect of such matter the functions of the Secretary, Finance Department.
14. **Home Department manner of submission of certain cases.-** ⁴⁰The Home Secretary shall keep the Chief Secretary generally informed of all matters affecting public tranquility. The Minister-in-charge shall submit to the Prime Minister all cases likely to have major political repercussions.
15. **Consultation with Finance Department.-**
- (1) No department shall without previous consultation with the Finance Department authorise any orders, other than order in pursuance of any general or special delegation made by the Finance department, which directly or indirectly affect that finance of the government or which in particular involve;
- (a) Relinquishment, remission or assignment of revenue, actual or potential or grant of guarantee against it or grant or lease of land or mineral, forest or water rights;
 - (b) expenditure for which no provision exists;
 - (c) a change in the number or grading of posts in terms and conditions of service of Government servants or their statutory rights and privileges which have financial implications;
 - (d) Levy of taxes, duties, fee or cesses;
 - (e) Floatation of loans;
 - (f) Re-appropriations within budget grants;
 - (g) alteration in financial procedure or in the method of compilation of accounts or of the budget estimates;
 - (h) Interpretation of rules made by Finance Department.
- (2) No amendment or interpretations of such Service Rules as have no financial implication shall be made by Finance Department without the prior concurrence of the Services and General Administration Department.
- (3) No proposal, which requires previous consultation with the Finance Department under sub-rule (1) but in which the Finance Department has not concurred, shall be proceeded with unless a decision to the effect has been taken by the Cabinet. Formal orders shall, nevertheless issue only after the Finance Department has exercised scrutiny over the details of the proposal.
- (4) Except to the extent that power may have delegated to Department under rules framed by the Finance Department, every order of an Administrative Department conveying a sanction to be enforced in audit shall be communicated to the audit authorities through the Finance Department.

⁴⁰ Omission

16. **Consultation with the Law, Justice, Parliamentary Affairs and Human Rights Department.-**
- (1) The Law department shall be consulted by other departments
 - (a) On all legal questions arising out of any case;
 - (b) On the interpretation of any law
 - (c) before instituting criminal or civil proceedings in a Court of Law in which Government is involved; and
 - (d) Whenever criminal or civil proceedings are instituted against Government
 - (2) For any proposed legislation, the Law, Justice and Parliamentary Affairs Department shall be consulted in accordance with the provisions contained in part (f) of these Rules.
 - (3) Except as provided in sub-rule (4), the Law Department is not in respect of legislation, and originating Office and its proper function is to put into correct form all proposed legislation “but in the urgent cases may proceed with legislation on the direction of the Prime Minister or the request of the Department concerned.”
 - (4) Codification of substantive laws or legislation for consolidation of existing enactments or legislation of a purely formal character, such as repealing and amending the bills and short title bills, may be initiated by the Law Department. The Law, Justice and Parliamentary Affairs Department shall, however, consult the Administrative Department concerned which shall, consider the draft legislation in its bearing on administration, make such enquires and consultations as may be necessary and tender advice to the Law, Justice and Parliamentary Affairs Department accordingly.
 - (5) No Department shall consult the Advocate General except through Law, Justice and Parliamentary Affairs Department and in accordance with the procedure laid down by that Department. The Department shall draw up specific points on which the opinion of the Advocate General is desired.
 - (6) If there is disagreement between the views of the Advocate General and Law, Justice and Parliamentary Affairs Department and the Advocate General shall be conveyed verbatim to the Department concerned and the Department concerned does not accept the views of the Law Department, the case shall be submitted to the Minister for Law for decision who may in his discretion, take the case to Cabinet.
17. **Reference from the Heads of Attached Department to the Department.-** Cases requiring the approval of Government shall be referred in as complete a form as possible to the Department concerned by the Head of Attached Department. Cases referred to the Administrative Department by the attached Department, shall ordinarily be settled through personal discussion between the head of attached Department and the Secretariat Officers dealing with the case.
18. **Secretaries Committee.-**
- (1) There shall be constituted a Secretaries’ Committee, with the Chief Secretary as its Chairman, to facilitate co-ordination among the Departments, to provide avenue for the considerations of matters of common interest and to tender advice on any case that may be referred to Cabinet, Prime Minister or a Minister.
 - (2) A Secretary, who wishes a Particular matter to be discussed in the Secretaries meeting shall advise the Service and General Administration Department of his intention of doing so and forward 15 copies of a brief note on the subject which would form the basis of discussion,

(3) The Services and General Administration Department shall issue notice of meeting together with the agenda well in advance of the meeting; provided that urgent items may be considered at short notice.⁴¹

(4) Secretaries meeting shall be attended only by Secretaries of Department.

(5) Minutes of the meeting shall be recorded (except in those cases where a record may not be considered necessary) by any officer of the Service and General Administration Department who shall attend the meeting for the purpose, and shall be circulated after approval by the Chief Secretary as soon as possible.

(6) Conclusions reached at the meeting of the Secretaries Committee shall not be taken as decision of the Government any further action required shall be taken by the Department concerned in accordance with these Rules.

PART-D SERVICES

19. Public Service Commission.-

(1) The advice of the Public Service Commission shall ordinarily be accepted by the Department in all matters where it is obligatory to consult the Commission under any law or any rules or regulation for the time being in force.

(2) If it is proposed not to accept the advice of the Commission the case shall be submitted to the Prime Minister, through the Services and General Administration Department which may give an opportunity to the Public Service Commission of further justifying its recommendations. Before a final decision is taken.

(3) Where the Prime Minister does not accept the advice of the Public Service, he shall inform the Commission accordingly.

20. Selection Board.

(1) Government may constitute one or more Selection Boards and specify the appointments and promotions to posts other than those to be made on the advice of the Public Service Commission, to be made on the advice of such Selection Boards.

(2) If in any case, a Department does not propose to accept the advice of the Selection Board with regard to a matter in which its advice is required under sub-rule(1) , the case shall be returned to the Selection Board for reconsideration, and the Selection Board shall reconsider such case . If on reconsideration the difference still persists, the case shall be submitted to the Prime Minister through the Services and General Administration Department for orders.

⁴²21. Appointment, Posting and Promotions.-

(1) Approval of the Prime Minister will be obtained before issue of order in cases relating to Appointment, Promotions, Posting and Transfers to posts mentioned in Part A of Schedule VII.

(2) Approval of the Minister in charge shall be obtained in the case enumerated in Part B of Schedule VII before issue of orders.

⁴¹ Added vide Notification No.S&GAD/A-4(94)/P-III/R/92 Dated 07-06-1993

⁴² Substituted vide Notification No.S&GAD/A-4(94)/P-III/R/92 Dated 07-06-1993

⁴³22. **Transfers:-**

- (1) Transfers of Civil Servants shown in clause (1) of Schedule VIII shall be made by the Authorities specified in column 2 thereof.
- (2) The normal tenure of posts specified in column 1 of the schedule X shall be as shown against such posts in column 2 thereof.
- (3) The Services and General Administration Department shall be consulted if it is proposed to:-
 - (a) transfer the holder of a tenure post before the completion of tenure or extend the period of his tenure: and
 - (b) require an officer to hold charge of more than one post for a period exceeding four months.

**PART-E
CABINET PROCEDURE**

23. **Cases to be brought before the Cabinet.-**

- (1) The following cases shall be brought before the Cabinet-
 - (a) proposals for legislation, official or non-official bills, including money bills;
 - (b) promulgation and withdrawal of Ordinance;
 - (c) the budget position and proposals before the presentation of Annual Budget and other financial statements in terms of Section 38 of the Act;
 - (d) proposals for the levy of new taxes;
 - (e) cases involving vital political, economic and administrative policies;
 - (f) cases which a Minister considers important enough for reference to the Cabinet;
 - (g) important reports and documents required to be laid before the Assembly;
 - (h) other case required to be referred to the Cabinet under the provisions of these Rules; and
 - (i) any case desired by the Prime Minister to be referred to the Cabinet:
- (2) Notwithstanding the Provision of sub- rule (1), the Prime Minister may in case of urgency or other exceptional circumstances give directions as to the manner of disposal of a case without prior references to the Cabinet, but such case shall be reported to the Cabinet at the earliest opportunity thereafter.

24. **Method of disposal by the Cabinet.-**

- (1) Cases referred to the Cabinet shall be disposed of.
 - (a) by discussion at the meeting of the Cabinet
 - (b) by circulation amongst Ministers and
 - (c) by discussion at the meeting of a committee of the Cabinet

Provided that the discussions of the Committee shall be ratified by the Cabinet unless the Cabinet has authorized otherwise.

(2) Committees of the Cabinet may be constituted and terms of reference of the Committees determined by the Cabinet. Such Committees may be standing or special committees, accordingly as they are appointed to deal with a class of cases or a particular case.

25. Manner of submission of cases to the Cabinet.-

(1) In respect of all cases to be submitted to the Cabinet, the Secretary of the Department concerned shall transmit to the Chief Secretary a concise and lucid memorandum of the case (hereinafter referred to as the "Summary") facts, the points for decision and the recommendation of the Minister.

(2) The summary shall be self-contained as far as possible and may include as appendices such relevant papers as are necessary for the proper appreciation of the case.

(3) In case of proposed legislation to which approval in principle is sought the Summary shall bring out clearly the main features of the legislation

(4) Where a case concerns more than one Department, the Summary shall not be forwarded to the Cabinet unless the case has been considered by all the Departments concerned. In the event of difference of opinion, the points of difference between them shall be clearly stated in the Summary a copy of which shall be sent by the sponsoring Department to the other Department concerned simultaneously with the transmission of the Summary to the Cabinet.

(5) No summary containing a proposal involving financial implications shall be submitted to the Cabinet unless the Finance Department has been consulted and its views incorporated in the Summary.

(6) All Draft Bills, Ordinances or Orders having the force of law shall be submitted to the Cabinet after the same have been vetted by the Law, Justice and Parliamentary Affairs Department and no change shall be made therein except with the knowledge of the Law Department.

(7) No case for inclusion in the agenda shall be accepted unless it reaches the Chief Secretary at least four clear days in advance of the meeting:

Provided that if the case is urgent, the Secretary concerned may approach the Chief Secretary for its inclusion in the agenda, and if he agrees, a note shall be sent for circulation to the Cabinet showing how the case is urgent and why it could not be submitted in time.

(8) The Services and General Administration Department shall satisfy itself that the papers submitted by a secretary are complete and in appropriate form. It shall ordinarily return a case which does not meet with the requirements of these Rules⁴⁴ or any other instructions on the subject.

26. Procedure regarding Cabinet Decisions by circulation.-

(1) When the case is circulated to the Cabinet for recording opinion, the Chief Secretary shall specify the time by which opinions should be communicated to him. If a Minister does not communicate his opinion by that time, it shall be assumed that he accepts the recommendations contained in the Summary.

(2) After all opinions have been received or the time specified has expired, the Chief Secretary shall.

44 Added vide Notification No. S&GAD/A-4(94)/Part-III/R/92 Dated 7-6-93

- (a) in the event of full agreement to the recommendation in the Summary, treat it as a Cabinet decision and proceed further in terms of Rule, 27(10);and
- (b) in the event of a difference of opinion, obtain the direction of the Prime Minister whether the case shall be discussed at a meeting of the cabinet or the recommendations of the majority of the Ministers be accepted and communicated as Cabinet decision.

(3) If the Prime Minister directs that the recommendations of majority of Ministers be accepted as a Cabinet decision, the Chief Secretary shall take action in terms of Rule 27(10) and if the Prime Minister directs that the case shall be discussed at a meeting of the Cabinet, the Chief Secretary shall circulate the opinions recorded by the Ministers, in the form of a Supplementary Summary.

(4) Reports made to the Cabinet and other cases submitted only for information shall normally be disposed of by circulation.

27. Procedure regarding Cabinet Meeting.-

(1) Meeting of the Cabinet to discuss ordinary business shall normally be held once a fortnight, on any day fixed by the Prime Minister.

Provided that the Prime Minister may call a special meeting of the Cabinet on any day to discuss urgent business or vary the time or date on which a meeting is to be held.

(2) A Minister shall so arrange his tour that he is able to attend the fortnightly Cabinet meeting unless he has obtained the Prime Minister's permission in which case the Secretary of his Department should invariably be in attendance at the Cabinet meeting if any item relating to his Department is on the agenda of the meeting.

(3) The Prime Minister shall preside at all meetings of the Cabinet:

Provided that in absence of the Prime Minister the senior most Ministers shall preside.

(4) The Chief Secretary shall ordinarily issue to the Minister three days in advance of the meeting the agenda of the meeting, together with the summaries relating to the items on the agenda. In case of special meeting. A shorter notice may issue.

(5) No case shall be discussed in the Cabinet unless the summary relating to it has first been circulated.

Provided that the Prime Minister may dispense with the requirements of this sub-rules if he is satisfied that the Summary could not be circulated.

(6) The Secretary shall be informed of the items on the Agenda of the Cabinet meeting pertaining to his Department and shall unless otherwise directed, attend the meeting of the Cabinet, in which the case is under consideration.

(7) If, in the absence of the Minister from headquarters, the Secretary concerned considers that the discussion on a case should await the Secretary for its postponement.

(8) A Minister may if he deems it fit request for the withdrawal of a case pertaining to his Department from the agenda of the Cabinet.

(9) The Chief Secretary shall attend all meetings of the Cabinet and shall prepare:-

- (a) a brief record of the discussion which in the absence of a special direction by the Cabinet shall be of an impersonal nature; and

(b) a record of the decision, without any statement or the reasons therefore.

(10) The Chief Secretary shall circulate to the Ministers, a copy of the record prepared under sub-rule (9) as approved by the Prime Minister.

(11) If a Minister considers that there has been a mistake or omission in recording the minutes, he shall point it out to the Chief Secretary within twenty four hours of the issue of the minutes. The Chief Secretary shall obtain the orders of the Prime Minister and thereafter modify the minutes, if necessary.

(12) Where a Secretary has attended a Cabinet meeting, in the absence of his Minister, the record of the items, concerning the Secretary shall be sent to him to be dealt with in the manner provided in sub-rule (10) and (11).

(13) A copy of the decision of the Cabinet and whenever considered necessary of the points made during the discussions shall be supplied by the Chief Secretary to the Secretary of the Department concerned for action under rule 29.

(14) A copy of the agenda along with the summaries and minutes of the Cabinet meeting shall be forwarded to the President for information by the Chief Secretary.

Explanation:- Reference to the Prime Minister in this Rule includes the senior most Minister when he presides at the Cabinet meeting in the absence of the Prime Minister.

28. Procedure regarding Committees of Cabinet.-

(1) Meeting of the Committees of the Cabinet shall be convened by the Chief Secretary under the directions of the Chairman of the Committee who shall preside at the meeting.

(2) Officers of the Department concerned may be associated with the deliberations of the Committees as and when considered necessary.

(3) The provisions of Rule 25 and 27 shall apply mutates mutandis to the manner of submission of cases to, and the procedure for the meeting of the Committees.⁴⁵

29. Action on Cabinet Decisions.-

(1) When the decision of the Cabinet on a case is received by the Department concerned it shall acknowledge the receipt of the decision and take prompt action to give effect to the decision.

(2) To ensure implementation of the Cabinet decision, the Secretary of each department shall keep a separate record of all the decisions conveyed to him and shall watch progress of action until it is completed. It shall be the responsibility of the Secretary of the Department sponsoring the case, to consult or inform any other Department concerned, in order to ensure full implementation of the Cabinet decision:

Provided that the record of the discussion before a decision is taken shall not be passed down by the Secretary to the other Department nor to other officers of his Department unless it contains points which require consideration or action in the other Department or by the Officers as the case may be.

(3) The Secretary shall watch implementation of each decision of the Cabinet and the Secretary in the Department concerned shall supply to the Chief Secretary such documents as the

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latter may, by general or special request, require enabling him to complete his record of the case.

(4) The Chief Secretary shall maintain the record of each case submitted to the Cabinet which shall consist of –

- (a) a copy of all papers issued under rule 26, 27 (4), and 28, and
- (b) a copy of the record prepared under Rule 27(9) and 28, and
- (c) all documents received under Rule 29.

30. Secretary of Cabinet proceedings.-

(1) All proceeding of the Cabinet and the record of the discussion in the Cabinet shall be secret.

(2) All papers submitted to the Cabinet are secret until the Cabinet decision has taken place, where after the Secretary concerned shall, subject to any general or special order of the Chief Secretary in this behalf, determine whether the papers shall continue to be classified as secret.

31. Custody of Cabinet Papers.-

The Ministers shall return to the Chief Secretary.

- (a) the papers issued to them for decision by circulation immediately after recording their opinion;
- (b) the agenda issued to them for a meeting of the Cabinet immediately after the meeting has taken place;
- (c) the copies of the record of the discussion and of the decisions, immediately after they have perused them and
- (d) reports of action taken on Cabinet decision or other papers circulated for information, immediately after perusal except where indicated otherwise.

**PART-F
LEGISLATION**

32. Official Bills.-

(1) The Department administratively concerned shall be responsible for determining the contents of the proposed legislation, for consulting the other Department concerned (including the Finance Department, where necessary) and for obtaining the approval in principle, of the Cabinet to the issue involved, before asking Law Department to give legal shape to the Bill:

Provided that where the proposed legislation involved only verbal or formal amendment of and existing law, it shall not be necessary to obtain the cabinet's approval before asking the Law, Justice, Parliamentary Affairs & Human Rights Department to give legal shape to it.

(2) While referring the approved legislation to the Law, Justice and Parliamentary Affairs Department, the Department administratively concerned shall send a memorandum indicating precisely the lines on which it is proposed to legislate, which shall include.

- (a) a statement in the form of series of propositions detailing the provisions required to be made, or preferably, a draft bill; and
- (b) a statement giving the object and reasons for each provision.

(3) When a proposal for legislation is referred to the Law, Justice, Parliamentary Affairs Department, that Department shall, apart from giving shape to the draft legislation, advise the Department concerned whether any legal requirements are to be complied with before the Bill is introduced in the Assembly. The Law, Justice and Parliamentary Affairs Department shall also advise

whether the proposed Law disregards or violates, or is not in accordance with the fundamental rights conferred by the Act and whether a reference should be made to the Council of Islamic Ideology for advice, if not already done by the Assembly and if so what shall be the terms of that reference.

(4) The Department concerned shall than submit the case, including the advice of the Law, Justice and Parliamentary Affairs Department to the Cabinet.-

- (a) for approval of the draft Bill;
- (b) for deciding any issue that may still be outstanding;
- (c) for orders as to which of the following motions should be mad in the Assembly.
 - (i) that it should be taken into consideration at once; or
 - (ii) that is should be taken up at a future date to be specified; or
 - (iii) that it should be referred to a Select Committee or any other Committee of the Assembly; or
 - (iv) that it should be circulated for the purpose of eliciting public opinion thereof.

(5) The Department concerned shall thereafter prepare a brief for the use of the Minister, which shall include the direction given by the Cabinet regarding the line of action to be adopted with regard to the Bill

(6) The Department shall forward to the Law Justice and Parliamentary Affairs Department through the Prime Minister draft Legislations.

(7) The Law Justice and Parliamentary Affairs Department shall arrange to include the Bill in the Official business of the Assembly. The Bill shall be introduced in the Assembly by the Minister or a Parliamentary Secretary and thereafter published in the Gazette by the Assembly Secretariat. If, hoverer, the Bill is of great urgency, the Law, Justice and Parliamentary Affairs Department may request the Assembly Secretariat to publish it in the Gazette before introduction.

(8) The procedure regarding amendments shall be the same as for official Bills.⁴⁶

33. **Non official Bills and Amendments.-**

(1) As soon as notice regarding the introduction of a non-official Bill is received from the Assembly Secretariat by the Department, it shall-

- (a) assess the administrative implications of the proposed legislation;
- (b) consult the other Department concerned including the Finance Department, where necessary; and
- (c) obtain the Law, Justice and Parliamentary Affairs Department's advice, whether-
 - (i) the bill can be introduced in the Assembly and is otherwise in order; and
 - (ii) previous sanction of the Government to its introduction is necessary.

(2) After the advice of the Law, Justice and Parliamentary Affairs Department has been obtained, and where necessary, consultation with the other Department concerned has been made, the Department concerned shall obtain:-

⁴⁶Added vide Notification No.S&GAD/A-4(94)/P-III/R/92 Dated 07-06-1993

- (a) the instructions of the Cabinet regarding the provisions of the Bill; and
- (b) the decision of the Cabinet as to which of the following motions in the Assembly are to be supported:-
 - (i) That it be taken into consideration by the Assembly either at once or at some future date to be specified;
 - (ii) that it be referred to a Select Committee or any other Committee of the Assembly;
 - (iii) that it be circulated for the purpose of eliciting opinion thereon; or
 - (iv) that it be opposed.

(3) If the consent of the Government to the introduction of the bill in the Assembly is necessary, such consent shall be obtained by the Department concerned, where it is decided to support the Bill.

(4) The Department concerned shall prepare a brier for the use of the Minister which shall include the direction of the Government regarding the line of action to be adopted with regard to the Bill.

(5) The procedure regarding amendments shall be the same as for non-official Bills.⁴⁷

34. **Ordinance:-**

(1) The provisions of Rule 32 shall apply mutates mutandis where the proposed legislation is an ordinance.

(2) The Law, Justice and Parliamentary Affairs Department shall promulgate the Ordinance and in due course arrange to lay it before the Assembly as required by clause (a) of sub-section 2 of Section 41 of the Azad Jammu and Kashmir Interim Conciliation Act, 1974.

PART-G
RELATIONS WITH THE ASSEMBLY

35. **Rules of Assembly.-** The Department shall in their relations with the Assembly, comply with the rules of procedure and standing orders of the Assembly.

36. **Summoning of the Assembly.-**

(1) Orders of the President for convening a session of the Assembly shall be obtained by the Law, Justice and Parliamentary Affairs Department under the directions of the Prime Minister and communicated to the Secretary of the Assembly.

(2) As soon as the date of session of the Assembly is fixed, it shall be notified in the Gazette by the Secretary of the Assembly and thereupon all Departments shall undertake a review of the official business intended to be brought before the Assembly and shall promptly forward to the Law, Justice and Parliamentary Affairs Department detailed lists of such business not later than seven days before the commencement of the Session.

(3) The Minister for Law shall prepare a provisional forecast of the business to be brought before the Assembly and shall make proposals to the Speaker for the allotment of days for the transaction of official as well as non-official business. The programme as approved by the Speaker, shall be communicated by the Assembly Secretariat to all the Departments and the Secretary to the President.-

⁴⁷ Added vide Notification No.S&GAD/A-4(94)/P-III/R/92 Dated 07-06-1993

37. Prorogation of Assembly.-

- (1) When the Assembly has been summoned by the President, he will at the appropriate stage fix a date for the prorogation of the Assembly.
- (2) The Secretary of the Assembly shall when the session called by the president is nearing completion of its business, under the directions of the Prime Minister, obtain the orders of the President through the Law, Justice and Parliamentary Affairs Department as to the date for the prorogation of the Assembly.
- (3) The Secretary of the Assembly shall notify in the Gazette the date fixed for the prorogation of the Assembly.

38. General Provisions Regarding Bills, etc.-

- (1) Copies of the Bills, resolutions, motions, questions and other business to be brought before the Assembly shall be forwarded as soon as received to the Department concerned by the Assembly Secretariat.
- (2) For the correct allocation of business of the Assembly amongst the Departments, the Assembly Secretariat shall consult the Chief Secretary, whenever it is in doubt.
- (3) If a Bill, resolution, motion or question has been wrongly addressed to a Department by the Assembly Secretariat, it should promptly be transferred to the Department concerned, in consultation with the Chief Secretary, if necessary, and under advice to the Assembly Secretariat.
- (4) The Assembly Secretariat shall advise the Department as soon as it is known that a non-official Bill, resolution, Motion, or question has been admitted in its final form or not so that the Department may regulate its action accordingly.
- (5) As soon as any communication (whether a notice, intimation, Bill or any other paper) is received from the Assembly Secretariat, or any other authority regarding the business or affairs of the Assembly, the receiving officer shall at once bring it to the notice of the Secretary and the Minister.

39. Resolution and Motions.-

- (1) When an official resolution or motion is to be moved in the Assembly, the Department concerned shall forward the same, together with a formal notice duly signed by the Minister to the Secretary of the Assembly, who shall, if the resolution or motion is admitted by the Speaker, arrange for its inclusion in the official business of the Assembly.
- (2) Official resolution may be for the constitution of a statutory body, declaration of policy on a matter of general public interest, etc.
- (3) Official motions may be for the election of members to a standing or special Committee of the Assembly, raising discussion on a particular matter, etc.
- (4) On receipt of a non-official resolution or motion from the Assembly Secretariat, the Department concerned shall examine it and obtain the orders of the Cabinet, if the time permits.
- (5) In examining the resolution or motion, the Department concerned shall consider whether discussion of the resolution or motion, or any part of the same, would be detrimental to the public interest. If so, it should point this out, with reasons, in its comments on the resolution or motion, as the case may be.
- (6) The Department concerned shall prepare a brief regarding each resolution or motion, official or non-official for the use of the Minister.
- (7) After a resolution or motion has been adopted, the Assembly Secretariat shall forward it to the Department concerned for appropriate action.

40. **Question.-**

(1) On receipt from the Assembly Secretariat of questions (starred, unstarred or short notice) proposed to be asked by a member, the Department concerned shall draft replies with the approval of the Minister and forward the required number of copies to the Assembly Secretariat before the date on which the question is to be asked. In the case of starred questions, briefs shall be prepared by the Department concerned for the supplementary questions that may be asked.

(2) A copy of the supplementary questions asked in the Assembly in respect of a starred question and the replies given Department concerned as soon as possible after the proceedings have been transacted.

(3) The Department concerned shall be responsible for giving effect to any undertakings given by the Minister in reply to questions.

41. **Budget.-**

(1) The Finance Department shall forward proposals regarding the date for the presentation of the Annual Budget to the Secretary of the Assembly. The latter shall obtain the orders of the President through the Chief Secretary. On receipt of orders a notification in the Gazette shall be issued by the Secretary of the Assembly.

(2) On receipt of motion proposing a cut in the demand (or supplementary demand, for grant of funds, the Department concerned shall examine the points raised in the motion, or any further points likely to be raised, and prepare a brief for the use of the Minister.

42. **Assent to Bills.-** A Bill to be presented to the President for his assent shall be forwarded by the Assembly Secretariat, duly certified by the Speaker, to the Parliamentary Affairs Secretariat which shall submit it to the President for his assent.

43. **Auditor General.-**

(1) The Auditor General shall conduct audit of the receipts and expenditure of all funds and money of the Government and, for this purpose, he shall look into case from the point of view of procedure as well as the merits, of the orders passed or sanctions given by the Government or its officials. He shall have powers to call for any information and concerned through the Chief Secretary. He shall prepare an annual audit report on the receipts and expenditure of the Government and submit it to the Government on a date to be specified. He may utilize the agency of the Accountant General for the discharge of function assigned to him.

(2) The Auditor General shall have power to prescribe an accounting procedure and to make such amendments in that procedure as he considers necessary to enable him to satisfy the requirements of audit.

(3) The Accountant General will honor all payment orders whether passed by the Government or the authorities duly authorized to do so except those which are in contravention of these Rules or the sanctioned budget.

PART-H
MISCELLANEOUS PROVISIONS

44. **Protection and Communication of official information.-**

(1) No information acquired directly or indirectly from official documents or relating to official matters shall be communicated by a Government servant to the Press, to non-officials, or officials belonging to other Government offices, unless he has been generally or specially empowered to do so.

(2) Detailed instructions shall be issued by the Chief Secretary for the treatment and custody of

official documents and information of a confidential character.

(3) Ordinarily all official news and information shall be conveyed to the Press through the Information Department and the manner in which this may be done shall be prescribed generally or specially in each case by the said Department.

(4) Only Ministers and Secretaries and such officers as may be authorized by the Government, shall act as official spokesman of the Government.

(5) **Administrative powers.-** All administrative powers shall be exercised as provided in the Azad Jammu and Kashmir (Civil Service) Delegation of Powers Rules as issued and notified by the Government from time to time. The administrative authorities are placed in Categories I to IV as per Schedule IX:

“Provided that all the Administrative powers vesting in the Government in respect to a Secretariat Department, shall be exercised by the President in relation to the President's Secretariat”.

(6) **Financial Powers.-** All Financial Powers shall be exercised as enumerated in the Azad Jammu and Kashmir Delegation of Financial Powers Rules as issued and notified by the Government from time to time:

Provided that all Financial Powers vesting in the Department in respect to a Secretariat Department shall be exercised by the President in relation to the President's Secretariat.

45. **Channel of Correspondence.-**

(1) Correspondence with the Federal Government or a provincial Government of Pakistan shall be conducted direct by the Department in respect of subjects allocated to them, subject to the provisions of Rule 12 and it shall ordinarily be addressed to the Secretary of the ministry or Department concerned.

(2) All correspondence between Government and the Head of Attached Department the special institution or autonomous body shall be conducted through the Secretary of the Department concerned.

(3) Deputy Commissioners, except when necessary, shall correspond with Government or with the Head of an Attached Department only through the Commissioner. They may, however, correspond direct with District Officers of other Departments.

(4) Commissioner may correspond direct with Secretaries with Heads of Attached Departments regarding cases relating to him and may also address the Chief Secretary in respect of any case, should the circumstances of the case so require.⁴⁸

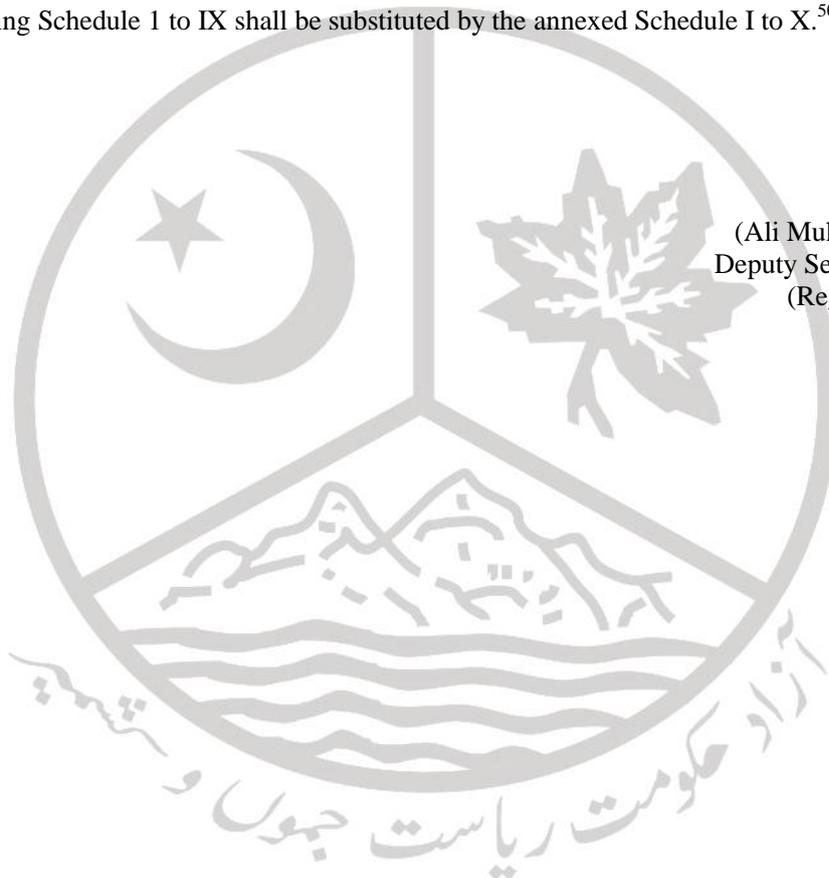
46. **Transaction of business.-** (1) The business of Government shall be transacted in accordance with the channels of communication laid down in the Rules and instructions. If oral discussions are held with a Minister by an official of the department, he shall communicate the points made during the discussion to his Secretary at the earliest.

(2) The Head of an Attached Department or a District Office whose cases are held up in Department concerned, or who disagrees with any decision taken by the Department, may seek an interview with the Minister:-

Provided that the Secretary concerned shall be informed of the proposed interview so that he can be present to enable the Minister to have the full picture of the case before passing orders.

⁴⁸ Inserted vide Notification No.S&GAD/A-4(94)91 Dated: 25-11-199

47. The special institutions and autonomous bodies are the independent organs in the sphere of their functions assigned to them under the relevant laws but are attached department for administrative and financial purposes.
48. The powers vesting in an authority or Officer in the Schedules may be exercised by the authority or officer superior to those officers or authorities.
49. An Officer performing an Additional Duty in ex-officio capacity will be deemed to be the Officer of the category of the original department for the purposes of Schedule IX.⁴⁹
50. The matters not provided for in these rules shall be dealt with by the department recruitment rules and other orders of special delegations. The matters relating to Efficiency and Discipline, subject to these rules, shall be dealt with under the Efficiency and Discipline Rules.
51. The existing Schedule 1 to IX shall be substituted by the annexed Schedule I to X.⁵⁰



Sd/--
(Ali Muhammad Khan)
Deputy Secretary Services
(Regulations)

49 Notification No.S&GAD/A-4(94)/P-III/SD-IV/92 Dated: 07-06-1993

50 Added vide Notification No.S&GAD/A-4(94)/P-III/R/92 Dated 07-06-1993

Schedule-I
See Rule 2 (i) (iii) & (ix-a) & vii (xii) & 3 (i)
LIST OF DEPARTMENTS (Amended up to 2013)

| S.R (1) | SECRETARIAT DEPARTMENTS (2) | ATTACHED DEPARTMENTS (3) | HEAD OF ATTACHED DEPARTMENTS (4) | SPECIAL INSTITUTION /AUTONOMOUS BODIES (5) |
|------------|---|---|---|--|
| 1. | Agriculture, Animal Husbandry and Food | i)Agriculture, ii)animal Husbandry iii)Food | i)Director General Agriculture ii)Director General Animal Husbandry iii)Director Food | i) Extension Services Management Academy |
| 2. | Amoor-E-Dinia & Auqaf | i) Amoor-E-Dinia ii) Auqaf | i) Director General Auqaf ii) Director Amoor-e-Dinia | i) Council of Islamic Ideology ii) Ulema Mashaikh Council |
| *3. | Board Of Revenue | i)Revenue ii)Rehabilitation iii)Relief iv)Evacuee Property v)Mangla Dam Affairs vi)Settlement vii)Land Record viii)Stamps *ix)Omitted | i)Divisional commissioners ii)Commissioner rehabilitation iii)Commissioner relief iv)Custodian evacuee property v)Commissioner Mangla Dam Affairs vi)Commissioner settlement vii)Director land records viii)Chief inspector stamps ix)Omitted | |
| 4. | Communication and Works | i) Highways ii) Central Design Office | i) Chief Engineer Highways ii) DG Architecture ii) DG Engineering | |
| 5. | Electricity | i)Electricity ii)Inspectorate of Electricity | i)Chief Engineer ii)Electrical Inspector | i)Hydro Electric Board |
| *6. | Elementary & Secondary Education | i)Education schools (secondary/ elementary) ii) Technical Education iii) Curriculum, Research & development Centers. | i)DPI Schools (Secondary) ii)DPI Schools (Elementary) iii)Director Technical Education iv)Director CRDC | i)Teacher Foundation |
| 7. | Finance, Cooperative, and Excise & Taxation | i)Audit and Accounts ii)Co-operative iii)Excise and Taxation iv)Local Fund Audit | i)Accountant General ii)Registrar Co-operative iii)Collector Excise and Taxation iv)Director Local Fund Audit | i)AJ&K Co-operative Bank |
| 8. | Forestry ,Wild Life and Fisheries | i)Forests ii)Wild Life, and Fisheries | i)Chief Conservator Forests ii)Director Wild Life and Fisheries | i)Azad Kashmir Logging and Sawmill Corporation |

| S.R (1) | SECRETARIAT DEPARTMENTS (2) | ATTACHED DEPARTMENTS (3) | HEAD OF ATTACHED DEPARTMENTS (4) | SPECIAL INSTITUTION /AUTONOMOUS BODIES (5) |
|------------|---|---|--|--|
| | | | | (AKLASC) |
| 9. | Health | i)Health ii)Ch. Ghulam Abbas Institute of Medical Sciences iii)Population welfare | i)Director General Health ii)Executive director (AIMS) iii)Director Population Welfare | i)Medical College |
| 10 | Higher Education ⁵¹ | i) Education Colleges ii) Omitted iii) Khurshid National library | i) DPI Colleges ii) Omitted iii) Director Khurshid National library | i)Board of Intermediate and Secondary Education Mirpur ii) Universities |
| *11 | Home | i)Police ii)Prisons *iii)omitted iv) Armed Services Board | i)Inspector General of Police ii)Inspector General of Prisons *iii)omitted iv)Director Armed Services Board | |
| 12. | Industries ,Labour and Mineral Resources | i)Industries and Labour ii)Mineral Resources iii)Printing Press iv)Sericulture | i)Director Industries and Labour ii)Director Mineral Resources iii)Controller Printing Press iv)Director Sericulture | i)Azad Kashmir Mineral Industrial Development Corporation ii)AK Small Industries Corporation. |
| 13. | Information, Information and Technology, Tourism and Archeology | i)Public Relations ii)Information Technology iii)Tourism and archeology | i)Director Public Relations ii)Director General Information Technology iii)Director General Tourism and Archeology | i)Information Technology Board |
| 14. | Law, Justice, Parliamentary Affairs and Human Rights | i)Law Officers | i)Advocate General | i)Legislative Assembly ii)Supreme Court iii)High Court iv)Shariat Court v)Election Commission vi)Services Tribunal vii)Ehtsab Bureau |
| 15. | Local Government and Rural Development | i) Local Govt. and Rural Development | i) Director General Local Govt. and Rural Development | AJ&K Local Govt. Board |

⁵¹ Omitted vide notification No.S&GAD/R/A-4(94)/2007 dated 01-03-2007 *3,6,10 Added vide Notification No.S&GAD/A-4(94)/2012 Dated: 12-02-2013

| S.R (1) | SECRETARIAT DEPARTMENTS (2) | ATTACHED DEPARTMENTS (3) | HEAD OF ATTACHED DEPARTMENTS (4) | SPECIAL INSTITUTION /AUTONOMOUS BODIES (5) |
|------------|---|---|---|--|
| | | ii)Election Commission Local Bodies | ii)Election Commissioner Local Bodies | |
| *16 | Physical Planning & Housing | i) Physical Planning, Housing ii. Public Health | i) Chief Engineer Buildings ii) Chief Engineer Public Health | i)Development Authorities /Board |
| *17 | Planning and Development | i)Planning & Development ii)Environmental Agency(EPA) | i) Co-ordinator/Project Director of Development Projects ii)Director General Environmental Protection Agency (EPA) | |
| *18 | Relief, Disaster Management & Civil Defence | i) Civil Defence | i) Director General Civil Defence | Disaster Management Authority |
| *19 | Services and General Administration | i)Anti-corruption Establishment ii) Omitted | i. Director General Anti-Corruption *ii) Omitted | i)Public Service Commission ii)Ombudsman (Mohtasib) iii) Kashmir Institute of Management |
| 20. | Sports, Youth, Culture and Transport. | i)Sports, Youth and Culture ii)Transport | i)Director General Sports and Culture ii)Chairman Transport Authority | i)Cultural Academy. |
| *21 | Usher & Zakat, Social Welfare & Women Development | i. Usher &Zakat ii. Social Welfare iii. Women development | i)Chief Administrator Ushr Zakat ii)Director Social Welfare iii) Director Women Development | i) Zakat Council |

*11 Omitted vide notification No.S&GAD/R/A-4(94)/2012 dated 12-02-2013

*16 Added vide ibid notification.

*17 Amended vide ibid notification.

*18 Added vide ibid notification.

*21 Added vide ibid notification

SCHEDULE –II

(See Rule 3(3))

Distribution of Business among Departments

1. AGRICULTURE & ANIMAL HUSBANDRY DEPARTMENT

A. AGRICULTURE

1. a) Agricultural Education, Training and Research.
- b) Experimental and demonstration farms.
- c) Improvement of agricultural methods.
- d) Protection against insects, pests and prevention of Plant diseases.
- e) Soil Fertility and Soil Conservation.
- f) Mechanization, reclamation of land, use of agricultural machinery, ploughing, tube-wells, installations and research in Agricultural Engineering (Agricultural Machinery and Implements).
- g) Agricultural Information and Publications.
- h) Agricultural Statistics
2. Arboricultural Operations.
3. Government Gardens.
4. Development of Agricultural Marketing.
5. Agricultural Loans/subsidies.
6. Agricultural Supplies.
7. Water Course Conveyance-efficiency through improvement of water-courses.
8. Production, multiplication and marketing.
9. Development of Cultural Waste-land.
10. Bee-Keeping.
11. Hill Framing Technical Development Programme.

B. ANIMAL HUSBANDRY

1. a) Development of livestock Farms and Artificial Insemination.
- b) Prevention of animal diseases and poultry diseases.
- c) Veterinary Training.
- d) Prevention of cruelty to animals.
- e) Development of Dairy Farms.
2. Diagnosis of diseases and treatment of animals.
3. Prophylactic vaccination and production of biological.
4. Research in various disciplines of livestock production and health.
5. Service matters except those entrusted to Services and General Administration Department

2. **AMMER-BIL-MAROOF-WA-NAHI-ANIL-MUNKAR**

1. Religious Affairs.
2. Advice to Departments on all Religious matters.
3. Nazam-e-Salaat.
4. Research work for Auqaf and Ushar-o-Zakat and other Department, and guidance in implementation of Islamic Laws as and when asked for.
5. Compilation of the directory of Mosques a arrangements
6. Training and guidance for the Khateebes and Aemma-e-Masajid.
7. Implementation of orders regarding Jummah Prayers.
8. Taking steps for elimination of the communal differences and promote Islamic brotherhood.
9. Assistance of the Zakat organization (Nazam-e-Zakat) cooperating with the elected Tehsil and District Zakat Committees in performing their duties.
10. Implementation of laws regarding the sanctity of Ramzan.
11. Training and guidance of the intending pilgrims and all administrative matters in this regard.
12. Preaching of Islam.
 - a) Husn-e-Qirat
 - b) Husn-e-Azaan
 - c) Naat Khawani
 - d) Seerat
 - e) Organizing the religious meetings and functions.
13. Arrangement of Dars-e-Quran for Government officials.
14. Arrangement for reforming the society and eliminating the evils.
15. Administration of religious schools, their inspections, guidance registration,
16. Syllabus and examination, etc.
17. Assisting the Tajveed and Qirat in the Educational Institutions.
18. Inspection and organization of schools of Tajveed-ul-Quran Trust.
19. Organizing the affairs of Nikah Khawani and maintenance of its accounts.
20. Fatawas.
21. Central Ulema and Mashaikh Council-matters relating to.
22. Purchase of stores and capital goods for the Department.
23. Service matters except those entrusted to Services and General Administration Department.

3. **AUQAF DEPARTMENT**

1. Administration of Azad Jammu and Kashmir Waqaf Properties Act, 1960.
 2. Charitable and Religious Endowments.
 3. Religious Trusts.
 4. Muslim graveyards.
 5. Mosques, shrines and other religious institutions, under the control of the Chief Administrator of Auqaf.
 6. Auqaf Fund.
 7. Religious Education Schemes.
 8. Publication of books on Islamiat.
 9. Purchase of stores and capital goods for the Department Administration Department.
 10. Service matters except those entrusted to Service and General Administration Department
4. **ANTI-CORRUPTION DEPARTMENT.**
1. Prevention of corruption under relevant laws.
 2. Service matters except those entrusted to Services and General Administration Department.
 3. Preliminary inquiries against Civil Servants in corruption cases.
 4. Process of cases for sanction, for inquiries and for prosecution of the concerned authorities.
5. **BOARD OF REVENUE**
- A. REVENUE.**
1. Land Revenue Administration:
 - a) Assessment and Collection of land revenue, development cess and surcharges thereon and Agricultural Income Tax.
 - b) Land surveys and record of rights, including restrictions over transfer of title.
 - c) Alienation of revenue.
 - d) Laws regarding land tenure special remission of land revenue and remission under sliding scale.
 - e) Religious endowment of land.
 - f) Revenue tribunal.
 - g) Escheats.
 - h) Pre-emption law.
 - i) Alienation of Land Act.
 2. Revenue field staff, District and Divisional Establishment (Ministerial), matters connected with their recruitment, training, pay, allowances, promotions, leave, posting and transfers except those entrusted to S&GAD.
 3.
 - a) Taccavi for land Improvement and other agricultural loans.
 - b) West Pakistan money Lenders Ordinance and Usurious Loans Ordinance, 1959.

- c) West Pakistan Relief of Indebtedness Ordinance, 1960.
4. Compulsory acquisition of land, Land Acquisition Act and Rules made there under.
 5. Demarcation and reticulation of land.
 6. Leases of ferries and bridges.
 7. Treasure trove.
 8. Copying Department
 9. Encumbered and attached Estates.
 10. Government Estates.
 11. Debt Conciliation Boards.
 12. Land Laws.
 13. Settlement and re-assessment.
 14. Tenancy laws and relations between landlords and tenants.
 15. Water-logging and Salinity other than schemes relating thereto.
 16. Suspension and remission of land revenue and water rates.
 17. Crop Reports.
 18. Muslim Personal laws (Shariat) Application Act for entries in the record of rights.
 19. Change of names of Villages, Tehsils and Districts in Azad Kashmir.
 20. Conferment of Powers under the Revenue Laws.
 21. Patwar Schools.
 22. All matters relating to Katchery Compounds in the Divisional/District Offices except those managed by District and Sessions Judge and High Court.
 23. Transfer of Property i.e. entry in Revenue Department Papers the transfers, change, line and mortgages, etc.
 24. Stamp and Court Fees.
 25. Printing and Revision of Gazetteers.
 26. Establishment, supervision and Control of Revenue Training Institutions.
 27. Territorial adjustments and Changes.
 28. Boundary disputes.
 29. Matters relating to Divisional, District, Sub-Divisional and Tehsil office Building, etc. except actual construction and changes.
 30. District & Tehsil Funds.
 31. Printing revision, publication and distribution of Revenue Manuals.
 32. Lambardars.
 33. Livestock census and population census operational work.

34. Restitution and Redemption of Mortgaged Lands Act.
35. Budget and Accounts.
36. Matters of domicile and State Subject as delegated by AJK Council.
37. Rent Control and requisition of private buildings and land for Government purpose.

B. REHABILITATION DEPARTMENT.

1. Rehabilitation of refugees.
2. Evacuee property, its allotment, etc., as warranted by law.
3. Chamb Area Administration.

C. RELIEF.

1. Policy formulation and monitoring of rehabilitation work of the calamities affected population.
2. Relief and Rehabilitation of War displaced persons.
3. Famine Relief Fund and funds for calamities such as flood locusts, earthquake etc.
4. Budget estimate under the head "Relief Measures"

D. LAND COMMISSION.

- 1 Abolition of Jagirs and Muafis.
- 2 Ceiling areas and Shamlats.
- 3 Compensations.
- 4 Ejection of tenants.
- 5 Exemptions.
- 6 Female dependents under land reforms.
- 7 Impartibility and restrictions on alienation of land-appointment of Managers of Importable joint holdings.
- 8 Offences and penalties.
- 9 Resumptions and Utilization of surplus lands.
- 10 Valid transfers.
- 11 Disposal of land surrendered under the Land Reforms Act.
- 12 Waqf, Charitable and religious Institutions.

E. MANGLA DAM AFFAIRS

1. All matters such as administration, rehabilitation, compensation etc., of displaced persons from Mangla Dam.
2. Problems of new towns and hamlets as a result of Mangla Dam.

F. COLONIES

- a) Colonies

- b) i) Colonization and disposal of State Lands.
ii) Disposal and management of Nazul land.
- c) Transfer of state land from one Department to another Department.
- d) Matters arising out of schemes relating to the grant of land to retired and retiring Government Servants.
- e) Five Marlas Housing Schemes.
- f) i). Purchase of stores and capital goods for the department.
ii). Service matters except those entrusted to Services and General Administration Department.

6. **COMMUNICATION, WORKS, HOUSING AND IRRIGATION DEPARTMENT**

A. **COMMUNICATIONS AND WORKS**

1. a) Planning, designing, construction, equipment, maintenance and repairs of all Government buildings, residential and non-residential including rest houses, Government Guest House and Circuit Houses.
b) Evaluation, Fixation of Rent, Control, Management, Leases and Sale of Government buildings.
c) Water Supply and Sanitary Works pertaining to Government buildings and Government Estates, except those assigned under main heading S&GAD under Serial No. 18.
2. Administration of Highways Laws.
3. Laying standards and specifications, for various types of Roads and Bridges.
4. Planning and designing roads and connected works.
5. Constructions, maintenance, repairs and improvement of roads, bridges, culverts, causeways, boat bridges, materiel launches and ancillary bridges for the Highway Department.
6. Administration of roads, bridges and boat bridges, Toll Collection and leases of land for Filling/Service Stations and access roads thereof on roads under the control of Highway Department.
7. Road Research and Material Testing.
8. Execution of work on behalf of other Agencies/ Department as Deposit works.
9. Preparation of architectural plan/drawing of buildings of the Government
10. Engineers training.
11. The furnishing of residential accommodation, rest house residences of President, Prime Minister, Ministers, Adviser including camp offices.
12. Measures for Flood Control.
13. Pre-qualification and enlistment of contractors and regulation of their conduct.
14. Agreements and Contracts.
15. Sanctions of Telephones for Government Offices and Officers.

B. **HOUSING AND PHYSICAL PLANNING.**

1. Physical Planning, regional planning and urban planning.
2. Preparation Master-plans, outline Development Schemes and Town Improvement Schemes.
3. Housing.
4. A villages/ Small Town Development Programme.
5. Housing loans and investments.
6. Matters relating to Public Health Engineering Department including its Establishment.
7. Water Supply, Drainage and Sanitary Schemes.

C. IRRIGATION.

1. Irrigation and Drainage:-
 - a) Rivers and Riverain Surveys.
 - b) Barrages-Construction work and all matters connected therewith.
 - c) Construction and Maintenance of Canals.
 - d) Tube-wells and other Water utilization Schemes.
 - e) Flood Control and Flood Protection Schemes.
 - f) Drainage Scheme.
 - g) Land Reclamation Scheme.
 - h) Storage of Water and construction of Reservoirs.
 - i) Basic and Applied Research in Irrigation Hydraulics, groundwater and Land Reclamation.
 - j) Administration of Canal and Drainage Laws.
 - k) Administration of the Soil Reclamation Laws.
 - l) Assessment of Water Rates.

D. CENTRAL DESIGN OFFICE.

Function to be assigned by Government.

- E.**
1. Service matters except those entrusted to S&GAD.
 2. Purchase of store machinery, equipment & capital goods for the department

7. CUSTODIAN DEPARTMENT

1. Administration of Evacuee Property under the relevant laws.
2. Control of Evacuee Funds.
3. Evacuee Trust Property.
4. Grant of proprietary Rights under the relevant laws.
5. Disposal of revision petitions under rehabilitation laws delegated to the custodian.
6. Service matters except those entrusted to S&GAD.

8. CO-OPERATIVE DEPARTMENT.

1. Co-operative Societies.
2. Co-operative Banks.
3. Co-operative Department Funds and Projects.

4. Appeals under Section 64 & 64 (a) of the Co-operative Societies Act, 1925.
 5. Development Schemes pertaining to Co-operatives.
 6. Service matters except those entrusted to S&GAD.
 7. Purchase of stores and capital goods for the Department.
 8. Liaison with Federal Co-operative Banks.
9. ⁵²**[HIGHER EDUCATION DEPARTMENT].**
1. College Education.
 2. Universities and University Education.
 3. Grant of Scholarships.
 4. Promotion of scientific research, Art and Literature.
 5. Organization of all Public Libraries.
 6. Promotion of Sports.
 7. Nomination of Students for education in the institutions of Pakistan against reserved seats.
 8. Adult Education.
 9. Co-ordination of Schemes for higher studies abroad.
 10. Education of handicapped children especially deaf, dumb and blind.
 11. Libraries.
 12. Sports within education Department and its Institutions.
 13. Service matters except those entrusted to Services and General Administration Department.
 14. Purchase of stores and capital goods for the Department.
10. ⁵³**[ELEMENTARY & SECONDARY EDUCATION DEPARTMENT].**
1. Elementary & Secondary Education
 - a) Primary Education.
 - b) Secondary Education.
 - c) Technical Education.
 2. Grant of Scholarships.
 3. Promotion of scientific research, Art and Literature.
 4. Organization of all Public Libraries.
 5. Promotion of Sports.
 6. Nomination of Students for education in the institutions of Pakistan against reserved seats.
 7. Adult Education.

⁵² Substituted vide Notification No. S&GAD/R/A-4 (94)/2012 dated 12.02.2013

⁵³ Substituted vide ibid.

8. Co-ordination of Schemes for higher studies abroad.
9. Education of handicapped children especially deaf, dumb and blind.
10. Libraries.
11. Sports within education Department and its Institutions.
12. Service matters except those entrusted to Services and General Administration Department.
13. Purchase of stores and capital goods for the Department.

11. **ELECTRICITY DEPARTMENT.**

1. Development, Generation, supply and Distribution of hydrel and thermal power.
2. Determination of rates of supply to consumers in buy and otherwise and prescribing tariffs.
3. Assessment and collection of revenue taxes on electricity.
4. Preparation of Development Plans.
5. Construction of Lt and Ht distribution lines, grid stations and its maintenance, and all matters connected with these activities.
6. Administration of Electricity Act, 1910 and Electricity Rules, 1973.
7. Administrative control and check on the work of Electrical Inspectors.
8. Implementation of Cinematographs Rules, 1976 read with Motion Picture Law relating to the use of electricity and cinematograph apparatus in cinemas.
9. Electrical accidents in connection with generation, transmission, distribution and use of electric energy.
10. Standardization of specifications in respect of electric appliances, machinery and installations.
11. All technical matters including Court cases.
12. Grant, revocation or amendment of Licences of Electric Supply, undertaking and approval of loads.
13. Matters connected with electricity duty and cess under AJK Laws.
14. Regulations, controlling and granting Electrical contractors Licences and Supervisors Competency Certificate and other matters connected with Licensing.
15. Matters connected with village, urban and industrial electrification including formulation and devising criterion for selection of villages.
16. Matters connected with Tube well electrification.
17. Liaison with WAPDA and AJK Council.
18. Service matters except those entrusted to Services and General Administration Department.
19. Purchase of stores and capital goods for the department.

12. **EXCISE AND TAXATION DEPARTMENT.**

1. Survey, Assessment and collection of taxes, excise duty and cess on:-

- a) Cinemas.
 - b) Entertainments, Amusements and betting's.
 - c) Motor Vehicles.
 - d) Professions, trade, callings, employments.
 - e) Urban Immovable properties.
 - f) Hotels.
 - g) Education cess.
 - h) Kashmir Liberation cess.
2. a) Control of Opium, Hemp, narcotics, liquor and intoxicating preparation, import licences.
 - b) Tobacco Vend Fees.
3. Budget and Accounts relating to the heads at item 1.
 4. Registration of Motor Vehicles.
 5. Service matters except those entrusted to Services and General Administration Department.
 6. Purchase of stores and capital goods for the Department.

13. **FINANCE DEPARTMENT**

1. Management of Public Funds i.e.:-
 - a) Supervision and control of Government Finances;
 - b) Preparation of Government budget;
 - c) Preparation of supplementary estimates and demands for excess grants;
 - d) Appropriating and re-appropriations; and
 - e) Ways and Means, including levy of taxes, duties, cess, etc.
2. Public accounts and Public Accounts Committee.
3. The framing of financial rules for guidance of Departments and supervision maintenance of accounts.
4. Framing of rules salary, allowances, privileges and pension of Civil Servants and interpretation thereof;
5. Floatation and administration of Public loans.
6. Examination and advice on matters affecting directly or in-directly the finances of Azad Kashmir:-
 - a) Grants, contributions, other allowances and honoraria, contingencies, recoveries from and payment of Government Departments and cases relating to money matters generally such as defalcations, embezzlements and other losses;
 - b) Emoluments, pensions and allowances; and
 - c) Loans and advances to Government servants.
7. Administration of public revenue save otherwise provided.
8. Communication of financial sanctions.
9. Examination of all proposals for the increase or reduction of taxation.
10. Creation of new posts and upgradation of posts.
11. Examination of Schemes including creation of posts related thereto.
12. Audit of receipts and expenditure.

13. Public debt.
 14. The local Funds Audit Department.
 15. Treasuries and treasure.
 16. To check and scrutinize the accounts of Local Bodies, Auqaf, Zakat and Ushar Deptt. And autonomous bodies.
 17. Delegation of Financial Powers.
 18. Corporate Law Authority.
 19. Services matters, except those entrusted to S&GAD.
 20. Purchase of stores and capital goods for the department.
14. **FOOD DEPARTMENT.**
1. Procurement of Wheat and Sugar.
 2. Distribution of Wheat and Atta and essential commodities specified by Government for this purpose.
 3. Control over prices and supervision of Ration Depots.
 4. Planning and construction of storage accommodation.
 5. Sanction and control of Flour Mills.
 6. Purchase of stores and capital goods for the Departments.
 7. Service matters except those entrusted to Services and General Administration Department.
15. **FOREST, WILDLIFE, FISHERIES AND TOURISM DEPARTMENT**
- A. **FOREST.**
1. Scientific Management of existing public forest estates maximize production of wood and minor forest production and to create new forest resources.
 2. Management of watersheds to conserve soil and water and to improve the productivity of land.
 3. Management of range lands to boost production of forest and livestock.
 4. Promotion of social/farm forestry in private lands.
 5. Establishment of amenity forests and recreational park.
 6. Raising of tree plantation for strategic purpose.
 7. Education of the public for tree planting and provision of technical and advisory services on matters of afforestation to the people and other Government Department.
 8. Forest production; sale, imports and export of forest products and recovery of dues.
 9. Levy of duty, on import of timber.
 10. Botanical Survey.
 11. Regional research in various disciplines of forestry, wildlife, sericulture and fisheries.
 12. Acquisition and transfer of forest lands. Notification/De-Notification in respect of reserve, protected and unclassed forests.
 13. Development planning, budgeting and maintenance of accounts. Implementation of various provisions of Forest Act and rules framed thereunder.
 14. Implementation of various provisions of Forest Act and rules framed there under.
 15. AKLASC.

B. ENVIRONMENTAL PLANNING

C. WILD LIFE, FISHERIES, TOURISM AND ARCHEOLOGY

1. Management of Zoological gardens and promotion of wildlife.
2. Conservation and promotion of FISHERIES in private and public sectors.
3. Development Schemes pertaining to Tourism.
4. Promotion of Tourism Azad Jammu and Kashmir.
5. Promotion of Hotel Industry for Tourism.
6. Games and Hunting.
7. Archeology.
8. Conservation of historical monuments.
9. Museums.
- D.
 1. Purchase of Stores and capital goods for the Department.
 2. Service matters except those entrusted to S&GAD.

16. **HEALTH DEPARTMENT**

1. Public Health and sanitation:-
 - a) Prevention and control of infections and contagious diseases;
 - b) Tuberculosis;
 - c) Eradication/control of Malarias;
 - d) Lepers Act;
 - e) Treatment of patients bitten by rabid animals;
 - f) Adulteration of food stuffs;
 - g) Nutrition surveys;
 - h) Nutrition and publicity in regard to food;
 - i) Vaccination and inoculation;
 - j) Maternity and child welfare; and
 - k) Quarantine.
2. Medical profession:-
 - a) Regulation of medical and other professional qualifications and standards;
 - b) Medical registration;
 - c) Indigenous system of medicines;
 - d) Medical attendance of Government servants;
 - e) Levy of fees by medication officers.
3. Control of medical drugs, poisons and dangerous drugs (Drugs Act and Rules).
4. Medical education including medical schools and college and institutions for dentistry.
5. Control of medical drugs, poisons and dangerous drugs (Drugs Act and Rules).
6. Collection, compilation, registration and analysis of vital health statistics and estimate of population for future projections.
7. Matters relating to Nursing:-
 - a) Administrative control of the entire Nursing Cadre.

- b) Education service and pay of Nursing Cadre.
8. Purchase of Stores and capital goods for the department.
9. Service mater except those entrusted to Services and General Administration Department.
17. **HOME DEPARTMENT**
- A. **HOME SECTION**
1. Public order and internal security.
2. Political intelligence and censorship.
3. Criminal Law.
4. Criminal Lunatics.
5. Arms, ammunition and military stores including licenses for arms and arms manufacturing factories.
6. Control of petroleum and explosives.
7. Public amusement, control over places, performance and exhibitions.
8. Crime reports.
9. All matters connected with police establishment and administration including:-
- a) Police Rules;
- b) Police Works;
- c) Grant of gallantry awards; and
- d) Departmental examination of officers.
10. Extradition and deportation.
11. Passports and permits.
12. Compensation for loss of property or life due to civil commotion or while on duty.
13. Control of Gundas.
14. Smuggling.
15. Clubs.
16. Collective Fines.
17. Hoarding and black marketing.
18. War Book.
19. Commutation and remission of sentences and petitions.
20. Prosecution sanctions for offences under different laws for prevention of corruption.
21. Boarder incidents including incidents where diplomatic actions is required.
22. Political prisoners.
23. Recovery of missing persons.
24. Prohibited maps.
25. Enforcement of provisions of Motor Vehicles Ordinance 1971 and the Rules there under

relating to control of traffic and inspection or checking of Motor Vehicles for the purpose of traffic control.

- 26 Security identity cards.
- 27 Employment Exchanges.
- 28 The Official Secrets Act, 1923.
- 29 Judicial lock-up, security arrangements etc.

B. PRISONS

1. Prisons, Remand Homes, transfer of prisoners, State Political Prisoners, Good conduct Prisoners and Probationer Release Act.
2. Judicial lock-up administration.
3. Appointment of non-official visitors for the Jails.

C. CIVIL DEFENCE:-

1. Civil Defence and A.R.P.
2. Civil Security Schemes.
3. Home guards and territorial forces.
4. Civil Armed Forces.
5. Protection of key points and vital installations.

D. ARMED SERVICES.

1. Matters connected with the Navy, Army, or the Air Force of the Pakistan Marine Service or any other armed forces:-
 - a) Territorial Forces Act and Auxiliary Forces Act;
 - b) Verification of antecedents of persons employed in Defence Services;
 - c) Camping ground; and
 - d) War injuries Schemes.
 2. Liaison with Defence Authorities.
 3. Armed Service Boards.
 4. Fuji Foundation.
 5. A.K.R.F Affairs namely:-
Recommendation for the grant of pensions, scholarships and gratuities etc. of A.K.R.F. Personnel.
- E.**
1. Service matters except those entrusted to Services and General Administration Department.
 2. Purchase of stores and capital goods for the Department.

18. **INDUSTRIES, COMMERCE, LABOUR, MINERAL RESOURCES, SERICULTURE, PRINTING AND STATIONERY DEPARTMENT**

A. INDUSTRIES, COMMERCE, SERICULTURE AND MINERAL RESOURCES.

1. Planning and Development of Industries including Cottage Industries.

2. Industrial research.
 3. Loans and subsidies to industries.
 4. Industrial training.
 5. Industrial control.
 6. Control on prices and distribution of civil supplies.
 7. Industrial exhibitions within the country.
 8. Survey of industries.
 9. Matters relating to the Small Industries Corporation.
 10. Trade and commerce within the Azad Jammu & Kashmir including Government Commercial undertakings, trade control capital, registration of Accountants, Auditors, Partnership Act, Merchandise Marks Act trade condition reports, trade enquiries and agreements.
 11. Chambers and Association of Commerce and Industry.
 12. Presenting to Government Schemes for establishment of Industries for obtaining its approval.
 13. Implementing and executing the scheme approved by Government.
 14. Taking over, managing and running such industries as Government may from time to time decide to hand over to the Board.
 15. Participating in national and international fairs and exhibitions.
 16. Undertaking such other functions as are necessary for the successful execution and management of the industries.
 17. Handloom marketing.
 18. All cases relating to Explosives Act, Boilers act, Patents and designs Act.
 19. Registration of Companies, firms, societies.
 20. Development of Sericulture as Industry.
 21. Mines and Minerals:-
 - a) Geological Survey;
 - b) Development of mineral resources and regulation of mines;
 - c) Mineral Rules;
 - d) Grant and transfer of prospecting licences and mining leases; and
 - e) Import, purchase, distribution and price fixation of coal and coke.
 22. Corporate law Authority.
- B. LABOUR.**
1. Welfare of Labour.
 2. Implementation of Labour Laws, both Central and Provincial.
 3. Labour Legislation.
 4. Welfare of Mine workers.

5. Manpower and Employment including foreign employment.
6. Technical Training and apprenticeship training.
7. Implementation of weights and Measures Enactment.
8. Administration of:-
 - a) Employees Social Security Institution.
 - b) Fixation of minimum wages.
9. Services matters except those entrusted to Services and General Administration Department.
10. Purchase of stores and capital goods for the Department.

C. PRINTING AND STATIONERY DEPARTMENT

1. Government Book Depot' supply of office exchange of publication with Federal and other Provincial Governments.
2. Purchase, Servicing Condemnation of typewriters and duplicators, Photostat, plain paper copiers.
3. Establishment and budget of Press and Stationery office:
4. Printing and Circulation of AJ&K Government Gazette.
5. Procurement of Stationery (both indigenous and imported) and its supply to Departments.
6. Printing and binding at private and Government Presses.
7. Local Purchase of Stationery.
8. Printing and Stationery Manual.
9. Allocation of Stationery to Departments and disposal of waste paper.

19. **LAW, JUSTICE AND PARLIAMETARY AFFAIRS DEPARTMENT.**

A. LITIGATION AND LEGAL ADVICE

1. Conduct of Government Litigation including:-
 - a) representation in criminal cases;
 - b) appeals and applications for enhancement of sentences and convictions; and
 - c) filing and defending civil suits, appeals, etc, by or against the Govt. and Civil Servants.
2. Defence of pauper accused in the Courts and fees to pleaders for such defence.
3. All arbitration matters in which Government or any statutory body set up b Government is a party.
4. Reference to Supreme Judicial Council.
5. Reference to Supreme Court under Section 46-A of the Constitution.
6. Matters relating to legal practitioners, including scales of fee.
7. Matters relating to the approval for appointments of legal advisers and engagement of legal practitioners/Advisers, Law officers for the statutory/autonomous bodies and

determination of their pay or the fee and termination of their services.

8. Government Law Officers, Advocate General, Assistant/Additional Advocate General, Public Prosecutor, Govt. Pleaders, Special Counsels appointment, transfer, leave and fee etc.;
9. Appointment of Notaries Public.
10. Representations against the orders of Mohtasib.
11. Advice to Departments on all legal matters including interpretation of laws, rules and orders having the force of law.
12. Reference to the Advocate General by any other Department for legal advice.

B. PARLIAMENTARY AFFAIRS AND LEGISLATION.

1. Matters relating to the legislature including salaries, allowance and privileges of Speaker, Deputy Speaker and members of the Assembly and Parliamentary Secretaries and leader of the Opposition.
2. Summoning & prorogation of Legislative Assembly and Joint Sitting.
3. Dissolution of Assembly, Liaison with the Departments in matters of the Legislative Assembly.
4. Follow up of the assurances of the Government made on the floor of the house for their implementations.
5. Approval of rules of procedure for legislative Assembly and Joint Sitting.
6. Matters relating to the salary, allowances and privilege of the President.
7. Scrutinizing and drafting of bills, ordinances, notification, rules regulations, statutory orders and by laws.
8. Scrutiny of non-official bills.
9. Scrutiny of contracts and agreements.
10. Authorization for signing of contract deeds/instruments on behalf of the President and the body set up by it.
11. Codification of laws and printing of Acts, Ordinances, rules and orders.
12. Constitutional legislation.
13. Laws relating to legal profession.
14. Civil law and procedure.
15. Election laws except those relating to Local Bodies.
16. Matters relating to Election Commission.
17. Laws relating to Holders of Representative offices except local bodies.
18. Easement licenses and all matters relating to civil service.
19. Evidence Act and Oaths Act.
20. Personal Law.
21. Family Laws.

22. Guardian, Wards and Succession matters.
23. Transfer of Property Act.
24. Arbitration Laws.
25. Wills legacies and intestacy.
26. Insolvency and bankruptcy including the appointment of official assignee and Administrator General.
27. Registration Act, Deeds and conveyances relating to transfer of property and encumbrances, including collection of stamps registration fees and cases levy able under different laws on such deeds.
28. Criminal Law procedure.
29. Law reforms and Law Commissions.
30. Reference to the Council of Islamic Ideology and implementation of its recommendations.
31. Promulgation of ordinance on all subjects.
32. Legislation on any subject not specifically assigned to any Department.

C. JUSTICE WING

1. All matters relating to Supreme Court, High Court, Shariat Court and the Judiciary, in which the approval of the President Advice of the Azad Jammu & Kashmir Council, the orders of the Government Prime Minister, Minister and the matters where concurrence or grant from the Finance Department or recommendations of the Selection Board etc. are required.
2. Establishment of labour Court, rent control Courts and all special Courts and tribunals except Court of revenue rehabilitation and Custodian Department.
3. Recommendations/nominations for appointments to Income Tax Tribunal and Banking Tribunal and Banking Courts.
4. Conferment of magisterial and Judicial Powers.
5. Cases of approval of rules for employees of the Superior Courts under Section 47-A of the Constitution.
6. Co-ordination in matters concerning training at Shariat Academy and Judicial Academy.
7. Approval of rules of procedure for the High Court and subordinate Courts under Section 44-A of the Constitution.

D. HUMAN RIGHTS WING

1. Review of human rights situation in the State including implementation of laws, policies and measures on this subject.
2. Coordination of activities of all Departments in respect of human rights.
3. Initiatives for harmonization of legislation, regulations and practices with the Federal and Provincial Governments and agreement to which State Government is a party and monitoring their implementation.
4. Obtaining information documents and reports on complaints and allegations of human

right violations, departments and other responsible agencies.

5. Refer and recommend investigations and inquires in respect of any incident of violation of human rights.
 6. Pursuing or defending issues, complaints, representations and matters for and against State Government relations to human rights before any official or non governmental organization, body or forum in Pakistan and in consultation with Foreign Affairs Division, Government of Pakistan before any International organization and foreign government or non governmental organization.
 7. Representation of State Government International bodies, organizations and conferences relations to human rights in consultation and in conjunction with Foreign Affairs Division, Government of Pakistan.
 8. Developing and conducting information, programs to foster public awareness of human rights, laws and remedies available against the abuse of human rights.
 9. Formulating programs of teaching of human rights at educational institutions.
 10. Provision of facilities for professional and technical training at home and abroad relating to human rights issues.
 11. Human rights NGOs.
- E.**
1. Service matters relating to the Officers of Law Department and its attached Department and Special Institution except appointment to the post of Secretary Law.
 2. Purchase of Stores and capital goods for the Department.

F **COUNCIL OF ISLAMIC IDEOLOGY.**

1. To make recommendations to the Government, the Assembly and the Council as to the ways and means for enabling and encouraging the Muslims of Azad Jammu & Kashmir to order their lives individually and collectively in all respects in accordance with the principles and concept of Islam as enunciated in the Holy Quran and Sunnah.
2. To advise the Assembly, the Council and the President or the Govt. on any question referred to the Islamic Council as to whether a proposed law is or is not repugnant to the injunctions of Islam.
3. To make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam and the steps by which such measures should brought into effect.
4. To compile inter-alia suitable form for guidance of Assembly and Council.

20. **LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT.**

1. Matters relating to:-
 - a) Local Councils.
 - b) Elections, Election Petitions/ Writ Petitions and Civil Suits in regard to Local Councils through Law Department.
 1. Establishment and Budget of Local Councils except grant-in-Aid for Hospitals and Dispensaries.
 - d) Directorate of Local Government and Rural Development Department and their

- subordinate offices.
- e) Local Taxation and Local Rates.
 - f) Pre-parathion of claims relating to the Local Councils.
 - g) Local Council Service including Engineering Health and Sanitation under the Local Bodies.
2. Registration of Birth and Deaths by Local Councils.
 3. Development Funds and Development Schemes pertaining to Local Councils including water supply, drainage and sanitary schemes and welfare for women folk.
 4. Grants-in-Aid for Local Councils.
 5. Matters relating to compulsory/optional functions of Local Councils other than adult education.
 6. All matters relating to the Local Council Services.
 7. Framing approval of rules, regulations and bye-laws.
 8. Cattle Trespass Act.
 9. Local Government Board.
 10. Slaughter Houses under the local Councils.
 11. Rural Development Councils and Rural Development Program.
 12. Municipal Administration, framing of rules, regulations and bye-laws.
 13. Co-ordination with Civil Defense, Authorities, where necessary.
 14. Jumma Market arrangements.
 15. Graveyards etc. not under Auqaf Department.
 16. Training, Research and Evaluation.
 17. Seminar, Conventions and Publications.
 18. Purchase of stores and capital goods for the Department.
 19. Service matters except those entrusted to S&GAD.

21. **PLANNING AND DEVELOPMENT DEPARTMENT.**

1. Planning and Development including policy and procedures. Co-ordinations work relating to the preparation of the Annual Development Program and its review.
2. Execution and processing of all development schemes, programs and proposals submitted by other Department including autonomous bodies and making recommendations to Government thereupon; functions of the Development Working Party.
3. Maintaining liaison with the national Planning Agencies.
4. Dealing with Autonomous and Semi-Autonomous Bodies in regard to development planning programs.
5. Economic Research.
6. Co-ordination of technical assistance.

7. To monitor and evaluate the progress of development schemes and their critical appraisal.
8. Co-ordination of technical assistance from abroad including training facilities; expert advisory service and equipment.
9. Co-ordination of training of Local Officers and private sector candidates in foreign countries.
10. Matters relating to the Regional Development Projects, (AJ&K).
11. Price Stabilizations Policy.
12. Protocol functions in connection with visits of foreign economic missions and delegations; etc.
13. Initiation of measures for giving suitable publicity to Development plan and educating the public on the results achieved from time to time.
14. Service matters except those entrusted to Services and General Administration Department.

22. **PRIME MINISTER'S INSPECTION TEAM**

1. Inspections of all Development Projects of Government Departments, Autonomous, Semi-Autonomous and Local Bodies except the following:-
 - a) Matters decided and awaiting disposal before judicial or Quasi judicial forum;
 - b) Any work or Judicial Quasi/Judicial nature.
2. Cognizance of any important matter of public interest.
3. To entertain complaints except those relating to services matters of Government Servants, etc.
4. Special assignments under the orders of the Prime Minister (except matter listed as (a) and (b) to item 1).
5. Inspection on Developments Projects.
6. Report on the progress of A.D.P. to Prime Minister.
7. To put up recommendations to the Prime Minister.
8. Service matters of the Team except those assigned to S&GAD.

23. **PUBLIC RELATIONS DEPARTMENT**

1. Publicity and Public relations.
2. Government Hospitality.
3. Promotion of national integration and cultural activities and organization of relevant seminars and symposia.
4. Administration of press laws relating to newspapers, books, magazines, pamphlets, posters, etc. printing presses, excepting the functions etc. entrusted to the Home Department.
5. Control on the reproduction (Publication/printing) of books and literary works of foraging origin.
6. Enforcement of Motion Pictures Laws and the rules framed there under.
7. Observance of national days, in collaboration with S&GAD.
8. Policy and procedure regarding release of official and semi-official

- advertisements through media of press.
9. Public Opinion Survey.
 10. Liaison with newspapers, News Agencies, Radio and Television.
 11. Facilities for the journalistic profession including accreditation of Press Correspondents and Press Photographers, etc.
 12. Films and documentaries, including permission for exhibition of films of foreign Embassies/Missions.
 13. Reference, research and publication relating to publicity material.
 14. Co-ordination with the Government of Pakistan on all matters relating to press, publicity and protocol.
 15. Promotion of Art, Culture and literature.
 16. Financial Aid to the bereaved families Letters”.
 17. Grant-in-Aid to Cultural and Literary Bodies.
 18. Development of Schemes pertaining to Art and Culture.
 19. Purchase of Stores and Capital goods for the Department.
 20. Service matters except those entrusted to S&GAD.
24. **SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**
1. Cabinet work, including:-
 - a) Cabinet appointments, salaries and privileges of Ministers; and
 - b) all Secretariat work of the Cabinet including convening of meetings.
 2. General Co-ordination.
 3. Honours, Awards and Sanads for Public Service.
 4. Cypher and other Codes.
 5. Ceremonials including:-
 - a) Warrant of Precedence, Table of precedence and protocol;
 - b) AJ&K Flag Rules;
 - c) Civil Uniforms;
 - d) Court mourning; and
 - e) Liveries and clothing Rules;
 6. Holidays.
 7. Office management, including:-
 - a) Civil Secretariat and Government offices generally;
 - b) Secretariat standing orders; and
 - c) Memorials and petitions standing orders.
 8. Preparation of civil list.
 9. Service Associations.
 10. Service rules relating to various services and posts and interpretation thereof.
 11. Rights and interests of members of Services
 12. Matters connected with the recruitment, training, pay, allowances, promotion, leave,

posting and transfers of:-

- a)
 - i) AJ&K Secretariat.
 - ii) Ministerial establishment of the AJ&K Secretariat
 - b) Matters concerning Lent officers/ deputationists from Pakistan.
13. Re-employment of retired officers.
14. Appointment of Commissions of Inquiry or panel of officers in cases of misconduct of Government Servants.
15. Organization and methods including:-
- a) Periodic Review of the organization staff, functions and procedure of the departments, Attached Department and Subordinate Offices and suggestions for improvement thereof;
 - b) Improvement of general efficiency and economic execution of Government business;
 - c) Advice regarding proper utilization of stationery and printing resources of the Government;
 - d) training in organization and Method;
 - e) suggestions Scheme;
 - f) preparation of Manuals;
 - g) career pattern of Government employees;
 - h) review of the staffing pattern of Government Departments;
 - i) simplification of forms and procedures;
 - j) departmental examinations;
 - k) in- service/ pre-service training of ministerial employees and Section Officers;
 - l) matters connected with training at the National Institutes of Public Administration , Lahore Peshawar, Quetta & Karachi & Pakistan Academy for Rural Development Peshawar (Divisional level Courses);
 - m) O& M assignments.
16. Administrative matters relating to Public Service Commission.
17. Framing and alteration of Rules of Business for Government and allocation of Business among ministers.
18. Provision of residential accommodation to Government Servants;-
- i) Sponsoring and co-ordination of schemes relating to the construction of pooled Government accommodation for residences.

N.B Maintenance, additions, alteration and improvements in respect of such schemes shall continue to rest with Communication and Works Departments.
 - ii) Allotment of residential accommodation including requisitioning of private houses for residential purposes and assessment of rent.
 - iii) Civil Secretariat Complex; and
 - iv) General Co-ordination in the above matters

19. Observance of national days
 20. Provisions of official address system
 21. Monitoring the implementation of Government policies.
 22. Official Language Committee.
 23. High officers Reservation.
 24. Identity cards for civil officers.
 25. Compilation of the list of persons dismissed/ debarred for future employment under Govt. for submission to the Government of Pakistan.
 26. Partition work.
 27. Absorption of surplus staff and allied matters.
 28. Expeditious finalization of delayed pension and G.P Fund cases.
 29. Employees welfare schemes.
 30. Administrative matters relating to Service Tribunal.
 31. Essential Services maintenance Act.
 32.
 - i) Standardization of stores/ equipments etc. of common use of all departments;
 - ii) Examination and approval of the recommendations of the departmental standardization of stores/equipments etc.; of specialized nature to be used by a particular department.
 - iii) Approval of amendments/ deletions etc. in the list of standardized stores/ equipment etc.; proposed by the Departmental Standardization Committee.
 - iv) Issuance of purchase Manual and its amendments/ clarifications etc whenever required in consultation with Finance Department.
 33. Purchase of stores and capital goods for the Department.
25. **SOCIAL WELFARE AND WOMEN AFFAIRS DEPARTMENT**
1. Creation of social awareness by motivational methods.
 2. Professional and financial assistance to registered voluntary social welfare agencies.
 3. Socio- economic development of the people particularly women.
 4. Training and rehabilitation of the destitute and under privileged and neglected section of the society such as orphans, widows and destitute, etc.
 5. Training and Rehabilitation of the handicapped and chronically sick.
 6. Eradication of social evils.
 7. Relief and rescue services during calamities and national Emergency.
 8. To provide opportunities and training to poor women in both urban and rural areas to enable them to generate their own income.
 9. Service matters except those entrusted to S&GAD.
 10. Co-ordination with Local Govt. Department for Social Welfare Schemes out of its funds.

26. USHER AND ZAKAT DEPARTMENT

1. Execution of the policy laid down and decision taken by the Zakat Council.
2. Supervision and guidance of local, Tehsil and District Zakat Committees.
3. Assessment and collection of Zakat and Usher.
4. Distribution of Zakat funds to local Zakat Committee, Deeni Madarsas and Welfare Institutions.
5. Compilation and collection of data regarding number of beneficiaries and the amount utilized.
6. To arrange training of Chairman and members of Zakat Committees and officers associated with Zakat work.
7. Mobilization of public opinion about voluntary contribution of Zakat.
8. Purchase of stores and capital goods for the Department
9. Service matters except those entrusted to S&GAD.

27. YOUTH, CULTURE AND SPORTS DEPARTMENT

1. Sports Organizations and grants-in-aid to them
2. Financial assistance to arts organizations, artists and journalists and their bereaved families
3. Pride of performance award in the field of arts and sports.
4. Promotion of education in arts and culture
5. Development and control of film industry.
6. Policy on all aspects of Youth Affairs in conformity with national objectives and laws.
7. Legislation covering all aspects of Youth Affairs and matters ancillary thereto, in consultation with the department.
8. Coordination of aid/assistance from Pakistan for Youth Affairs.
9. Inter-provincial coordination on all aspect of Youth Affairs.
10. Monitoring of the implementation of policies on all aspects of Youth Affairs.
11. Arrangements for activities for Youth such as Seminars/Exhibitions, Festivals and other events.
12. Regulation of administrative, budgetary and other matters of organizations dealing in youth Affairs.
13. Youth activities and movements pertaining to youth outside educational institutions.
14. Youth Exchange Programmes (External) excluding students.
15. Youth Centers (excluding students)
16. All Youth Organizations and Forums (excluding students).
17. Service matters except those entrusted to S&GAD.
18. Co-ordination with P.R.D. in matters of promotion, Art, Culture and Literature.

28. **TRANSPORT DEPARTMENT**

- a) Administration of the Azad Kashmir Motor Vehicles Ordinance (excepting enforcement of provisions relating to control of traffic and inspection and checking of motor Vehicles for the purpose of traffic control).
- b) Matters relating to Azad Jammu and Kashmir Transport Authority.
- c) Service matters except those entrusted to Services and General Administration Department.



Schedule –III
(See Rule 5(2))

List of cases to be submitted to the Prime Minister for his approval before issue of orders.

| Sr. No. | Cases |
|---------|---|
| 1. | Annual Budget Statement. |
| 2. | i) Authentication of budget under Section 39 (1) of the Constitution. ii) Supplementary grants in budget. |
| 3. | Laying of Supplementary Statement of expenditure before the Assembly. |
| 4. | Cases in which Federal Government of Pakistan or the Council has issued advice. |
| 5. | (a) Rules of Business, framing or alteration thereof. (b) Removal of difficulties. |
| 6. | Bill or amendment in respect of matters for which the Assembly has power to enact, to be introduced or moved in the Assembly during the State of Emergency. |
| 7. | Proposal involving major changes in the function or powers of Secretaries, Board of Revenue, Commissioners and Heads of Attached Departments. |
| 8. | All cases which are liable to involve Government into controversy with Federal Government or with any Provincial Government or with the Council. |
| 9. | All cases which may have bearing on relations with a Foreign Government. |
| 10. | Cases regarding the conditions of service or promotion of or disciplinary action against members of All Pakistan Service or holders of appointments normally held by them. Cases to be referred to the Federal Government shall be shown to Prime Minister both before a reference is made to the Federal Government as well as before final orders are issued. |
| 11. | Recommendations for the grant of honours and awards. |
| 12. | Selection of Officers for appointment under the Federal Government, a Provincial Government or the Council. |
| 13. | Matters of Policy in which Minister proposes to rescind an order passed by his predecessor in office. |
| 14. | All statutory appointments under corporations and bodies of the status of Deputy Secretary and above which are required to be made or approved by Government. |
| 15. | (a) All cases relating to appointment and promotion of officers to the posts in BPS-19 or above and officers of equivalent rank and status, including Dy Commissioners, Superintendents of Police/A.I.G. Police and Dy; Secretaries in the Secretariat. (b) All cases relating to disciplinary action against officers in BPS 18 & above at the stage of initiation of disciplinary proceedings and imposition of major penalty under the Civil Servant (E&D) Rules, 1977. (c) All cases relating to Adhoc appointments and major penalties against officers in BS-17 and above. (d) Appointment, removal, resignation and terms and conditions of Service of Additional Advocate General and Assistant Advocate General. (e) Transfer of Officers to the post in BPS-19 and above & to the post of Dy: Commissioner, Superintendent of Police/A.I.G.P. |
| 16. | All cases of relaxation of service Rules. |
| 17. | Appointment of Parliamentary Secretaries and Determination of their pay Allowances. |

18. Appointment of Advisors and Special Assistants to the Prime Minister and Determination of their Privileges.
19. Appointment, removal and resignation of Ministers and Determination of their privileges.
20. Framing of Service Rules and other statutory Rules to be made by the Government.
21. Cases enumerated in Schedule V which are to be Submitted to the President for his approval before issue of orders where advice of Prime Minister is required.
22. Delegation of powers under Section 12 of the Constitution and under other statutory provisions.

SCHEDULE-IV

(See Rules 5(3))

List of Cases to be submitted to the Prime Minister for information

1. All periodical reports of Heads of Department and Proposed actions on such reports.
2. Press notes issued by the Public Relations Department.
3. All periodical and Special reports by Administrative and Executive Officers, of a Political nature or relating to law and order such as the fortnightly reports submitted by Commissioners. Deputy Commissioners, and Situation Reports submitted by the Police.
4. Intelligence reports.
5. Reports of Commissions of enquiry appointed by Government.
6. Matters in which advice of AJK Council is received or is required.

SCHEDULE-V

(See Rule 11(1))

List of cases to be submitted to the President for his approval before issue of Orders

1. Summing and Prorogation of the Assembly and Joint Sitting of the Assembly and Council.
2. Promulgation of Ordinances.
3. Advocate General, appointment, duties, removal, resignation and terms and conditions of service.
4. Framing of Rules for the custody of the Government Consolidate Fund and transactions thereof.
5. Reports relating to the Accounts of the Government.
6. Council of Islamic Ideology:
 - (i) Appointment, resignation and removal of member and Chairman
 - (ii) Rules of Procedure.
 - (iii) Reference to the Council of Islamic Ideology whether a proposed law is or is not repugnant to the injunctions of Islam.
7. Making of Rules of Procedure of the Assembly and Joint Sitting of the Assembly and Council.
8. Rules of Business and other Rules, etc. issued under Section 58 of the Constitution framing of alteration thereof.

9. Appointment of Officers on the Secretariat staff of the President.
10. Grant of Pardons, reprieves, respites remission, suspension of commutation of any sentence passed by any Court, Tribunal or authority.
11. Prosecution, removal or dismissal of officers appointed by the President.
12. Supreme Court:-
 - (a) Sitting of the Court at places other than Muzaffarabad.
 - (b) Appointment of the Chief Justice other Judges and their resignation, removal, allowances and privileges.
 - (c) Reference to Supreme Court on any question of law.
13. High Court:-
 - (a) Sitting of the Court at places other than Muzaffarabad.
 - (b) Appointment of Judges, their resignation, removal, allowances and privileges.
14. Shariat Court:-

Appointment of Judges, their resignation, removal, allowances and privileges.
15. Reference to the Supreme Judicial Council.
16.
 - i) Matters relating to Mohtasib
 - ii) Representation under Section 32 of the Establishment of the office of Mohtasib (Ombudsman) Act, 1992.
17. Assent to the Bills passed in the Assembly and the Joint sitting of Assembly and Council and authentication of budget under Section 38(4) of the Constitution.
18. Public Service Commission
 - (i) Appointment, removal or resignation of Chairman and members of the Public Service Commission and their terms and conditions of service.
 - (ii) Its strength
 - (iii) Non-acceptance of its advice.
19. Service Tribunal:-
 - (i) Appointment, resignation and removal of members and Chairman.
 - (ii) Terms and conditions of their appointment.
20. Appointment of Chief Election Commissioner and his leave, removal and related matters.
21. Cases relating to University on which orders of Chancellor or President are required.
22. Zakat Council:-

Appointment, resignation and removal of members and Chairman.

SCHEDULE-VI

(See Rule 11(2))

List of Cases to be submitted to the President for information

1. (a) All Periodical reports by administrative and executive Officers of a Political nature or relating to law and other, such as the fortnightly reports submitted by the Inspector General of Police.
- (b) All special reports by administrative and executive Officers relating to matters which may seriously affect the peace and tranquility of the territory or any part thereof.
- (c) All periodical reports of the Heads of Department and proposed action on such reports.
2. Press notes issued by the Public Relations Department.
3. Intelligence reports
4. Annual report of Public Service Commission.
5. Annual report of Mohtasib.

SCHEDULE-VII

PART-A
(See Rule 21(1))

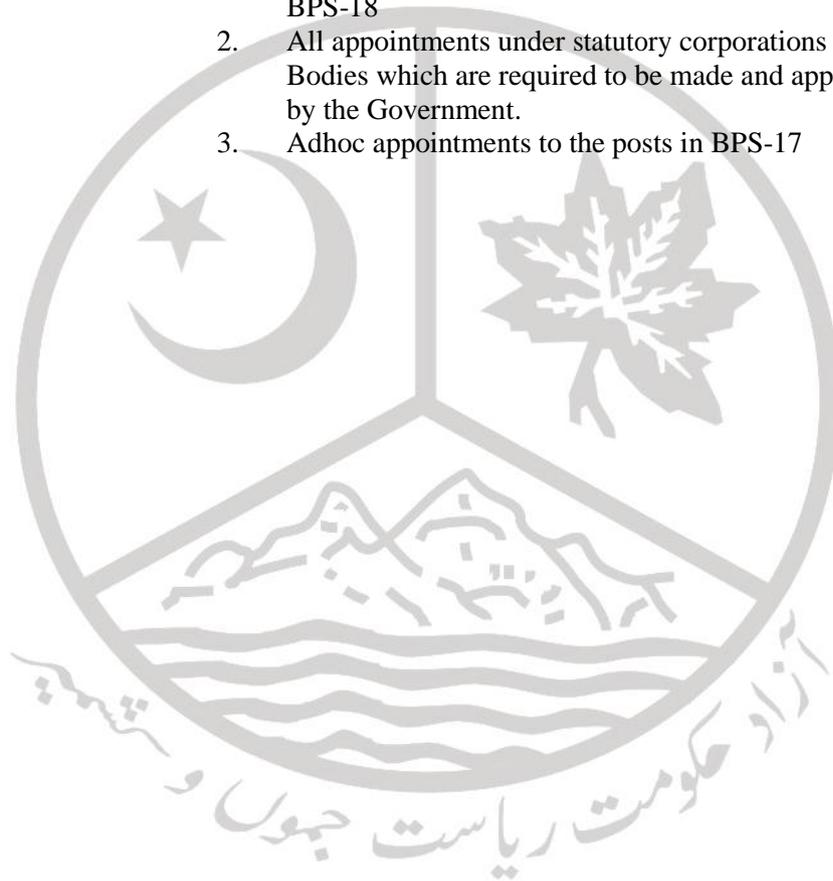
List of Cases relating to appointment, promotions, postings and transfers to submitted to the Prime Minister before issue of orders

| Sr.# | Name of Department | Name of Post |
|-------------|---|--|
| 1. | 2. | 3. |
| 1. | Agriculture and Animal Husbandry Department | 1. Director Agriculture |
| 2. | Ammer-Bil-Marooof-Wa-Nahi-Anil-Munkar | 2. Director Animal Husbandry, Director Ammer-Bil-Marooof-Wa-Nahi-Anil-Munkar |
| 3. | Anti-Corruption Department | Director Anti-Corruption |
| 4. | Auqaf Department | 1. Chief Administrator Auqaf 2. Project Director Khari University |
| 5. | Board of Revenue | 1. Commissioner (Muzaffarabad Division) 2. Commissioner (Mirpur Division) 3. Commissioner (Rehabilitation) 4. Commissioner (Relief) 5. Commissioner (Mangla Dam Affairs) 6. Commissioner (Settlement) 7. Director Land Record |
| 6. | Communication & Work Department | 1. Chief Engineers 2. Chairman Development Authorities. |
| 7. | Co-operative Department | Registrar, Co-operative Societies |
| 8. | Custodian Department | Custodian Evacuee Department |
| 9. | Education Department | 1. Director Public Instructions (Colleges) 2. Director Public Instructions (Schools) 3. Chairman Board of Intermediate and Secondary Education |

| Sr.# | Name of Department | Name of Post |
|-------------|--|--|
| 1. | 2. | 3. |
| 10. | Electricity Department | 1. Chief Engineer 2. Electrical Inspector. |
| 11. | Excise and Taxation Department | Collector Excise and Taxation |
| 12. | Finance Department | 1. Accountant General, AJK 2. Director Local Fund Audit. |
| 13. | Food Department | Director Food |
| 14. | Forest Department | 1. Chief Conservator of Forests 2. Managing Director AKLASC 3. Director General, Prevention of (Wildlife) Control of Hunting, Fisheries, Tourism 4. Archeology. Director, Environmental Planning |
| 15. | Health Department | 1. Director Health Services 2. Project Director, Institute of Medical Sciences |
| 16. | Home Department | 1. Inspector General Police. 2. Deputy Inspectors General of Police. 3. Superintendent of Police/A.I.G.Ps. 4. Inspector General Prisons 5. Director Civil Defence. 6. Director Armed Services Board |
| 17. | Industries Department | 1. Director Industries, Commerce, Mineral Resources and Labour. 2. Chairman A.K.M.I.D.C. 3. Controller Printing Press. 4. Heads of Department under the Statute Provisions |
| 18. | Local Govt. and Rural Development Deptt: | 1. Director Local Govt. and Rural Development 2. Chairman AJ&K Local Govt. Boards 3. Election Commissioner, Local Boards. |
| 19. | Planning & Development Department | Co-coordinator/Project Director P&D. |
| 20. | Prime Minister Inspection Team | Chairman Prime Ministers' Inspection Team |
| 21. | Public Relations Department | Director General, Public Relations. |
| 22. | Services and General Administration Deptt. | 1. Deputy Commissioners 2. Commissioners. 3. Members Board of Revenue 4. Posts in the Secretariat to and above the rank of the Additional Secretary except the Law Department ⁵⁴ . |
| 23. | Social Welfare and Women Affairs Deptt: | Directors, Social Welfare and Women Affairs |
| 24. | Transport Department | Chairman, Provincial Transport Authority. |
| 25. | Ushar and Zakat | Chief Administrator Ushar and Zakat |

⁵⁴ Substituted vide Notification No. S&GAD/R-A-4(94)/2015-P-XIV dated 19-7-2016

| Sr.# | Name of Department | Name of Post |
|------|--|--|
| 1. | 2. | 3. |
| 26. | Department Youth, Culture and Sports | ⁵⁵ (i) Director, Sports (ii) Director Youth and Culture |
| 27. | <u>General:-</u> a) Department Concerned through Services and General Administration Department b) Department Concerned | 1. All officers against the posts in BPS-19 2. Chairman and Members of Statutory Corporations under the Control of the Govt. 1. All other appointments, promotions to the posts in BPS-18 2. All appointments under statutory corporations and Bodies which are required to be made and approved by the Government. 3. Adhoc appointments to the posts in BPS-17 |



**SCHEDULE VII
PART-B**

**List of cases relating to appointment and transfers to be submitted to the Minister Incharge of
the Department before issue of orders**

1. Appointment of Officers to the posts in BPS-17 and 18 on the recommendations of appropriate Selection Authority except the posts in the cadre strength of Civil Secretariat, ⁵⁶[Administrative Service] and Police Service⁵⁷.
2. Adhoc appointments to the Posts in BPS-16

SCHEDULE-VIII

(See Rule 22(1))

AUTHORITIES COMPETENT TO MAKE TRANSFERS

PART -A

In the Secretariat

- 1) Secretaries Services & General Administration Department with the approval of the Prime Minister
- 2) Additional Secretaries *[*****] Services & General Administration Department in consultation with the Department concerned with the approval of the Prime Minister.
3. **Officers in B-18:-
 - a) within Secretariat: Chief Secretary
 - b) to and from an attached Department Chief Secretary
 - c) in the same Department Secretary concerned
4. **Employees in BS-12 to 17:-
 - a) within the same department Secretary concerned
 - b) within the Secretariat Secretary concerned
 - c) to and from an attached department Secretary concerned
5. ***Officials from BS-6 to 11:-
 - a) From one department to another department a) Secretary S&GAD in consultation with concerned department⁵⁸.
b) Additional Secretary, DIG, Divisional Commissioner, Controlling Officer B-19
 - b) To and from an Attached Department Secretary concerned
 - c) In the same department -- ditto --
6. ***Officials from BS-1 to 5:-

⁵⁶ ibid

⁵⁷ Substituted vide Notification No. S&GAD/R-A-4(94)/2015-P-XIV dated 19-7-2016

⁵⁸ Substituted vide Notification No. S&GAD/R-A-4(94)/2015-P-XIV dated 19-7-2016

- | | | |
|----|---|---|
| a) | From one department to another department | Secretary S&GAD in consultation with concerned department ⁵⁹ . |
| b) | To and from an attached department | Secretary concerned |
| c) | In the same department | -- ditto -- |

* Omitted vide Notification No.S&GAD/A-4(94)/2011, dated: 23-07-2011

** Item 3 and 4 substituted vide: ibid

*** Item 5 and 6 added vide: ibid

PART-B

In the Supreme Court, High Court, Sharait Court, Council of Islamic Ideology and Judiciary

- | | | |
|----|---|--|
| a) | To the Posts in B-19 | Prime Minister through Law Department through Law Department |
| b) | Officers in BPS-17 & 18 from one functional unit to another or within Judiciary or from and to Law Department | Law Minister |
| c) | Officials Officers within the institutions concerned. | Appointing Authority or the Officers especially authorized. |

PART -C

In the Attached Department

- | | | |
|------|--|---|
| 1) | Heads of Attached and equivalent. | Services & General Administration Deptt. With the approval of the Prime Minister. |
| 2) | Officers shown in Schedule VII other than (1) above | S&GAD, in consultation with Department concerned with the approval of the Prime Minister. |
| 3) | Head of Divisional, Circle and Regional Offices in B-19 and Deputy Commissioners, Superintendents of Police and A.I.G. Police. | -Ditto- |
| 3-A) | Assistant Commissioner (B-17/18) | Chief Secretary ⁶⁰ |
| 4) | To and from one Attached Deptt: and from one another. | S&GAD, on the initiation of the Deptt: concerned with the approval of the Prime Minister. |
| 5) | Officers in BS-18 within the same Department | Chief Secretary |
| 5-A) | Officers in BS-17 within the same Department | Secretary concerned |

⁵⁹ Substituted vide Notification No. S&GAD/R-A-4(94)/2015-P-XIV dated 19-7-2016

⁶⁰ Substituted vide Notification No. S&GAD/R-A-4(94)/2015-P-XIV dated 19-7-2016

- | | | |
|----|---|---|
| 6) | *Officers in BS-18 within the Police Department | As per (4) above |
| 7) | **Officers in B-16 & 17 within the Police Department | Inspector General of Police |
| 8) | Officers in B-16 with an Attached Deptt: (except(7)above) | Secretary to Govt. in the Department concerned. |
| 9) | Officials up to B-15 within the Attached Department | Appointing Authority or the Officers especially authorized. |

SCHEDULE –IX

(See Rule 44(5))

ADMINISTRATIVE AUTHORITIES

A. Head of Administrative Department

1. Chief Justice, Azad Jammu & Kashmir. Supreme Court
2. Chief Justice, Azad Jammu & Kashmir, High Court
3. Chief Justice, Azad Jammu & Kashmir, Shariat Court
4. Chairman. Council of Islamic Ideology.
5. Chief Election Commissioner
6. Chief Secretary
7. Chairman Public Service Commission
8. Chairman, Service Tribunal
9. Senior Member Board of Revenue
10. Custodian.
11. Additional Chief Secretary
12. Secretaries to the Government
13. Chairman, Prime Minister's Inspection T
14. Secretary, AJ&K Legislative Assembly.

Item No. 5, 6 & 7 Substituted vide Notification No.S&GAD/A-4(94)/2011 dated: 23-07-2011

B. Officers of Category I.

1. Member, Board of Revenue
2. Inspector General of Police
3. Commissioner/Commissioner Stamps
4. Chief Administrator Zakat and Ushar
5. Advocate General
6. Chief Conservator of Forests
7. Chief Engineer PWD
8. Chief Engineer, Electricity
9. Director Public Instructions (Colleges)
10. Director Public Instructions (Schools)
11. Director Health Services
12. Director General, Prevention of wild Life, Control of Hunting
13. Registrar Supreme Court
14. Additional Secretaries
15. Chief Administrator Auqaf
16. Director, Local Government, Rural Development Social & Welfare.

17. Director Agriculture
18. Director Animal Husbandry
19. Director Industries
20. Director Food
21. Inspector General Prisons.
22. Director Armed Services Board
23. Controller, Government Printing & Stationery Department
24. Director, Amr-Bil-Marroof-wa-Nahi-Anil-Munkar
25. Registrar, Co-operative Societies
26. Director Anti-Corruption Establishment.
27. Director, Environmental Planning
28. Election Commissioner, Local Bodies.
29. Director, Civil Defence
30. Director, Social Welfare and Women Affairs
31. Commissioner Rehabilitation
32. Director, Staff Training Institute
33. Director, Ch. Ghulam Abbas, Institute of Medical Sciences.

C. Officers of Category II

1. Divisional Director, Schools
 2. Superintending Engineer, PWD.
 3. Superintending Engineer, Electricity
 4. District and Sessions Judges
 5. Deputy Inspector General of Police.
 6. Conservator of Forest.
 7. Chairman, Provincial Transport Authority
 8. Deputy Commissioners/Deputy Secretaries
 9. Additional Development Commissioner
 10. Additional Commissioner Revenue
 11. Additional Commissioner Settlement
 12. Superintendent Police
 13. Principals of Degree Colleges
 14. Secretary, Public Service Commission
 15. Registrar, High Court
 16. Secretary, Council of Islamic Ideology
 17. Principal, College of Education
 18. Secretary, Election Commission
 19. Registrar, Shariat Court
 20. Director, Culture and Sports
 21. Director, Land Records
 - *22. Project Director Jinnah Dental Hospital
 23. Omitted⁶¹
- * Added Vide Notification No.S&GAD/R/A-4 (94), dated: 31-01-1995(P-IV)

D. Officers of Category III

1. Deputy Director/Directress

⁶¹ Omitted vide Notification No. S&GAD/R/A-4(94)/2014, P-XIII dated 15-06-2016

2. Chief Malaria Eradication Officer
3. Superintendent, District Headquarters Hospital
4. Principal, Agricultural Research Instituted
5. Additional Director Agriculture.
6. Horticulturist
7. Agricultural Agronomist
8. Deputy Director Health Services
9. District Qazi
10. Deputy Inspector General (Prisons)
11. Project Director Para Medical Institute Mirpur
12. Assistant Inspector General of Police
13. Potato Botanist
14. Deputy Director Animal Husbandry
15. Deputy Director Agriculture
16. Deputy Director Industries
17. Deputy Director Food
18. Deputy Director Labour
19. Deputy Director Industries
20. Deputy Director Local Government
21. Deputy Registrar Co-operative Societies
22. District Health Officer
23. Executive Engineer PWD
24. Executive Engineer Electricity
25. Divisional Forest Officers
26. District Education Officers
27. District Malaria Eradication Officers
28. Superintendent Chest Diseases Hospital
29. Principals of Intermediate Colleges.
30. Assistant Commissioner
31. Settlement Officer
32. Sub Judges
33. Executive Engineers Local Govt. and Rural Development
34. Diseases Investigation Officers

35. Under Secretaries/Section Officers
36. Principal Agro Technical College
37. Principal Elementary College
38. Assistant Director Health Services
39. Deputy Director W.F.P (Health)
40. Deputy Medical Superintendent
41. Principal Para Medical School
42. Deputy Registrar, High Court
43. Deputy Election Commissioners
44. Assistant Chief, Development
45. Entomologist (Agriculture)
46. Soil Chemist (Agriculture)
47. Assistant Director (Sericulture)
48. Entomologist (Health)
49. Electric Inspector⁶²

E. Category –IV

All other Gazetted Officers

SCHEDULE –X
(See Rule 22(3))
Tenure Posts

- | | | |
|----|--|---------|
| 1. | Additional Secretaries, Deputy Secretaries and Section Officers who are not member of the Secretariat Service. | 3 years |
| 2. | Head of Attached Department | 3 years |
| 3. | Commissioners other Divisional/District Officers. | 3 years |

NOTE: The Prime Minister may extend or curtail the tenure mentioned above⁶³.

⁶² Added vide Notification No. S&GAD/R/A-4(94)/2014, P-XIII dated 15-06-2016

⁶³ Substituted vide Notification No. S&GAD/R-A-4(94)/2015-P-XIV dated 19-7-2016

**AZAD JAMMU AND KASHMIR
PUBLIC SERVICE COMMISSION ACT, 1986**

“Muzaffarabad”

Dated: 9th March, 1986

No: 401-5/LD/Leg (A)/86. The following Act of the Assembly received the assent of the President on 5th day of March, 1986, is hereby published for general information:-

(ACT XVII of 1986)

**AN
ACT**

to provide for Azad Jammu and Kashmir Public Service Commission

WHEREAS it is expedient to provide for Azad Jammu and Kashmir Public Service Commission and for matters ancillary thereto in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. **Short Title and Commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Public Service Commission Act, 1986.
(2) It shall come into force at once.
2. **Definitions:-** In this Act, unless there is anything repugnant in the subject or context:
 - (a) “**Commission**” means the Azad Jammu and Kashmir Public Service Commission;
 - (b) “**Government**” means the Azad Government of the State of Jammu and Kashmir;
 - (c) “**Member**” means a member of the Commission and includes the Chairman thereof;
 - ¹[(cc) “**Prescribed**” means prescribed by rules made under this Act;]
 - (d) “**President**” means the President of Azad Jammu and Kashmir;
 - (e) “**Service of Azad Jammu and Kashmir**” means the Service of Azad Jammu and Kashmir as defined in the AJ&K Interim Constitution Act, 1974;
 - (f) ² [State Subject” means the State Subject as defined in the Azad Jammu and Kashmir Interim Constitution Act, 1974.]
3. **Composition of Commission etc:-** ³[(1) There shall be an Azad Jammu and Kashmir Public Service Commission consisting of ⁴[11] members including the Chairman:
Provided that the Administrative Secretary incharge of the Department to which the post for recruitment belongs, shall be ex-officio member of Commission].
 - (2) The Chairman and the other members of the Commission shall be appointed by the President.
⁵[**]
 - ⁶[(3) (i) ⁷[Five] members of the Commission shall be appointed from amongst the retired officers who have held office in the service of Azad Jammu and Kashmir ⁸[or Pakistan] in basic pay scale 20 or above:

¹ Inserted vide the Act No. VIII of 1991, dated 19.01.1992.

² Inserted vide [Act VI of 2017] dated 15.03.2017 Azad Jammu and Kashmir Public Service Commission (Amendment) Act, 2017.

³ Substituted vide Act XXIV of 2014, dated 20.06.2014

⁴ Substituted vide Act [Act XXI of 2020] of 25.06.2020

⁵ Both Proviso omitted vide Act XXIV of 2014, dated 20.06.2014.

- (ii) Two Members of the Commission shall be educationist to be appointed from amongst the retired officers, who have held office as a head of an institution or educational department:-
- (a) In the service of Azad Jammu and Kashmir ⁹[or Pakistan] belonging to teaching or administration cadre of Education Department in basic pay scale 20 (substantive) or above; or
- (b) In any recognized University or educational institution of Azad Jammu and Kashmir ¹⁰[or Pakistan] in basic pay scale 20 or above:
- (iii) Four Members of the Commission shall be as under:-
- (a) A retired judge of superior judiciary or a retired District and Sessions Judge in basic pay scale 21:
Provided that a judge so appointed shall get pay and allowances etc., equivalent to other Members of the Commission.
- (b) A woman possessing Ph.D. or Master degree and fifteen years relevant experience in public or private sector; and
- (c) One professional with not less than twenty years experience in the field of engineering, agriculture, medicine, environment, applied sciences, law, psychiatry or any other professional field;
- (d) One retired officer from amongst the State Subjects of Azad Jammu and Kashmir not below the rank of Lieutenant Colonel or equivalent from Armed Forces of Pakistan].
- (4) The pay and other conditions of service of members shall be such as may be determined by the President:
Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.
- ¹¹[(5) No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in, the constitution of the Commission.]

4. **Term of Office of Members, etc:-** ¹²[(1) The term of office of a member shall be three years:

Provided that in the case of a person who was in the service of Azad Jammu and Kashmir immediately before his appointment, as member, the term of office shall be three years or till he retires from service of Azad Jammu and Kashmir, whichever is earlier;]

¹³[Provided further that the President may for reasons to be recorded in writing terminate the appointment of a Member or the whole commission, as the case may be, before the expiration of his term of office.]

¹⁴[**]

⁶ Substituted vide ibid Act.

⁷ Substituted vide Act [Act XXI of 2020] of 25.06.2020

⁸ Inserted vide [Act VI of 2017] dated 15.03.2017 Azad Jammu and Kashmir Public Service Commission (Amendment) Act, 2017.

⁹ Ibid

¹⁰ Ibid

¹¹ Inserted vide Act No. VIII of 1991, dated 19.01.1992.

¹² Substituted vide Act ibid.

¹³ Inserted vide [Act VI of 2017] dated 15.03.2017 Azad Jammu and Kashmir Public Service Commission (Amendment) Act, 2017.

¹⁴ Omitted vide Act XXIV 2014, dated 20.06.2014

(2) A member may resign his office by writing under his hand addressed to the President.

¹⁵[(3) In case of a member or Chairman is unable to perform his functions or is removed from his office, the term of a fresh appointment shall not exceed unexpired period of his term as Member or Chairman.]

¹⁶[4-A. **Oath of Office:-** Before entering upon his office, Chairman and Member shall take oath in the form set out in the Schedule to this Act, before the President, in case of Chairman and before the Chairman in case of a Member.]

5. ¹⁷[**]

6. ¹⁸[**]

7. **Functions of the Commission:-** The functions of the commission shall be:-

(a) to conduct tests and examinations for recruitment to the civil services of Azad Jammu and Kashmir and such posts in connection with the affairs of the Government as may be prescribed by rules made under Section 11;

(b) to advise the President on matters relating to qualifications for, and method of recruitment to, the services and posts referred to in clause (a); and

(c) any other matter which the President may refer to the Commission.

Explanation: In this section, 'recruitment' means initial appointment otherwise than by promotion or transfer.

¹⁹[7-A **Conduct of Business of Commission etc:-** The Chairman of the Commission may, with the approval of the Government, make rules for regulating the conduct of the business of the Commission, and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee, composed of two or more members, constituted by the Chairman for the purpose.]

8. **Commission to be Informed when its Advice not Accepted:-** Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.

9. **Previous Appointments:-** Notwithstanding anything contained in Section 7, or any law for the time being in force or an appointment order:

(a) All persons recruited without reference to the Commission to the posts prescribed under Section 7, at any time between twenty fourth day of August, 1974, and coming into force of the Public Service Commission (Functions) Rules, 1978, shall be referred to the Commission for assessing their suitability and if in the opinion of the Commission, a person recruited to any such post, is not fit to hold that post, he may be discharged from service;

(b) All recruitments other than those mentioned in clause (a) to the posts prescribed under Section 7, at any time between twenty fourth day of August, 1974, and coming into force of the Public Service Commission (Functions) Rules, 1978, shall be referred to the Commission to review these cases and if in the opinion of the Commission, a person recruited to any such post, is not fit to hold that post, he may be discharged from service;

(c) All appointments made by promotion to posts in grade 16 & 17 at any time between twenty-fourth day of August, 1974, and eighth day of May, 1977 shall be referred to the

¹⁵ Inserted vide Act [Act XXI of 2020] of 25.06.2020

¹⁶ Added vide Act *ibid*.

¹⁷ Omitted vide Act [Act XXI of 2020] of 25.06.2020

¹⁸ Omitted vide [Act VI of 2017] dated 15.03.2017 Azad Jammu and Kashmir Public Service Commission (Amendment) Act, 2017.

¹⁹ Added vide Act No.VIII of 1991, dated 19.01.1992.

Commission and if in the opinion of the Commission, a person so appointed, is not fit to hold that post, he may be reverted to the post previously held by him; and

- (d) All appointments made by initial recruitment or by promotion as envisaged in clauses (a), (b) and (c) of this Section shall, notwithstanding anything contained in Azad Jammu and Kashmir Civil Servants Act, 1976 or rules framed there under or any other law for the time being in force shall be deemed to be ad-hoc appointments till the suitability is assessed by the Public Service Commission and the action thereon taken by the Government. Such posts shall not be advertised and only suitability of the incumbents shall be assessed by the Public Service Commission.
10. **Reports of Commission:-** (1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the Legislative Assembly of Azad Jammu and Kashmir.
- (2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission-
- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons, thereof; and
- (b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons thereof.
11. **Power to Make Rules:-** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
12. **Rules to have Retrospective Effect:-** The Public Service Commission (Functions) Rules framed under Section 11, immediately after the promulgation of Ordinance XXXVIII of 1978, shall be deemed to have taken effect on the twenty fourth day of August, 1974.
13. **Savings:-** Notwithstanding any judgment, decree or order of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Public Service Commission Ordinances, 1978 (Ordinance III of 1978) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.
14. **Repeal:-** The Azad Jammu and Kashmir, Public Service Commission Ordinance, 1986 (Ordinance XXV of 1986) is hereby repealed.

Sd/--

(Syed Atta-Mohy-ud-Din Qadri)
Deputy Secretary Law

²⁰[SCHEDULE

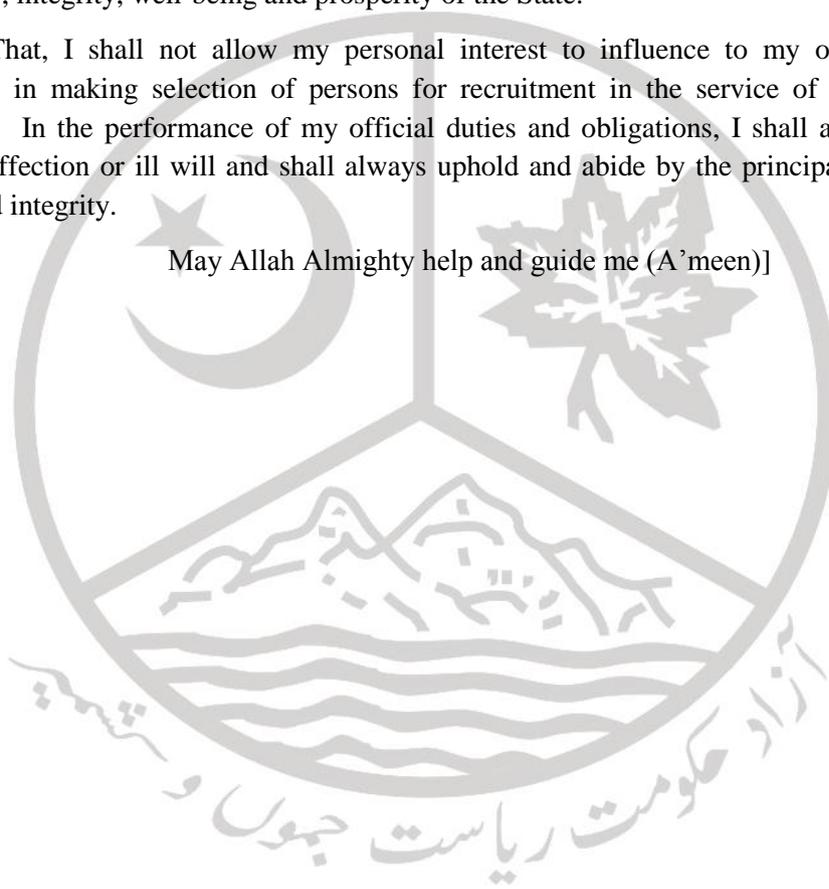
(See Section 4-A)

I, _____ do hereby solemnly swear that I will bear true faith and allegiance to the State of Azad Jammu and Kashmir.

That, as a Chairman/Member of the Azad Jammu and Kashmir Public Service Commission, I will discharge duties and perform my functions honestly and diligently to the best of my ability and faithfully in pursuance of Azad Jammu and Kashmir Public Service Commission Act, 1986 and rules made there under. I shall always safeguard the national interest, solidarity, integrity, well-being and prosperity of the State.

That, I shall not allow my personal interest to influence to my official conduct or decisions in making selection of persons for recruitment in the service of Azad Jammu and Kashmir. In the performance of my official duties and obligations, I shall act without fear or favour, affection or ill will and shall always uphold and abide by the principals of impartiality, merit and integrity.

May Allah Almighty help and guide me (A'meen)]



²⁰ Inserted vide Act xxiv of 2014 dated 20.06.2014

**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.

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

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.

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.

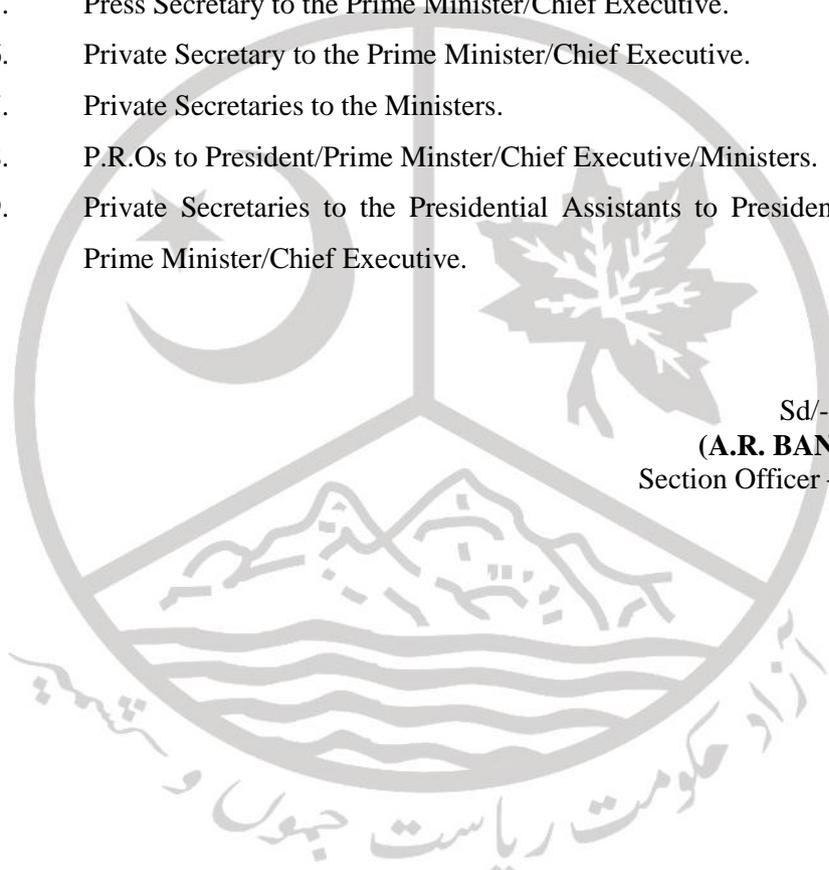
SCHEDULE - 1

(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



THE AZAD JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION (PROCEDURE) RULES, 1994

“Muzaffarabad”

Dated: 05th September, 1994

NOTIFICATION:

No. S&GAD/R/A-4(272)/92. In exercise of the powers conferred by Section 11 of the Azad Jammu & Kashmir Public Service Commission Act, 1986, the Government is pleased to make the following rules, namely:-

1. (1) These rules may be called the Azad Jammu and Kashmir Public Service Commission Procedure Rules, 1994.
- (2) They shall come into force at once.
2. (1) In these rules, unless the context otherwise requires;-
 - (a) **“Act”** means the Azad Jammu and Kashmir Public Service Commission Act, 1986;
 - (b) **“Committee” or “Panel”** means a Committee or Panel of two or more members constituted by the Chairman, to conduct written test, quiz test, viva voce and interviews, for selection of candidate for the specified post;
 - (c) **“Requisition”** means the requisition sent to the Commission under rule 23(1) of the Azad Jammu and Kashmir Civil Servants (Appointment and Conditions of Service) Rules, 1977;
 - (d) **“Secretary”** means the Secretary of the Public Service Commission;
 - (e) **“Subject Specialist”** means a person who in the opinion of the Commission has acquired perfect knowledge or skill in a subject, trade, art or occupation on account of research or experience.
- (2) Words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.
3. (1) When a post, which is to be filled on the basis of competitive examination falls vacant, the Department concerned shall send a requisition on the prescribed form duly signed by the Administrative Secretary of the Department to the Commission by 1st day of September and for posts other than those to be filled on the basis of competitive examination by 1st day of December every year. It shall be accompanied by a copy of departmental rules relevant to the post to which recruitment is to be made. Exceptional cases may, however, be sent at any time during the calendar year to the Commission.
- (2) Once post has been advertised by the Commission, the Administrative Secretary shall not be competent to withdraw requisition or reduce number of posts without the orders of the Government stating reasons therein.

4. (1) An eligible candidate may submit an application to the Commission on a prescribed form before the last date fixed by the Commission. The application received after the last date shall stand rejected:

Provided that if a candidate satisfies the Chairman that the circumstances preventing him to submit the application in time were beyond his control, the Chairman may for the reasons to be recorded, allow him to submit the application after the due date.
- (2) Applications which are incomplete or not on a prescribed form shall be rejected by the Commission:

Provided that the candidate outside Pakistan may apply on simple paper and submit prescribed application form and fee before test and interview.
- (3) A candidate shall have three chances for a particular post.
- (4) The aggrieved candidate may apply to the Commission for review against the rejection order and the decision made by the Commission shall be final.
5. The syllabus for various posts and the mode of determination of the eligibility shall be such as may be notified by the Commission ¹[with the previous sanction of the Govt.] in its instructions from time to time.
6. The attested photostat copies of documents will be acceptable on the condition that the candidate shall produce the original documents on the demand or at the time of interview.
7. Date of birth of the candidate mentioned in his Matriculation or equivalent certificate shall only be accepted, however, if such certificate is not available due to the circumstances beyond his control, the Commission may in very exceptional cases accept any other authentic proof in that behalf.
8. When any post is re-advertised before finalizing the earlier case with the direction that the candidates who have already applied need not apply again, the age shall be calculated as under:
 - (a) For the candidates who had applied in response to the original advertisement, the date would be the last date of the original advertisement.
 - (b) For the candidates who had applied in response to the subsequent advertisement, after increasing the number of posts of the original advertisement, the date would be the last date of the subsequent advertisement.
 - (c) Candidates who had applied in response to the original advertisement and were found under age would be eligible if they attain the requisite lower age limit on the last date of subsequent advertisement.
9. If the requisitioning authority intimates additional vacancies to the Commission before the date of test/examination or interview is fixed, keeping in view the time factor, a fresh advertisement/amendment to previous advertisement shall be issued and fresh applications shall be invited. The candidates, who had already applied in response to the original advertisement, may not be required to apply again.
10. (1) The quorum for the meeting of the Commission shall be three members including the Chairman.

¹ Added vide notification No. S&GAD/R/A-4 (272) dated 08.08.2003.

- (2) Candidates for all posts in BPS-18 and above shall be interviewed by the full Commission.
- (3) The Commission may at the time of interview or selection of candidates for appointment to any post, associate one or more specialists for assessing the knowledge, ability and suitability of the candidates in the relevant field.
11. (1) The Chairman may for the performance of the functions of the Commission, constitute one or more committees each comprising of not less than two members of the Commission.
 - (2) During the interview the subject specialist and the representative of the department concerned where required shall be present.
12. (1) The quota fixed by the Government from time to time, shall be strictly followed by the Commission.
 - (2) When various posts belong to the same service or cadre but are in different subjects (such as those of Lecturers), advertised and filled up in one lot, separate merit lists in each subject shall be prepared, but for the purposes of inter-se-seniority a combined merit list shall also be prepared in accordance with the respective merit, of each recommended candidate for appointment in various subjects based on the marks given by the Commission. In cases of Education Department quota shall be determined by the Department, after receipt of recommendations from Public Service Commission.
13. (1) A person appointed on the recommendation of Commission fails to join the service or is declared medically unfit, a candidate next in the merit from the waiting list shall be recommended, on the request of the department concerned, and for this purpose the Commission shall prepare a waiting list.
 - (2) The waiting list prepared under sub-rule (1) shall remain valid for 180 days from the date of selection of the candidate.
 - (3) The waiting list shall not be valid in case of fresh vacancies referred to Commission just after tests and interview of the previous vacancy.
14. The Secretary shall be its incharge Officer who shall work under the directions of the Chairman. All correspondence with the Commission shall be addressed to him.
15. The Commission may, from time to time, revise its formulated and laid down policy, review the allocation of marks, pass marks for any test, interview or viva voce or to re-allocate the marks to heads or sub heads to assess the suitability of the candidates.
16. Keeping in view, the nature of posts, the number of applications received for disposal the Commission may hold written test or quiz tests in the subject and the qualified candidates shall be called for interview.
17. (1) Canvassing in any form shall disqualify a candidate for interview and test.
 - (2) A candidate may be disqualified or excluded from any examination, test or interview for any post held or to be held by the Commission and he may be prosecuted or debarred from employment under Government if the candidate:-
 - i) Knowingly furnishes any particular which is false;
 - ii) Suppresses material information;

- iii) Attempts to influence the Members or officers of the Commission, Specialists, advisers and departmental representative called as Member of a Selection panel;
- iv) Attempts to obtain support by any means;
- v) Submits forged certificates or documents;
- vi) Misbehaves in the examination hall;
- vii) Is found guilty of misconduct during examination;
- viii) Fails to observe the instructions issued by the officers of the Commission.

Sd/--

(KH. GHULAMNABI ZIA)
Deputy Secretary Services
(Regulations)



SYLLABUS, PROCEDURE AND POSTS FOR INITIAL RECRUITMENT

“Muzaffarabad”

Dated: 4th August, 1990

NOTIFICATION:

No. S&GAD/A-4 (170)/VI-/R/90. In exercise of the powers vested in this behalf under Rule 16 of the Azad Jammu and Kashmir Civil Servants (Appointment and Conditions of Service) Rules 1977, the Government is pleased to prescribe the syllabus, procedure, and posts for initial appointment, as per Schedules A, B & C respectively.

2. Any Rules or instructions issued from time to time, to regulate the initial appointment to the posts shall stand superseded to the extent indicated by this notification.
3. No person shall be appointed to the service by initial recruitment who is below 21 years or above 28 years of age.
4. ²[These rules shall be applicable to the posts to be advertised after the enforcement of this notification.]

Sd/--

(CH. MOHAMMAD LATIF)
Additional Secretary Services
(Regulations)

² *Syllabus issued vide No PSC/2803-04/2004 dated 21.08.2004.*

SCHEDULE 'A'

SYLLABUS (Written Tests)

| | | |
|------------------------------|---|---|
| I. English Paper | 1. Essay English | 50 Marks. |
| | 2. English Précis & Composition and Letter Writing. | 100 Marks |
| II. General Knowledge | Paper –I Every day Science. | 50 Marks |
| | Paper –II Current Affairs. Paper-III Pakistan Affairs. (History of Kashmir: (from Amritsar Agreement 1846 till date. Every Day Science. This will contain elementary knowledge regarding Physics, Chemistry, Biology, Psychology, Common-diseases and their remedies, Public Health and Hygiene and Physical Geography. Pakistan Affairs. This will cover facts regarding History, Administration, Eco, Social and Cultural Matters and Foreign Relations. | 100 Marks 75 Marks 25 marks <u>Total:100</u> |
| III. Islamiyat | Paper –I Islamic History. | 100 Marks |
| | Paper –II Islamic Fiqa, Hidayah Translation & Explanation of Holy Verses. | 150 Marks |
| IV. Urdu | ..... | 150 Marks |

ISLAMIYAT PAPER, 'A' PART-I

| | |
|-----------|--|
| Topic 01. | <u>Basic principles of Islam:-</u> a) Articles of Faith. b) The concept & spirit of Tauheed. c) Finality of Prophet hood. d) Practices of Islam. |
| Topic 02. | <u>Outlines of Islamic History:-</u> a) The Holy Prophet of Islam: Perfect personality, main events of his life, Conception of Sunnah. b) Brief survey of following: Khulfa-i-Rashideen, Ummayyads. Abbasides, Muslims in Spain & North – Africa. Post-Mughal Muslim period (Persia, Ottoman, Turks, Muslims in Indo-Pakistan Sub-continent). Islam in the 19 th & 20 th centuries, the World of Islam today. |

ISLAMIYAT PAPER, 'B' PART-II

| | |
|----------|---|
| Topic 03 | <u>The Holy Quran & Hidayas. Salient Characteristics:-</u> a) Its revelation and compilation. b) Certain Basic Principles:- i) Duty towards Allah (submission to His Laws). ii) Duty towards Society (Equality, Justice, Haqooqulabad, Honesty- intellectual as well as financial). iii) Duty towards nature understanding (through experimentation) conquest and domination of the forces of nature in the service of Allah. iv) Duty towards self:- moral development & purification with an object to serve God's people). c) Certain injunctions:- i) Wealth- the permitted way of earning, illegal gratification, distribution, Zakat, Inheritance, Charity, Waqf, Interest, giving away of spare wealth. ii) Concept of love in Islam. |
|----------|---|

| | | |
|-------------|--|-----------|
| | iii) Women:- Marriage, divorce, polygamy , right to inherit, treatment, education of all human necessity, position of all human necessity, position of women in Islamic society. iv) Administration:- Power a trust- selection of an administrator, efficiency and honesty. | |
| Topic 04. | The Application of Islamic teachings to Socio-Economic development in the 20 th century. | |
| Urdu | Paper-I Urdu Essay, letter writing précis. | 50 Marks |
| | Paper-II Composition and Urdu Adab | 100 Marks |

SCHEDULE 'B' PROCEDURE

| ³ [Pass percentage in Each Subject.] | Aggregate marks | Viva Voce] |
|---|-----------------|------------|
| 33% | 45% | 50% |

SCHEUDLE 'C' (POSTS)

- 1) Management Group (Assistant Commissioner).
- 2) Assistant Superintendent of Police.
- 3) Section Officer.
- 4) Misc. Non-Technical General Cadre Posts (BPS-17). i.e. Local Government, Food, Co-operatives, Industries, Usher and Zakat Departments and other posts included in this schedule by the Government from time to time.

Note:- The appointment to group 1 to 4 shall be made respectively on the basis of order of merit secured in the test and interview. The principle of district quota shall be regulated by interse merit in person at the top shall go to group 1 and others accordingly, however, the option of a merit holder candidate shall prevail for selection of any cadre of service.

Sd/--

Additional Secretary Services
(Regulations)

³ Percentage determined vides Notification No. S&GAD/R/A-4 (170)/2007-Part II dated 26.05.2007.

AZAD JAMMU AND KASHMIR CIVIL SERVANTS ACT, 1976

“Muzaffarabad”

Dated: 20th April, 1976

No.1504/SL/76. The following Act of the Legislative Assembly received the assent of the President on the 18th of April, 1976, and is hereby published for general information:-

(ACT VI OF 1976)

AN

ACT

To regulate the appointment to, and the terms and conditions of service in respect of persons in the service of Azad Jammu and Kashmir employed in connection with the affairs of the Government.

WHEREAS it is expedient to regulate by law, the appointment to, and the terms and conditions of the persons in the service of Azad Jammu and Kashmir employed in connection with the affairs of the Government, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short Title, Application and Commencement**:- (1) This Act may be called the Azad Jammu and Kashmir Civil Servants Act, 1976.
 - (2) It applies to all Civil Servants wherever they may be.
 - (3) It shall come into force at once.

CHAPTER I — PRELIMINARY

2. **Definitions**:- (1) In this Act, unless there is anything repugnant in the subject or context:
 - (a) ‘**Adhoc Appointment**’ means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
 - ¹[(b) ‘**Civil Servant**’ means a person who is appointed to any service or holds a civil post in service of Azad Jammu and Kashmir, employed in connection with the affairs of the State, but does not include:-
 - (i) a person who is on deputation to the service of Azad Jammu and Kashmir in connection with the affairs of the Government, from the Council or the Federation or any Province of Pakistan or authority;
 - (ii) a person who is employed on contract, or on work-charge basis, or who is paid from contingencies;
 - (iii) a person who is a ‘worker’ or ‘workman’ as defined in the Factories Act, 1934 (XXV of 1934) or the workman’s Compensation Act, 1923 (VIII of 1923).]
 - (c) ‘**Constitution**’ means the Azad Jammu and Kashmir Interim Constitution Act, 1974;
 - (d) ‘**Council**’ means the Azad Jammu and Kashmir Council constituted under the Constitution;

¹ Substituted vide Act No. VI of 1987, dated 14.01.1987.

- (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;
 - (g) **‘Pay’** means the amount drawn monthly by a civil servant as pay, and includes technical pay, special pay, personal pay and any other emoluments declared as pay by the prescribed authority;
 - (h) **‘Permanent Post’** means a post sanctioned without limit of time;
 - (i) **‘Prescribed’** means prescribed by rules;
 - (j) **‘Rules’** means the rules made or deemed to have been made under this Act;
 - (k) **‘Selection Authority’** means the Azad Jammu and Kashmir Public Service Commission, departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made; and
 - (i) **‘Temporary Post’** means a post other than a permanent post.
- (2) For the purpose of this Act, an appointment whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER II — TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. **Terms and Conditions:-** The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.
4. **Appointments:-** Appointments to civil service of Azad Jammu and Kashmir or a civil post in connection with the affairs of the Government, shall be made in the prescribed manner by the Government, or by a person authorized by it in that behalf.
5. **Probation:-** (1) An initial appointment to a service or post referred to in section 4, not being an ad hoc appointment, shall be on such probation and for such period of probation as may be prescribed.
- (2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on such probation and for such period of probation as may be prescribed.
- (3) Where, in respect of any service or post, satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete the course or the training shall, except as may be prescribed otherwise:
- (a) if he was appointed to such service or post by initial recruitment, be discharged; or
 - (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged.
6. **Confirmation:-** (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or a post as may be prescribed.
- (2) A civil servant promoted to a post or grade on probation shall, on satisfactory completion of his probation, be confirmed in such post or grade, as may be prescribed.

- (3) A civil servant promoted to a post or grade on regular basis shall be confirmed after rendering satisfactory service for such period as may be prescribed.
- (4) There shall be no confirmation against any temporary post.
- (5) A civil servant who, during the period of his service was eligible for confirmation in any service or against any post, retires from service before confirmation shall not, merely by reason of such retirement, be refused confirmation in such service or against such post or any benefits accruing there from.
- (6) Confirmation of a civil servant in a service or against a post shall take effect from the date of the occurrence of a permanent vacancy in such service or against such post or from the date of continuous officiation, in such service or against such post, whichever is later.
7. **Seniority:-** (1) Seniority on initial appointment to a service, cadre, grade or post shall be determined in the prescribed manner.
- (2) Seniority in the grade to which a civil servant is promoted shall take effect from the date of regular appointment to a post in that grade:
- Provided that civil servants who are selected for promotion to a higher grade in one batch shall, on their promotion to the higher grade, retain their inter se seniority as in the lower grade.
- (3) For proper administration of a service, cadre or grade, the appointing authority shall from time to time cause a seniority list of the members of such service, cadre or grade to be prepared.
- (4) Subject to the provisions of sub-section (3), the seniority of a civil servant in relation to other civil servants belonging to the same service, cadre or grade, whether serving in the same department or office or not, shall be determined in such manner as may be prescribed.
- ²[(5) Notwithstanding anything contained in this Act or in any other law for the time being in force, a medical practitioner who, following his release from service with the Armed Forces after having rendered satisfactory service under the Compulsory Service in the Armed Forces Ordinance, 1971, (XXXI of 1971) of Pakistan for a period of not less than two years, enters employment of the Government, shall be entitled to count towards his seniority in such employment the period of service rendered by him under the aforesaid Ordinance and to his pay in such employment being fixed after giving him credit for the service so rendered.]
8. **Promotion:-** (1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a post for the time being reserved under the rules for departmental promotion in any higher grade of the service or cadre to which he belongs.
- (2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed:
- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum fitness.
9. **Posting and Transfers:-** Every civil servant shall be liable to serve anywhere within or outside Azad Jammu and Kashmir in any post under the Government or the Council or the Federal Government of Pakistan or any Provincial Government of Pakistan, or a local authority or a

² Inserted vide Act No. VI of 1987, dated 14.01.1987.

Corporation or a body set up or established by any such Government ³[or as an officer on special duty whenever required as such.]

Provided that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

10. **Termination of Service:-** (1) The service of a civil servant may be terminated without notice-

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case maybe, is transferred and promoted on probation from one grade, cadre or post to another grade, cadre or post his service shall not be terminated so long as he holds a lien against his former post, grade or cadre, and he shall be reverted to his former grade, or as the case may be, cadre or post;

(ii) if the appointment is made on adhoc basis liable to termination on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) In the event of a post being abolished or number of posts in a cadre or grade being reduced, the services of the most junior person in such cadre or grade shall be terminated.

(3) Notwithstanding the provisions of sub-section (1) but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed on adhoc basis shall be liable to termination on thirty days' notice or pay in lieu thereof.

11. **Reversion to a Lower Grade or Service:-** A civil servant appointed to a higher post or grade on adhoc or officiating basis, shall be liable to reversion to his lower post or grade without notice.

⁴[11-A. **Absorption of Civil Servant Rendered Surplus:-** Notwithstanding anything contained in the Act, the rules, agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualification and fulfills other conditions applicable to that post:

Provided that where no equivalent post is available, he may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.]

⁵[12. **Retirement from Service:-** A Civil Servant shall retire from service:-

i) On such date after he has completed ten years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; and

ii) If no direction is given under clause (i) then on the completion of the sixtieth year of his age:

³ Inserted by Act XVI of 2001, dated 12.12.2001.

⁴ Added vide *ibid*.

⁵ Substituted vide Act VI of 1987 dated 14.01.1987 and re-substituted vide Act 1 of 1992 dated 31.03.1992.

Provided that no order under clause (i) shall be made in respect of a civil servant unless the competent authority has informed him in writing of the grounds on which it is to post to make the order and has given him an opportunity of showing cause against it;

⁶{(iii) At any time, at his option, after completion of twenty five years service qualifying for pension. }

Explanation: In this Section “competent authority” means the appointing authority or a person duly authorised in that behalf not being a person lower in rank than the civil servant concerned.]

⁷[(12-A) **Certain Persons to be Liable to Removal or Reversion:-** Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the sixteenth day of April, 1975 to the eleventh day of August, 1977, may be removed from service or reverted to his lower post or grade, as the case may be, without notice, by the President or a person authorised by him in this behalf, on such date as the President or, as the case may be, the person so authorised may, in the public interest, direct:

Provided that the provision of this Section shall not apply to the civil servants declared suitable by the Public Service Commission or the Selection Board, as the case may be.]

13. **Employment After Retirement:-** (1) A retired civil servant shall not be re-employed under the Government unless such re-employment is necessary in the public interest and is made, except where the appointing authority is the Government, with the prior approval of the Government:

⁸[Provided that no retired Civil Servant shall be re-employed or continued to be so employed after he has completed 63 years of his age.]

(2) A civil servant may, during leave preparatory to retirement or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement, he shall obtain the prior approval of the prescribed authority.

14. **Conduct:-** The conduct of a civil servant shall be regulated by rules made by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

15. **Efficiency and Discipline:-** A civil servant shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be prescribed.

16. **Pay:-** A civil servant appointed to a post or grade shall be entitled, in accordance with the rules, to the pay sanctioned for such post or grade:

⁹[Provided that, when the appointment is made on a current, acting or additional charge basis, his pay shall be fixed in the prescribed manner.]

Provided further that where a civil servant has been dismissed or removed from service or reduced in rank, he shall, in the event of the order of dismissal, removed from service or reduction in rank being set aside be entitled to such arrears or pay as the authority setting aside the order may determine.

⁶ Added vide Act X of 1995, dated 25.06.1995.

⁷ Inserted vide Act VI of 1987, dated 14.01.1987.

⁸ Substituted vide Act VI of 1987, dated 14.01.1987.

⁹ Substituted vide Act No.VI of 1988, dated 09.06.1988.

17. **Leave:-** A civil servant shall be allowed leave in accordance with the leave rules applicable to him:

Provided that the grant of leave shall depend on the exigencies of service and shall be at the discretion of the competent authority.

18. **Pension and Gratuity:-** (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity or both, as may be prescribed.

- (2) In the event of death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

- (3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline but Government may sanction, compassionate allowance to such a servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him if he had been by bodily or mental infirmity incapacitated for further service on the date of such dismissal or removal.

- (4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority according to the length of service of the civil servant which qualified for pension or gratuity, and any over payment consequent upon such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

19. **Provident Fund:-** (1) Before the expiry of the third month of every financial year, the accounts officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to, including the interest accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the accounts officer or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

20. **Benevolent Fund and Group Insurance:-** All civil servants and their families shall be entitled to the benefits admissible under the Azad Jammu and Kashmir Employees Benevolent Fund and Group Insurance Act, 1971, and the rules made there under.

21. **Right of Appeal or Representation:-** (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is allowed to a civil servant by any rules applicable to him, such appeal or application shall, except as may otherwise be prescribed, be made within sixty days of the communication to him of such order.

(2) Where no provision for appeal or review exists in the rules in respect of any order, or civil servant aggrieved by any such order may, except where such order is made by the Government, within sixty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

CHAPTER III — MISCELLANEOUS

22. **Savings:-** Nothing in this Act or in any rules shall be construed to limit or abridge the power of the Government to deal with the case of any civil servant in such manner as may appear to it to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

CHAPTER IV — RULES

23. **Power to Make Rules:-** (1)The Government, or any person authorised in this behalf may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, regulations, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of his Act shall, in so far as such rules, regulations, orders or instruction are not inconsistent with the provisions of this Act, be deemed to be made under this Act.

24. ¹⁰**Savings:-** Notwithstanding any judgment, decree or orders of any Court including High Court, everything done, all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Civil Servants (Amendment) Ordinance, 1977 (Ordinance XII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.

Sd/--

(Syed Mohammad Akram Shah)
Deputy Secretary, Law

¹⁰ Added vide Act VI of 1987, dated 14.01.1987.

**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) ¹**“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;
 - (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;

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

- (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;
- (1) ²“**Proforma promotion**” means and includes,-
- (a) Promotion on predating or on notional basis to the civil servant or retired civil servant respectively with effect from the date of regular promotion of his junior, for the purpose of fixation of pay and payment of arrears, as may be prescribed, under relevant rules.
- (b) Granting retrospective effect to the promotion of civil servant or retired civil servant in case of his eligibility and vacancy of posts against which his/her right of promotion to higher post was otherwise occurred and become due but such promotion, somehow, delayed not fault of individual civil servant:

Provided that the case for grant of retrospective operation to ‘Proforma Promotion’ shall in advance be forwarded for examination, evaluation and formal recommendation by a Committee constituted by the Govt. for such purpose.

- (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.
- ³[(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).]

⁴ [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) ⁵[The Government shall set up Azad Jammu and Kashmir Selection Board or Boards.]

² Added vide notification No. S&GAD/A-4(481)2019, P-I dated 15.11.2019.

³ Added vide Notification No. S&GAD/R/A-4(III)/91 dated 28.11.1991

⁴ 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.

⁵ Substituted vide Notification No. S&GAD/A-4(111)89 Dated 26.03.1989

- (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) ⁶[Respective Departmental Selection Committees shall make Selection for appointment:-
- (i) by initial recruitment, transfer or promotion to all posts in ⁷[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) ⁸[by promotion and transfer to all posts in ⁹[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.
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.
- ¹⁰ [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. |

⁶ Substituted vide Notification No. S&GAD/R/4 (112)/89 Dated 02.12.1993.

⁷ 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

⁸ Substituted Vide Notification No. S&GAD/R-A-4 (283)/92 Dated 25.07.1992

⁹ Substituted Vide Notification No. S&GAD/R/4 (112)/89 Dated 02.12.1993.

¹⁰ Substituted Vide Notification No. S&GAD/A-4 (111)/86/90 dated 30.08.1990.

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;

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 ¹¹[except probationers of Management Group, Secretariat Group & Police Service of AJ&K.] 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,

¹¹ Added vide Notification No. S&GAD/A-4(111)/2015 Part-V dated 07.09.2016

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.

¹²[(c) The inter-se seniority of the probationers of Management Group, Secretariat Group and Police Service of AJ&K appointed through AJK Public Service Commission shall be determined by the appointing authority after Final Passing Out Examination in the following manner:

- i) Marks obtained in the competitive examination of AJ&KPSC.
- ii) Marks obtained in the initial training program (CTP).
- iii) Marks obtained in the specialized training program (STP).
- iv) Marks obtained by qualifying in Final Passing Out Examination in the 'first attempt'.
- v) A probationer who does not qualify in the Final Passing Out Examination shall:
 - a) Lose his/her one increment if he/she fails in the first attempt;
 - b) If fails to qualify FPOE in second attempt but does it in the third attempt, will be relegated in seniority to the bottom of his batch irrespective of aggregate marks obtained.
- vi) If a probationer is not nominated for training on compelling medical or administrative grounds, his/her seniority shall be determined with his/her own batch. In case of probationer's own fault, seniority will be determined with the batch he/she goes under training.]

(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.

¹² Added vide Notification No. S&GAD/A-4(111)/2015 Part-V dated 07.09.2016

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.

¹³[10-A-**Appointment on Acting Charge Basis:** (1) The appointing Authority may fill a post reserved for departmental promotion by appointing on acting-charge basis, the most senior civil servant of the cadre or service concerned, who possesses at least three fourth of the prescribed length of service or the experience for the post or both, as the case may be and is otherwise eligible for promotion except for the prescribed length of service and the experience.

(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 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

¹³ Substituted vide Notification No. S&GAD/R/A-4(111), Part-III dated 12.01.2017

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.

- ¹⁴[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 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;

¹⁴ 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.

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. ¹⁵[.....]]

[15. (1)¹⁶[.....]]

Subject to any rules or orders on the subject issued by the Government, a civil servant who fulfills 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.

PART III- INITIAL APPOINTMENT

16. Initial appointment to the posts in grade 16 ¹⁷[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.

¹⁵ 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.

¹⁶ Sub-rule (1) of Rule 15 deleted vide No. S&GAD/R/A-4(III)/98 dated 28.07.1998.

¹⁷ Substituted vide Notification No. S&GAD/R-4/(112)/89 Dated 02.12.1993.

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.
- ¹⁸[(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.]
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;

¹⁸ Added vide Notification No. S&GAD/R/A-4 (III)/91 dated 21.11.1993.

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

¹⁹[Schedule]
(See Rule 19(3))

(حلف نامہ)

_____ میں _____، ولد _____، عہدہ _____
خدا کو حاضر ناظر جان کر اقرار کرتا ہوں کہ دوران ملازمت:

- 1- آزاد جموں و کشمیر اور ایسی حکومت کا وفادار رہوں گا جو قرآن و سنت، عبوری آئین ایکٹ 1974ء اور نظریہ الحاق پاکستان کی وفادار ہوگی۔
- 2- میں کسی ایسی تحریک میں بالواسطہ یا بلاواسطہ، ظاہری یا چھپے طور پر کوئی حصہ نہیں لوں گا، جو نظریہ الحاق پاکستان کے نصب العین کے مغاڑ ہو۔
- 3- میں ہر قسم کے لسانی، علاقائی، قبیلائی اور گروہی تعصبات سے بالاتر رہ کر ملت اسلامیہ کے فرد کی حیثیت سے اپنے فرائض سرانجام دیتا رہوں گا۔
- 4- اپنے فرائض منصبی پوری محنت، دیانت، خلوص نیت اور ذاتی پسند و ناپسند سے بالاتر رہ کر سرانجام دوں گا، اس ضمن میں نہ تو کسی سے رشوت لوں گا، نہ کوئی ناجائز سفارش سنوں گا اور نہ ہی کوئی ناجائز سفارش کروں گا۔ اللہ تعالیٰ میرا حامی و ناصر ہو۔

دستخط

دستخط

حلف گیریندہ:

حلف کنندہ:

عہدہ:

عہدہ:

مقام و تاریخ:

¹⁹ Added vide Notification No. S&GAD/R-A-4(111)/91, dated 21.11.1993

**THE AJ&K CIVIL SERVANTS RECRUITMENT
(RELAXATION OF AGE LIMIT) RULES, 1997**

“Muzaffarabad”

Dated: 1st September, 1997

NOTIFICATION:

No. S&GAD/R/A-4(49)/97. 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, to relax and regulate the upper and lower age limit prescribed for recruitment to various posts, namely:-

1. These Rules may be called the Azad Jammu and Kashmir Civil Servants Recruitment (Relaxation of Age Limit) Rules, 1997.
2. These Rules shall apply to the recruitment of Civil Posts.
3. They shall come into force at once.
4. Notwithstanding anything to the contrary contained in any rules applicable to any post or service:
 - i) In the case of a person whose services under Government have been terminated for want of vacancy, the period of service already rendered by him shall for the purposes of upper age limit under any rule, be excluded from his age; or
 - ii) In the case of an Ex-Defence personnel, the interval between the date of his release from the Defence Forces of Pakistan, including the Mujahid Force and the date of re-employment in a Civil Department, subject to a maximum of seven years, the whole period of service rendered by him in such Forces shall, for the purposes of upper age limit under any rule, be excluded from his age; or
 - iii) In the case of a person who has rendered National Service under the Pakistan National Service Ordinance, 1970, the period actually spent by him in such service shall, for the purpose of upper age limit prescribed under any rule, for appointment to any post/service, be excluded from his age; or
 - iv) In case where additional period spent by the specialists after acquiring the minimum qualification prescribed for a post in pursuit of their professional studies/professional work shall be excluded from their age while determining their age for appointment to civil posts; or
 - v) ¹{In the case of a candidate already working ²[or has been working] as a Government servant on permanent, ad-hoc, work charge, contract or temporary basis, the period of his continuous service as such, shall for the purpose of upper age limit prescribed under any service rules of the post for which he is a candidate, be excluded from his age.}
5. The lower age limit prescribed for recruitment to any post may also be relaxed by the Government, where the circumstances so warrant, but it shall not be less than 18 years.
6. The relaxation of age limit shall be allowed rarely and only in cases involving factors beyond human control which merit due consideration. The approval of the Government in this regard shall be obtained by the Department concerned through Services and General Administration Department.
7. Azad Jammu and Kashmir Civil Servants Recruitment (Relaxation of Age Limit) Rules, 1995 are hereby repealed.

Sd/--

**Section Officer Services
(Regulations)**

¹ Substituted vide Notification No. S&GAD/R/A-4(49) P (IV) Dated 19.04.2005.

² Inserted by Notification No. S&GAD/R/A(49)2011/Part-IV Dated 30.04.2011

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

﴿شعبہ قواعد﴾

"مظفر آباد"

مورخہ: 19 ستمبر 2019ء

نوٹیفکیشن:

نمبر انتظامیہ / اے۔ 4-49(2016)ء جناب صدر آزاد جموں و کشمیر نے سرکاری / نیم سرکاری محکمہ جات میں ملازمت کیلئے بالائی حد عمر عمومی نرمی کے سلسلہ میں بذیل امور کی منظوری صادر فرمائی ہے:

- (i) نوٹیفکیشن نمبر انتظامیہ / اے۔ 4-49(2016)ء مورخہ 02-08-2018 کے تسلسل بالائی حد عمر میں 5 سال کی عمومی یعنی (Across the Board) نرمی دیتے ہوئے بالائی حد عمر 35 سال سے بڑھا کر عرصہ دو سال (یکم اگست 2019 تا 31 جولائی 2021) کے لیے 40 سال (ماسوائے محکمہ پولیس) مقرر کی جاتی ہے۔
- (ii) مورخہ 31 جولائی 2021ء کے بعد بالائی حد عمر از خود 35 سال تصور ہوگی۔
- (iii) اس عمومی اضافہ بالائی حد عمر کے بعد کسی بھی فرد کو بالائی حد عمر میں مزید نرمی کسی صورت نہیں دی جائے گی۔

(عنبرین اصغر)

سیکشن آفیسر سروسز (قواعد)

نقل بالا بخدمت:

1. سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔
2. سیکرٹری صاحب برائے جناب وزیر آء عظم، آزاد حکومت ریاست جموں و کشمیر۔
3. جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
4. جناب ایڈیشنل چیف سیکرٹری (ترقیات)۔
5. جناب ایڈیشنل چیف سیکرٹری (جنرل)۔

سیکشن آفیسر سروسز (قواعد)

**SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR**

“Muzaffarabad”

Dated: December 14, 1989

NOTIFICATION:

No. S&GAD/A-4 (162)/89. In exercise of the power conferred by section 23 of the Azad Jammu & Kashmir Civil Servants Act, 1976, the Government is pleased to make the following Rules namely :-

1. The Rules may be called “the Azad Jammu and Kashmir Minimum Length of Service for Promotion to Posts in B-18 and above, Rules 1989”.
2. They shall come into force at once.
3. They shall apply to all Civil Servants.
4. Except where otherwise prescribed, the minimum length of service required for promotion from lower post to a higher post, in various basic scales shall be as prescribed in the schedule annexed herewith.

Sd/--
(Ch. Muhammad Latif)
Additional Secretary Services
(Regulations)

¹²⁰SCHEDULE

| Sr. No. | Posts In BPS | Length of Service |
|---------|--------------|--|
| (i) | 18 | 5 years in B-17 in respective cadre & same service |
| (ii) | 19 | 12 years in B-17 and above in respective cadre & same service. |
| (iii) | 20 | 17 years in B-17 and above in respective cadre & same service. |
| (iv) | 21 | 22 years in B-17 and above in respective cadre & same service. |

¹²⁰ Schedule of Rule 4, substituted/amended vide Notification No. S&GAD/A-4(162)/2015, dated 4th September, 2015. Original schedule is reproduce as under :-

| Sr. No. | Posts In BPS | Length of Service |
|---------|--------------|-----------------------------|
| (i) | 18 | 5 years in B-17. |
| (ii) | 19 | 12 years in B-17 and above. |
| (iii) | 20 | 17 years in B-17 and above. |
| (iv) | 21 | 22 years in B-17 and above. |

Provided that :-

- (i) Where initial appointment of a person has taken place in a post in Basic Scale 18, 19 or 20, the length of service specified above shall be reduced to the following extent.

| In case of first appointment against post in | Minimum length of service required for promotion to the post in the next Higher Basic Scale to be reduced by |
|--|--|
| Basic Scale 18 | 5 years |
| Basic Scale 19 | 12 years |
| Basic Scale 20 | 17 years |

- (ii) Where initial appointment of a person was made to posts in Basic Pay Scale 16 or below, one half of the service in Basic Pay Scale 16 and one-fourth in Basic Pay Scale 15 and below shall be counted as service in Basic Pay Scale 17 for computing length of service for the purpose of promotion only to Basic Pay scales 18 and above.

Provided that :-

- (i) Where initial appointment of a person has taken place in a post in Basic Scale 18, 19 or 20, the length of service specified above shall be reduced to the following extent.

| In case of first appointment against post in | Minimum length of service required for promotion to the post in the next Higher Basic Scale to be reduced by |
|---|---|
| Basic Scale 18 | 5 years in respective cadre & same service |
| Basic Scale 19 | 12 years in respective cadre & same service |
| Basic Scale 20 | 17 years in respective cadre & same service |

- (ii) Where initial appointment of a person was made to posts in Basic Pay Scale 16 or below, one half of the service in Basic Pay Scale 16 in respective cadre & same service and one-fourth in Basic Pay Scale 15 and below in respective cadre & same service shall be counted as service in Basic Pay Scale 17 for computing length of service for the purpose of promotion only to Basic Pay Scale 18 and above.

Sd/--
(Raja Muhammad Asif Khan)
Section Officer (Regulations)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS WING)**

“Muzaffarabad”
June 11, 2018

NOTIFICATION

No. S&GAD/R/A-4(8) 2018, P-IX. In exercise of the powers conferred by Section 23 of the Azad Jammu & Kashmir Civil Servants Act, 1976, the President Azad Jammu & Kashmir has been pleased to repeal “Azad Jammu & Kashmir Minimum Length of Service for promotion to Posts in B-18 and above, Rules, 1989” issued vide Notification No. S&GAD/A-4 (162)/89 Dated 14th December 1989 alongwith its Schedule as subsequently substituted vide Notification No. S&GAD/A-4(162)/2015 dated 04.09.2015 and also to make the following Rules, namely;

1. Short Title and Commencement:

- (1) These rules may be called the Azad Jammu and Kashmir Minimum Length of Service for promotion Rules, 2018.
- (2) They shall apply to all civil servants with regard to their promotion to the next higher scale or cadre of particular service group or cadre of posts in BS-18 to 20.
- (3) They shall come into force at once.

2. Definitions: In these rules, unless there is anything repugnant to the subject or context;

- (a) “Civil Servant” means as defined under Section 2(B) of AJ&K Civil Servants Act 1976.
- (b) “Initial Recruitment” means appointment otherwise than by promotion or transfer;
- (c) “Government” means the Azad Government of the State of Jammu and Kashmir.
- (d) “Length of Service” means and includes a period of service which a regular civil servant has rendered in the service of Azad Jammu & Kashmir for any particular service group or cadre of posts which generally or specially defined by rules made under AJ&K Civil Servant Act 1976 or notified as such from time to time by Government.
- (e) “Promotion” means as defined under Section 8 of AJ&K Civil Servants Act, 1976.

3. Minimum Length of Service: The following period as minimum length of service shall be prescribed as prerequisite for promotion of a civil servant into next higher post or cadre in the service group or peculiar cadre of posts:

| Sr. No. | Post in BPS | Length of Service |
|---------|-------------|--|
| (i) | 18 | 5 years in B-17 in respective cadre & same service. |
| (ii) | 19 | 12 years in B-17 and above in respective cadre & same service. |
| (iii) | 20 | 17 years in B-17 and above in respective cadre & same service. |
| (iv) | 21 | 22 years in B-17 and above in respective cadre & same service. |

4. Where initial appointment of a person is made against a post in Basic Scale 18, 19 or 20, the length of service specified under rule 5 above, shall be reduced to the following extent:

| | |
|--|---|
| In case of first appointment against post in:- | Minimum length of service required for promotion to the post in the next Higher Basic Scale to be reduced by: |
| Basic Scale 18 | 5 years in respective cadre & same service |
| Basic Scale 19 | 12 years in respective cadre & same service |
| Basic Scale 20 | 17 years in respective cadre & same service |

5. Subject to Section 9 of AJ&K Civil Servants Act, 1976, for the purpose of minimum length of service for promotion from lower post to higher posts, the service of civil servants belonging to Management, Police and Secretariat Service groups shall only be reckoned or counted from the date of their entry into such service through initial appointment on regular basis and their subsequent experience shall be treated from the date of entry into the service of respective cadre/service group including the training period.
6. Where initial appointment of a person was made to posts in Basic pay Scale 16 or below, one half of the service in Basic Pay Scale 16 in respective cadre & same service and one-fourth in Basic Pay Scale 15 and below in the respective cadre & same service shall be counted as service in Basic Pay Scale 17 for computing length of service for the purpose of promotion only to Basic pay Scales 18 and above.
7. All existing rules or instructions contrary to these rules shall stand repealed or withdrawn and having no effect whatsoever.

Sd/--

(Abdul Sahkoor Khan)
Section Officer S&GAD
(Regulations)

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
PROMOTION POLICY, 2015
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS WING)

Subject: PROMOTION POLICY-2015

The word “Promotion” as defined in the Azad Jammu and Kashmir Civil Servants Act, 1976 means appointment of a civil Servant to a higher post in the service or cadre to which he/she belongs. Promotion not only implies advancement to a higher post but also involves shouldering of higher responsibility. Although the Azad Jammu and Kashmir Civil Servants Act, 1976 and the Azad Jammu and Kashmir Civil Servants (Appointment and Conditions of Service) Rules, 1977 provide legal framework for appointment by promotion yet need for a comprehensive promotion policy based on objective assessment of performance of civil servants has been felt for some time. Therefore, it has been decided to frame the following comprehensive policy for promotion of civil servants in the Azad Jammu and Kashmir, to be effective from the date of notification.

2. Legal Position

- (1) Section 4 of the AJ&K Civil Servants Act, 1976 (**hereinafter is referred to as the Civil Servants Act**) lays down that appointment to a civil service of the Government or to a civil post in connection with the affairs of the Government shall be made in the prescribed manner by the Government or by a person authorized by him in that behalf.
- (2) Sub –Section (1) of Section 8 of the Civil Servants Act provides that a civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he/she belongs. Rule 9 sub-rule (2) of the AJ&K Civil Servants (Appointment & Conditions of Service) Rules, 1977 (**hereinafter is referred to as the Appointment & Conditions of Service Rules**) further lays down that promotion including proforma promotion shall not be claimed by any civil servant as a matter of right.
- (3) Section 6 sub section (6) of Civil Servants Act lays down that confirmation of a Civil Servant in a service or against a post shall take effect from the date of occurrence of a permanent vacancy in such service or against such post or from the date of continues officiating, in such service or against such post, whichever is later. As per sub-section (2) of section 2, a post may either be a selection post or a non selection post to which promotion shall be made as may be prescribed in case of selection post, on the basis of merit; and in the case of non-selection post, on the basis of seniority-cum-fitness.
- (4) Sub-Section (2) of Section 2 of the Civil Servants Act provides that an appointment whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made on the prescribed manner. The word “prescribed” means prescribed by rules. It is imperative that promotion to a post should be made only where service rules for the post meant for promotion have been framed and notified.
- (5) Sub-rule(1) of rule 3 of the Appointment & Conditions of Service Rules provides that appointment to a post shall be made by promotion, transfer or initial recruitment, as may be prescribed by the Government in relation to the post in a grade from time to time.

- (6) Rule 9 (1) of the Appointment & Conditions of Service Rules states that appointment by promotion or transfer to posts in various grades shall be made on the recommendations of the appropriate committee or board.
- (7) Rule 10 of the Appointment and Conditions of Service Rules states that only such person who possesses the qualifications and meet the condition laid down for the purpose of promotion or transfer to a post shall be considered by the selection authority
- (8) Rule 10-A of the Appointment & Conditions of Service Rules provides for appointment on Acting Charge basis of civil servant.
- (9) Rule 10-B of the Appointment & Conditions of Service Rules provides Promotion on current charge basis.
- (10) Rule-13 of the Appointment & Conditions of Service Rules provides for promotion on officiating basis.
- (11) Rule-14 of the Appointment & Conditions of Service Rules provides that all persons holding posts in the same functional unit, who possess the minimum qualification and experience prescribed for a higher post reserved for departmental promotion, shall be eligible to compete for promotion in the manner and subject to the conditions as may be prescribed.

3. Types of Promotion

- (1) **Regular Promotion:** Regular Promotion shall be made against a clear vacancy, which may occur due to promotion of the incumbent to a higher post on regular basis, his/her retirement, death, dismissal, removal from service, creation of a new post or any other such reason.
- (2) **Promotion on Acting-Charge Basis:** In case a civil servant does not possess the requisite length of service/experience prescribed in the service rules then he may be considered for appointment on acting-charge basis in terms of rule 10-A of the Appointment & Conditions of Service Rules.
- (3) **Promotion on Officiating Basis:** In case of posts falling vacant temporarily as a result of proceeding of an incumbent on deputation leave (more than six months), posting outside cadre, suspension, appointment on acting-charge basis or reserved under the rules to be filled by transfer, if none is available for transfer or in case of deferment of a senior due to any reason, the Board/DPC may consider the civil servants for promotion on officiating basis in terms of Rule 13 of the Appointment & Conditions of Service Rules.

4. Selection Authorities

The Government may constitute Selection Boards/Committees in terms of Rule 4 of the Appointment & Conditions of Service Rules for making recommendations for promotion to different posts falling under the promotion quota. Such Selection Boards/Committees may be notified by the Government separately from time to time:

Provided that existing Selection Board/Committees, if not modified, shall be deemed to have been constituted under this policy.

5. Selection/Non-Selection Posts

All posts in BS-19 and above reserved for promotion shall be selection posts and will be filled on selection on merit basis. Posts in BS-18 and below shall be non-selection posts to be filled on seniority-cum-fitness basis.

6. Eligibility Criteria for Consideration for Promotion

A civil servant shall be considered for promotion to posts reserved for promotion subject to his/her suitability and assessment of the following aspects:-

- (1) Seniority position.
- (2) He/She must have satisfactorily completed the probation period.
- (3) He/She should possess the qualification/experience and fulfill other conditions as provided in the relevant service rules.
- (4) Should possess the length of service as prescribed in the Departmental Service Rules in vogue (**Azad Jammu & Kashmir Minimum Length of Service for Promotion to Posts in BPS-18 and above Rules, 1989**).
- (5) Service record comprising PERs/ACRs.
- (6) Award of minor or major penalties. Minor penalty of withholding of promotion for a specific period, will take effect from the date when a junior is considered for promotion and is promoted on regular basis for the first time.
- (7) Successful completion of mandatory training and passing of prescribed departmental examination.
- (8) Any other condition laid down with the approval of the Competent Authority for a specific category of officers/officials such as:-
 - (a) Teachers whose results are compared with the results of the Boards/Universities.
 - (b) Field Officers, whose collection of revenue, utilization of ADP funds and achievements of specific targets is required to be assessed.
- (9) An officer/official who is superseded will become eligible for consideration after the specified period.

7. Panel of Officers Per Vacancy

The panel of officers per vacancy will be as under:-

| | |
|--|--|
| For promotion against posts up to BS-18 | A panel of minimum of 02 officers/officials per vacancy depending on the availability of eligible officers in the cadre. |
| For promotion against posts in BS-19 and above | A panel of minimum of 03 officers per vacancy depending on the availability of eligible officers in the cadre. |

Provided that the panel would be in addition to superseded cases and not inclusive thereof.

8. Procedure for Processing Cases by SB/DPC

On the basis of Working Paper submitted by the departments, the SB/DPC shall consider all officers/officials in order of seniority, but seniority shall not carry any extra weightage for the determination of merit for promotion to selection posts. Performance Evaluation Reports will be given due importance but will not be the only criterion for promotion to selection posts. Performance Evaluation Reports will be quantified for promotion against posts in BS-19 and above according to the formula given in the **Schedule-I**. Promotion against non-selection posts

will be recommended/made on the basis of seniority-cum-fitness. After consideration, the SB/DPC may either:

- (a) recommend a civil servant for promotion to the next higher post.
- (b) recommend a civil servant for supersession; or
- (c) defer consideration of a civil servant's promotion.

9. Causes of Supersession

(1) In Case of Selection Posts

The Board shall supersede those civil servants who do not fulfill the eligibility threshold.

(2) In Case of Non-Selection Posts

The Board/DPC may recommend a civil servant for supersession on the basis of any one or more of the following reasons:-

- (i) The record of the officer contains adverse remarks (not expunged after representation) during the last three years.
- (ii) He/She has failed to qualify or failed to appear in the prescribed departmental examination (within the prescribed attempts) or mandatory training.
- (iii) His/Her performance in the mandatory training courses is unsatisfactory.
- (iv) He/She has been awarded major penalty within five years of the date of consideration for promotion.
- (iv) He/She has been awarded three or more minor penalties during the last five years.

10. Causes of Deferment

(1) After consideration of the names on the panel, the Board/Committee may recommend a civil servant for deferment on the basis of any one or more of the following reasons:-

- (i) The officer has failed to submit PER forms after completing Part-I to the Reporting Officers.
- (ii) PER dossier is incomplete, **especially last full year's report is missing** or any other document/information required by the SB or Committee for determining his suitability for promotion is not available .
- (iii) The record of the civil servant is not clear, especially for the last five years (contains adverse remarks—pending decision on the representation).
- (iv) Disciplinary proceedings, anti-corruption, or other enquiries or criminal cases are pending against him/her. However, preliminary inquiry/probe in the department or complaint pending with Anti-Corruption Establishment shall not be considered as a cause of deferment.
- (v) He/She is on deputation with a foreign government/international organization.
- (vi) He/She is on training abroad/long leave for a period of more than six months or is not likely to return within a period of six months.
- (vii) He/She is on contract appointment outside or within the department.
- (viii) His/Her inter se seniority is disputed/subjudice.

- (ix) He/She has not earned a full year's report after having been on deputation abroad/employment with foreign government/long leave.
 - (x) He/She does not fulfill any specific condition laid down for a specific category of officers/officials such as mentioned at para 6 (8).
- (2) The civil servant whose promotion has been deferred will be considered as soon as the reason, on the basis of which deferment took place, ceases to exist. However, the posts shall be reserved for the officers recommended for deferment. Such posts may be filled up temporarily on officiating basis.

11. Communication of Reasons of Deferment/Supersession

The officers/officials deferred or superseded by the SB/DPC be informed about the reasons for their supersession/deferment to enable such officers/officials to improve their performance and to complete their record/any other deficiency, as the case may be.

12. Efficiency Index for Promotion/Deferment/Supersession–Selection Posts.

- (1) The minimum threshold marks for promotion to various scales shall be as per the following table:-

| Basic Pay Scale | Aggregate marks of Efficiency Index (out of 100) |
|-----------------|--|
| BS-19 | 60 |
| BS-20 | 65 |
| BS-21 | 70 |

- (2) The Selection Board shall recommend the officers on the panel securing the requisite % and above in the efficiency index for promotion unless deferred (in order of seniority, depending upon the number of vacancies). No officer meeting the aggregate threshold shall be superseded. The senior officers, if not recommended for promotion on account of low threshold, shall be superseded, whereas, the junior officers if not recommended for promotion for want of vacancies shall be deemed not to have been considered.

13. Quantification of PERs, Training Evaluation and SB Evaluation for Consideration of Promotion against Selection Posts.

- (1) For the purpose of consideration by the SB, the PERs will be quantified according to the formula given in the **Schedule-I**. The following marks will be allocated for quantification of PERs, Training Evaluation Reports and SB evaluation:-

| Sr. # | Factor | Marks |
|---------------|--|--------------|
| 1. | Quantification of PERs relating to present grade and previous grade (s) @ 60 %: 40 % | 75 % |
| 2. | Training Evaluation Reports | 15 % |
| 3. | Evaluation by SB | 10 % |
| Total: | | 100 % |

- (2) PERs in respect of two preceding grades (BS) or the last 12 years whichever is more will be quantified. If the service of an officer in present and previous grade is less than 12 years then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade. However, where initial appointment was made in BS-18, 19 or 20, the number of PERs for the purpose of quantification shall be reduced in the light of the Azad Jammu & Kashmir Minimum Length of Service for Promotion to posts in BS-18 and above Rules, 1989.
- (3) Posts in BS-19 and above, generally involve supervision, policy-making or extensive administrative jurisdictions. The Board while determining suitability of an officer should give due consideration to the nature of duties, duration and location of posts previously held by the officer. The officers possessing well-rounded experience should normally be preferred, especially who had served with distinction in unattractive areas. In addition to the variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully holding posts in top management.
- (4) A minimum of 04 numbers shall be required for promotion out of 10 numbers reserved for concerned Selection Board otherwise the officer will not be promoted.

14. Training Evaluation Reports

- (1) A total fifteen (15) marks shall be allocated to the Training Evaluation Reports for mandatory training courses from the National or Provincial Institutions such as NMC, NDU, NIMs, KIM, M&PDD or Government Engineering Academy, Punjab etc. Evaluation of the reports from the training institutions shall be worked out as under:-
 - (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied Training Institutions as provided in their reports.
 - (ii) Previous reports of Pakistan Administrative Staff College and NIPAs where no such percentage has been awarded, points shall be worked out on the basis of weighted average of the percentage range of grades followed by these institutions as reflected in the Table below:-

TABLE PASC & NIMs/KIM

| Category | Range | Weighted Average | Total Marks (out of 15) |
|------------------|----------|------------------|-------------------------|
| A) Outstanding | 91-100 % | 95.5 % | 14.43 |
| B) Very Good | 80-90 % | 85 % | 12.75 |
| C) Good | 66-79 % | 72.5 % | 10.87 |
| D) Average | 50-65 % | 57.5 % | 8.62 |
| E) Below Average | 35-49 % | 42 % | 6.30 |

In case an officer is nominated for training at NDU then Federal Government Formula will be followed.

- (2) The calculation of comprehensive efficiency index regarding civil servant for whom no mandatory training has been prescribed who are in specialist cadres such as doctors, teachers and professors, research scientists and incumbents of purely technical posts (exclusive of management posts) for promotion within their own line of specialization. The criteria for promotion in their case would continue to be the technical qualifications, experience and accomplishments (research, publications etc.) relevant to their specialization, the PERs shall carry 70% marks and consideration by the SB will be 30%.
- (3) The officers who have been granted exemption from mandatory training having attained the age of 58 years may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.
- (4) In cases where no grading or categorization has been made rather certificate was issued on the basis of attendance by the training institution, marks may be awarded to the officers on notional basis for the training factor in proportion to the marks obtained by them in the PERs.
- (5) Declining from Proceeding to Mandatory Training.

The nominations for mandatory training having been made in order of seniority, if the officer so nominated for training declines to proceed on training for two consecutive training courses, then he/she would forfeit the right to consideration for promotion.

15. Performance Evaluation Reports for Non-Selection Posts

The assessment of an officer/official should be based on his entire service record and not only on a portion of it. It is, however, in the discretion of the assessing authority to give greater weight to the more recent reports, but the older reports should not be completely ignored and should be taken into consideration for an overall evaluation of the service record.

16. Validity of Recommendations of SB/DPC

- (1) The recommendations of SB/DPC shall be implemented immediately after approval by the Competent Authority and promotion orders issued by consequence thereof.
- (2) The recommendations of the Board/Committee shall remain valid for a period of 03 months.
- (3) The period of validity of recommendations of the SB/DPC shall be counted from the date of approval accorded by the appointing authority.
- (4) In case the officer cleared for promotion is proceeded against under disciplinary laws on account of omissions and commissions pertaining to the period prior to consideration of his/her case by the SB/DPC, the result of the proceedings shall be awaited and if he is exonerated during the validity of the recommendations, his/her promotion may be actualized otherwise his/her case shall be placed again before the SB/DPC.

17. Seniority List

Only notified seniority list will be accepted while considering a case of promotion of a civil servant. No tentative or provisional seniority list will be accepted by the SB/DPC.

The appointing authorities must ensure notification of seniority lists each year as per existing instructions.

18. Working Paper for the SB/DPC

The Department shall give following details in the Working Paper:-

- (1) Total number of sanctioned posts.
- (2) Bifurcation of posts falling in promotion and initial recruitment quota, if any, and details of vacancies available for promotion.
- (3) Causes of occurrence of vacancies duly supplemented by documentary evidence.
- (4) Method of promotion as per service rules.
- (5) Panel of Government Servants proposed to be considered for promotion strictly in accordance with the notified seniority list (not according to the tentative seniority list).
- (6) Detailed service account of each officer/official giving full service particulars as well as synopsis of PERs.
- (7) Details of penalties awarded and gist of charges.
- (8) Details of pending inquiries and gist of charges.
- (9) Result of trainings/examinations prescribed for the posts.
- (10) Remarks of the previous meetings, if considered earlier.
- (11) Additional information, if any.
- (12) PER grading & Quantification Form must be attached as per **Schedule-II**.
- (13) Clear recommendations of the department be added.
- (14) The Working Paper for SB/DPC should be submitted two weeks before the meeting of the SB/DPC.
- (15) Pre-SB meeting may be held 10 days before the meeting of the SB.

19. Promotion in Absentia

The cases of officers/officials proceeding on deputation, long leave, working against posts outside their cadre shall be dealt with as under:-

- (1) On deputation with an Autonomous Organization or another Government viz. Federal Government or another Provincial Government. The case of the officer should be considered on his/her turn and, if cleared, he/she should be informed of the decision and given an option to revert back to his/her parent department in his/her own interest within 03 months. In case the officer concerned reverts back to the parent department within this period, he/she should be promoted and allowed to retain his/her original seniority, otherwise he/she should be considered for promotion only on return from deputation.
- (2) On deputation with a Foreign Government or International Organization. The case of promotion of deputationist should be considered only after he/she has returned to and earned one full year PER.

- (3) On training abroad
- The case of an officer who is on training abroad for a period of less than 6 months or he/she is due to return within a period of 6 months, should be considered on his/her turn and in case he/she is cleared for promotion he/she should get his/her promotion on return from training and satisfactory completion of the course.
- The case of the officer who is on training abroad for more than 6 months or he/she is due to return after six months. Should be considered on his/her return and satisfactory completion of the course.
- (4) On long leave
- The case of an officer who is on leave for a period of less than six months or he/she is due to return within a period of six months should be considered on his/her turn and in case he/she is cleared for promotion, he/she should get his/her promotion on return from leave.
- The case of the officer who is on long leave for more than 6 months or is due to return after six months should be considered on his/her return from leave.
- The case of officer who is on leave for more than 2 years should be considered after he/she has returned from leave and earned one full year's PER.
- (5) Holding a job under his own department/ Government but outside his own cadre.
- A civil servant will be promoted in his/her own cadre. Those posted against ex-cadre posts will be considered for promotion on their turn, if cleared for promotion, the actual promotion will take place only when they rejoin their parent cadre.
- (6) On contract appointment
- Where a civil servant, during the period of contract appointment, becomes due for promotion in his/her own cadre or service, he/she shall be deferred for promotion and shall only be eligible for consideration for promotion on his/her return from the contract appointment. Where a civil servant is promoted on his/her return from contract appointment, he/she shall not be eligible for grant of proforma promotion. However, he/she shall be allowed to retain his/her original seniority in his/her cadre.

20. Promotion During LPR

A civil servant during LPR will not be considered for promotion to a higher post.

21. Effect of Supersession on Promotion

A civil servant who is superseded on any account shall not be considered for promotion unless he/she has earned one more PER for one full year.

First supersession shall be for one year and the case of the officers/officials shall be brought up before the Board/DPC after the lapse of that period. If the officer/official is superseded again, the supersession shall be for 2 years and if he/she is superseded again (third time) then it shall be treated as permanent supersession. His/her case should also be considered for retirement either on his/her own request or under Section 12(i) of the Azad Jammu & Kashmir Civil Servants Act, 1976.

22. Upgradation of posts and Promotion

Upgradation of a post and promotion of an officer from lower to higher scale are two distinct issues which should not be linked together. Upgradation of a post on account of expansion in area of jurisdiction and responsibilities is within the purview of Finance Department, whereas, promotion of an officer to a higher scale is entirely a different issue which falls under the exclusive jurisdiction of the SB or the DPC depending upon the scale of the officer/official. Upgradation of a post by Finance Department does not automatically enhance scale of the officer/official whose suitability to occupy the upgraded post has to be assessed separately by the competent authority except where all posts in a cadre are upgraded alongwith incumbents by the Finance Department in consultation with the S&GAD with the approval of the Government.

23. Forgoing of promotion

- (1) As laid down in Rule 3(1) of the Azad Jammu and Kashmir (Appointment and Conditions of Service) Rules, 1977, promotion is a mode of appointment, therefore, a civil servant after issuance of promotion notification, can refuse to accept the promotion. However, on such refusal he shall stand superseded.
- (2) The effect of such supersession shall be for three years and he/she shall be considered for promotion after three years. In case he/she is cleared for promotion and he/she again forgoes promotion then he/she will be deemed to have been permanently superseded.

24. General

- (1) Posts in promotion quota should be calculated on the basis of sanctioned cadre strength to be fixed by the Finance Department and according to the share/ratio provided in the service rules.
- (2) The fraction of 0.5 or above shall go to promotion quota while calculating the promotion quota.
- (3) The vacant posts in the promotion quota should be substantiated with documentary proof, i.e., attachment of orders of retirement, promotion, dismissal, etc.

- (4) The Working Paper for placing before SB should be signed by the Secretary of the concerned department.
- (5) The Working Paper for placing before DPC should be signed by an officer not below the rank of Deputy Secretary at Secretariat level. However, at Attached Department level, it should be signed by an officer one step below the rank of the appointing authority.
- (6) Furnishing complete information/details and calculation of score of the officers with accuracy is the responsibility of the concerned Administrative Department. All the Departments must ensure that documents in regard to the proposals for promotion are prepared with utmost care so that the information submitted to the Board/DPC is complete and accurate in all respects. In the event of any discrepancy coming to notice, strict disciplinary action shall be taken against the responsible officer/official.
25. The condition of qualification bar-Graduation for promotion to BPS-18 and above is imposed across the Board.
26. The above policy will supersede all instructions issued from time to time on the subject.
27. This issues with the approval of the Prime Minister Azad Government of the State of Jammu and Kashmir. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy.

Sd/--

(Raja Muhammad Razzaque)
Special Secretary S&GAD

Schedule-I

[see para 8 & 13]

Quantifying the Performance Evaluation Reports

PERs in respect of two preceding grades (SB) or the last 12 years, whichever is more, will be quantified. If the service of an officer in present and previous grade is less than 12 years then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade. However, where initial appointment was made in BS-18, 19 or 20, the number of PERs for the purpose of quantification shall be reduced in the light of the Azad Jammu & Kashmir minimum length of service for promotion to posts in BPS-18 and above rules, 1989.

2. (a) The overall grading in the PERs are allocated the following marks:

| | Overall Grading | Marks |
|-------|------------------------|--------------|
| (i) | Outstanding | 10 |
| (ii) | Very Good | 8 |
| (iii) | Good | 7 |
| (iv) | Average | 5 |
| (v) | Below Average | 1 |
| (vi) | Poor | 0 |

- (b) If the overall grading in a PER is ambiguous e.g. placed between Good and Average, the quantification will be based on the lower rating.
- (c) In case the assessment of the countersigning officer differs from that of the reporting officer in any PER, the quantification will be based on the overall grading recorded by the countersigning officer.
- (d) Where two or more confidential reports were initiated in a calendar year, the marks for the year will be worked out on the basis of actual days of the report divided by 365 and multiplied by grading marks of the period unless the officer was promoted during the year when the relevant part reports were recorded. First report and the last report should be counted for full year.
3. The marks for PERs will be computed separately for each level of posts carrying the same basic pay scale and a weighted aggregate score will be worked out as follows;

First Step

Weighted mean will be calculated for each calendar year containing 2 or more PERs vide 2(d) to derive the PERs score for that year as follows;

$$\Sigma = \frac{\text{Number of days} \times \text{grading marks}}{365 \text{ days}}$$

Second Step

Average marks for each level will be calculated according to the following formula;

$$\text{Average marks} = \frac{\Sigma M \times 10}{T}$$

Where M=Marks for PERs vide paras 2(a) & 2(d); and

T = Total number of PERs in posts at that level.

Third Step

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 70% marks:-

$$\text{Aggregate score} = (0.42 \times B) + (0.28 \times A)$$

Where

B = total marks for PERs in the present scale.

A = total marks for PERs in the preceding scale.

Forth Step

The following additions/ deductions shall be made in the total marks worked out in the second step.

A) Additions:

- (i) For serving in a Government training institution, including those meant for specialized training in any particular cadre, for a period of 2 years or more. 2 marks

B) Deductions:

- (i) For each major penalty imposed under the AJ&K Civil Servants (Efficiency and Discipline) Rules, 1977, AJ&K Removal from Service (Special Powers) Act, 2001. 5 marks
- (ii) For each minor penalty imposed under the AJ&K Civil Servants (Efficiency and Discipline) Rules, 1977, AJ&K Removal from Service (Special Powers) Act, 2001. 3 marks
- (iii) For adverse remarks (deductions be made for such remarks only as were duly conveyed to the concerned officer and were not expunged on his representation or the officer did not represent). 1 mark per PER containing adverse remarks

4. Where an officer appointed to a higher post on *acting charge, officiating, current charge basis* is considered for regular promotion to that post, the PERs earned during his acting charge/officiating/current charge appointment will be added to the PERs *earned in the lower post* for calculating the marks.

CALCULATION OF SCORE

| PERs Quantified Score | Basic Scale | Aggregate Score | Weightage Factor | Points Obtained |
|--|--------------------------------------|-----------------|------------------|-----------------|
| 60:40 @70% | Present Scale | | 0.42 | |
| | Previous Scale | | 0.28 | |
| | i. Additions ii. Deletions | | | |
| | Total (A) | | | |
| Training: @ 15 % | Mandatory training as prescribed (B) | | 0.15 | |
| Total: 85% Total: (A+B) | | | | |

Prepared by: _____

Checked by: _____

Countersigned by: _____

Name: _____

Designation: _____

Date: _____

(See sample)

CALCULATION OF SCORE

| PERs Quantified Score | Basic Scale | Aggregate Score | Weightage Factor | Points Obtained |
|-----------------------------------|---|--------------------|------------------|-----------------|
| 60:40 @70% | Present Scale | | 0.42 | |
| | Previous Scale | | 0.28 | |
| | i. Additions ii. Deletions | | | |
| | Total (A) | | | |
| Training: @ 15 % | Mandatory training as Prescribed (NIPA etc.)(B) | | 0.15 | |
| Total: 85% | | Total (A+B) | | |

Prepared by: _____

Checked by: _____

Countersigned by: _____

Name: _____

Designation: _____

Date: _____

(See sample)

PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-20 TO BS-21)

Name/Designation: (BS-20) Department Seniority No.

Date of Birth:

| Year | Post held | Period of PER | | PERs Assessment | | Fitness for promotion | Score |
|-------------------------|-----------|---------------|----|-----------------|-------|-----------------------|-------|
| | | From | To | By RO | By CO | | |
| Previous Scale (BS-19) | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Aggregate Score= | | | | | | | |
| Present Scale (BS-20) | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Aggregate Score= | | | | | | | |

CALCULATION OF SCORE

| PERs Quantified Score | Basic Scale | Aggregate Score | Weightage Factor | Points Obtained |
|-----------------------------------|-------------------------------|-----------------|--------------------|-----------------|
| 60:40 @70% | Present Scale | | 0.42 | |
| | Previous Scale | | 0.28 | |
| | i. Additions ii. Deletions | | | |
| | Total (A) | | | |
| Training: @ 15 % | NMC/NDC | | 0.09 | |
| | NIPA | | 0.06 | |
| | Total (B) | | | |
| Total: 85% | | | Total (A+B) | |

Prepared by: _____

Checked by: _____

Countersigned by: _____

Name: _____

Designation: _____

Date: _____

(See sample)

SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-18 TO BS-19)

Name/Designation: (BS-18) Department Seniority No.
Date of Birth:

| Year | Post held | Period of PER | | PERs Assessment | | Fitness for promotion | Score |
|-----------------------------|-----------|---------------|------------|-----------------|---------|-----------------------|-------|
| | | From | To | By RO | By CO | | |
| Previous Scale (BS-17) | | | | | | | |
| 1996 | | 01.01.1996 | 31.12.1996 | V. Good | V. Good | Fit | 08 |
| 1997 | | 01.01.1997 | 31.12.1997 | V. Good | V. Good | Fit | 08 |
| 1998 | | 01.01.1998 | 31.12.1998 | Good | Good | Fit | 07 |
| 1999 | | 01.01.1999 | 31.12.1999 | Good | Good | Fit | 07 |
| 2000 | | 01.01.2000 | 31.12.2000 | Good | Good | Fit | 07 |
| Aggregate Score = 37/5 x 10 | | | | | | | 74 |
| Present Scale (BS-18) | | | | | | | |
| 2001 | | 01.01.2001 | 31.12.2001 | V. Good | V. Good | Fit | 08 |
| 2002 | | 01.01.2002 | 31.12.2002 | Good | Good | Fit | 07 |
| 2003 | | 01.01.2003 | 31.12.2003 | V. Good | V. Good | Fit | 08 |
| 2004 | | 03.01.2004 | 31.12.2004 | Average | Average | Fit | 05 |
| 2005 | | 01.01.2005 | 31.12.2005 | Good | Good | Fit | 07 |
| 2006 | | 01.01.2006 | 31.12.2006 | Good | Good | Fit | 07 |
| 2007 | | 01.01.2007 | 31.12.2007 | V. Good | V. Good | Fit | 08 |
| Aggregate Score = 50/7 x 10 | | | | | | | 71.43 |

CALCULATION OF SCORE

| PERs Quantified Score | Basic Scale | Aggregate Score | Weightage Factor | Points Obtained |
|-----------------------|----------------------------------|-----------------|--------------------|-----------------|
| 60:40 @70% | Present Scale | 71.43 | 0.42 | 30.00 |
| | Previous Scale | 74.0 | 0.28 | 20.72 |
| | i. Additions ii. Deletions | | | |
| | Total (A) | | | 50.72 |
| Training: @ 15 % | Mandatory Training (B) | 85% | 0.15 | 12.75 |
| Total 85% | | | Total (A+B) | 63.47 |

Prepared by
Name:
Designation:
Date:

Checked by

Countersigned by

SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-19 TO BS-20)

Name/Designation: (BS-19) Department Seniority No.
Date of Birth:

| Year | Post held | Period of PER | | PERs Assessment | | Fitness for promotion | Score |
|-----------------------------|-----------|---------------|------------|-----------------|---------|-----------------------|-------|
| | | From | To | By RO | By CO | | |
| Previous Scale (BS-18) | | | | | | | |
| 1997 | | 01.01.1997 | 31.12.1997 | Good | Good | Fit | 07 |
| 1998 | | 01.01.1998 | 31.12.1998 | V.Good | V.Good | Fit | 08 |
| 1999 | | 01.01.1999 | 31.12.1999 | Good | Good | Fit | 07 |
| Aggregate Score = 22/3 x 10 | | | | | | | 73.33 |
| Present Scale (BS-19) | | | | | | | |
| 2000 | | 01.01.2000 | 31.12.2000 | V.Good | V.Good | Fit | 08 |
| 2001 | | 01.01.2001 | 31.12.2001 | Good | Good | Fit | 07 |
| 2002 | | 01.01.2002 | 31.12.2002 | V.Good | V.Good | Fit | 08 |
| 2003 | | 01.01.2003 | 31.12.2003 | Good | Good | Fit | 07 |
| 2004 | | 01.01.2004 | 31.12.2004 | Good | Good | Fit | 07 |
| 2005 | | 01.01.2005 | 31.12.2005 | V.Good | V.Good | Fit | 08 |
| 2006 | | 01.01.2006 | 31.12.2006 | V.Good | V.Good | Fit | 08 |
| 2007 | | 01.01.2007 | 31.12.2007 | V. Good | V. Good | Fit | 08 |
| 2008 | | 01.01.2008 | 31.12.2008 | Good | Good | Fit | 07 |
| Aggregate Score = 68/9 x 10 | | | | | | | 75.55 |

CALCULATION OF SCORE

| PERs Quantified Score | Basic Scale | Aggregate Score | Weightage Factor | Points Obtained |
|-----------------------|--|--------------------|------------------|-----------------|
| 60:40 @70% | Present Scale | 75.55 | 0.42 | 31.73 |
| | Previous Scale | 73.33 | 0.28 | 20.53 |
| | i. Additions ii. Deletions | | | |
| | Total (A) | | | 52.26 |
| Training: @ 15 % | Mandatory training As prescribed (NIPA etc.) (B) | 76 % | 0.15 | 11.40 |
| Total 85% | | Total (A+B) | | 63.66 |

Prepared by: _____
Checked by: _____
Countersigned by: _____

Name: _____
Designation: _____
Date: _____

(See sample)

SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-20 TO BS-21)

Name/Designation: (BS-20) Department Seniority No.
Date of Birth:

| Year | Post held | Period of PER | | PERs Assessment | | Fitness for promotion | Score |
|-------------------------------|-----------|---------------|------------|-----------------|---------|-----------------------|-------|
| | | From | To | By RO | By CO | | |
| Previous Scale (BS-19) | | | | | | | |
| 1998 | | 01.01.1998 | 31.12.1998 | V.Good | V.Good | Fit | 08 |
| 1999 | | 01.01.1999 | 31.12.1999 | Good | Good | Fit | 07 |
| 2000 | | 01.01.2000 | 31.12.2000 | V.Good | V.Good | Fit | 08 |
| 2001 | | 01.01.2001 | 31.12.2001 | Good | Good | Fit | 07 |
| Aggregate Score = 30/4 x 10 | | | | | | | 75 |
| Present Scale (BS-20) | | | | | | | |
| 2002 | | 01.01.2002 | 31.12.2002 | V.Good | V.Good | Fit | 08 |
| 2003 | | 01.01.2003 | 31.12.2003 | Good | Good | Fit | 07 |
| 2004 | | 01.01.2004 | 31.12.2004 | Good | Good | Fit | 07 |
| 2005 | | 01.01.2005 | 31.12.2005 | V.Good | V.Good | Fit | 08 |
| 2006 | | 01.01.2006 | 31.12.2006 | Good | Good | Fit | 07 |
| 2007 | | 01.01.2007 | 31.12.2007 | V. Good | V. Good | Fit | 08 |
| 2008 | | 01.01.2008 | 31.12.2008 | V.Good | V.Good | Fit | 08 |
| 2009 | | 01.01.2009 | 31.12.2009 | Good | Good | Fit | 07 |
| Aggregate Score = 60/8 x 10 | | | | | | | 75 |

CALCULATION OF SCORE

| PERs Quantified Score | Basic Scale | Aggregate Score | Weightage Factor | Points Obtained |
|-----------------------|-------------------------------|-----------------|------------------|-----------------|
| 60:40 @70% | Present Scale | 75 | 0.42 | 31.5 |
| | Previous Scale | 75 | 0.28 | 21.0 |
| | i. Additions ii. Deletions | | | |
| | Total (A) | | | 52.50 |
| Training: @ 15 % | NMC/NDC | 70% (Good) | 0.09 | 6.3 |
| | NIPA | 70% | 0.06 | 4.2 |
| | Total: (B) | | | 10.5 |
| Total 85% | | | Total (A+B) | 63.00 |

Prepared by _____ Checked by _____ Countersigned by _____
Name:
Designation:
Date

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

No. S&GAD/ 2017(G-I) Muzaffarabad, the 9th of May, 2017.

CIRCULAR:

To

- i) The Additional Chief Secretary (Development).
- ii) The Senior Member Board of Revenue.
- iii) All Secretaries to the Government.
- iv) The Inspector General of Police.

Azad Govt. of the State
of Jammu & Kashmir,
Muzaffarabad.

SUBJECT: PROVISION OF DETAIL OF PENDING PROMOTION CASES.

The undersigned is directed to convey the directions of the Chief Secretary/ Chairman Selection Board No. 1, that all eligible cases for promotion of officers/officials may be forwarded to the relevant Selection Board(s) without further delay.

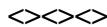
2. It is, therefore, requested to furnish the same in due course of time enabling this department to proceed further in the matter as per requirement of AJ&K Civil Servants Promotion Policy, 2015.
3. This may kindly be treated on 'Priority Basis'.

(Raja Zubaid-ur-Rehman)
Deputy Secretary
(Gazetted-I/Selection Board)
Ph: 05822-921950

CC:

- 1) PSO to the Chief Secretary/Chairman SB No. 1.
- 2) PS to the Additional Chief Secretary (General)/Chairman SB No. 2.
- 3) PS to the Secretary S&GAD/Chairman SB No. 3.
- 4) The Senior Additional Secretary S&GAD/SB No. 1.
- 5) Office copy.

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT



No. S&GAD/A-17(99)2017(G-I)

Muzaffarabad, the 9th of November, 2017.

CIRCULAR

To:

- i) The Additional Chief Secretary (Development).
- ii) The Additional Chief Secretary (General).
- iii) The Senior Member Board of Revenue.
- iv) All Secretaries to the Government.
Azad Govt. of the State of Jammu & Kashmir, Muzaffarabad.

SUBJECT: GENERAL DECISIONS OF SELECTION BOARD NO. 1 (MEETING HELD ON 09/08/2017).

The undersigned is directed to convey that the Selection Board No. 1 in its meeting held on 09/08/2017 has made following general decisions:

- i) Administrative Secretaries shall ensure their participation in the meetings of the Selection Boards and avoid sending their representatives in future.
 - ii) Administrative Secretaries shall avoid submission of ex-Agenda Items during the meeting of the Selection Board.
 - iii) Cases of officiating promotion shall also be submitted for consideration in the meeting of the Selection Board concerned.
2. It is, therefore, requested that necessary action in this regard may please be taken at your end.

(Khalique Ahmed Khan)
Section Officer (SB No. 1)
Ph: 05822-921038

Cc:

- 1) PSO to the Chief Secretary.
- 2) PS to the Secretary S&GAD.
- 3) PS to the Senior Additional Secretary S&GAD.
- 4) Master file.

Section Officer (SB No. 1)

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT**

No. S&GAD/A-17(99)2018(G-I)

Muzaffarabad, the 20th of July, 2018.

CIRCULAR

To

- 1) The Additional Chief Secretary (Development).
- 2) The Additional Chief Secretary (General).
- 3) The Senior Member Board of Revenue.
- 4) All Secretaries to the Government.
- 5) The Secretary Finance Department.
- 6) The Special Secretary PM Secretariat.

Azad Govt. of the State of
Jammu & Kashmir,
Muzaffarabad.

Subject: Checklist for submission of Working Papers before Selection Board.

I have been directed to refer to the above subject and to convey that fulfillment requirements as per Checklist at Annex-'A' may please be ensured before submitting the cases of promotion before Selection Board in light of Para 18(1-14) of Promotion Policy, 2015.

(Khalique Ahmed Khan)
Section Officer (Gazetted-I)

Cc:

- 1) PSO to the Chief Secretary/Chairman SB No. 1.
- 2) PS to the Secretary S&GAD/Member/Secretary SB No. 1.
- 3) PS to the Senior Additional Secretary S&GAD.

CHECKLIST

| S # | Requirement(s) | Status |
|------------|--|---------------|
| 1 | Total No. of sanctioned posts. Department will ensure inclusion of detail of sanctioned cadre posts in the Working Paper supported by authentic copies of Budget Book/Notification. | |
| 2 | Bifurcation of posts quota wise. Bifurcation of posts falling in promotion or initial recruitment, if any and details of vacancies available for promotion. | |
| 3 | Causes of occurrence of vacancies. Duly supplemented by documentary evidence. | |
| 4 | Method of promotion as per service rules | |
| 5 | Panel of Govt. servants proposed for consideration. Panel of 02 officers for promotion against the posts up to BS-18 and panel of 03 officers against the posts of BS-19 & above as per availability of the officers (Strictly in accordance with the notified seniority list, not according to the tentative seniority list). | |
| 6 | Detailed service history/record. Giving full service particulars | |
| 7 | Detail of penalties and gist of charges. Exclusion of marks in quantification as per penalties awarded. | |
| 8 | Detail of pending inquires and gist of charges | |
| 9 | Detail report of mandatory training/examination prescribed for the post. | |
| 10 | Remarks of previous meeting, if considered earlier | |
| 11 | Additional information, if any | |
| 12 | PERs grading in quantification | |
| 13 | Clear recommendations of the department be added | |
| 14 | Working paper for Selection Board should be submitted two week before the meeting of SB. | |
| 15 | Litigation status/status quo, if any. | |
| 16 | Detail regarding specific exemption for mandatory training | |

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

No. S&GAD/A-17(99)2018(G-I)

Muzaffarabad, the 7th of May, 2018.

CIRCULAR

To:

- 1) The Additional Chief Secretary (Development).
- 2) The Additional Chief Secretary (General).
- 3) The Senior Member Board of Revenue.
- 4) All Secretaries to the Government.
- 5) The Secretary Finance Department.
- 6) The Special Secretary PM Secretariat.

*Azad Govt. of the State
of Jammu & Kashmir,
Muzaffarabad.*

Subject: General Decisions made by Selection Board No. 1 in the Meeting held on 05/04/2018.

I have been directed to refer to the above subject and to convey following recommendations made by the Selection Board No. 1, in its meeting held on 05/04/2018:

- i) The S&GAD will ensure regular meetings of the Selection Board No. 1 on monthly basis after addressing the observations/scrutiny by Pre-Board by the initiating departments in letter and spirit.
 - ii) The agenda items will be circulated to the permanent members of the board 02/03 days before the holding of meeting. Concerned administrative departments will ensure timely provision of agenda/working paper sets to the S&GAD for its circulation.
 - iii) The initiating departments will ensure provision of comprehensive service profile in working paper reflecting all service history of the officer(s) under consideration for promotion.
 - iv) The Chair showed its concern with regard to age specific exemption (over fifty years) for mandatory training(s) and directed to adopt the policy/instructions issued time to time by GoP and accordingly to change the rules for training MCMC, SMC, NMC.
 - v) In case of punishment, the officer should be kept under observation for a period of one year before preparing the case for his promotion by the concerned department.
2. This issues with the approval of the Government.

(Khalique Ahmed Khan)
Section Officer (Gazetted-I)

Cc:

- 1) PSO to the Chief Secretary/Chairman SB No. 1.
- 2) PS to the Secretary S&GAD/Member/Secretary SB No. 1.
- 3) PS to the Senior Additional Secretary S&GAD.

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

SERVICES & GENERAL ADMINISTRATION DEPARTMENT

No. S&GAD/A-17(99)2018(G-I)

Muzaffarabad, the 16th of October, 2018.

CIRCULAR

To

- 1) The Additional Chief Secretary (Development).
- 2) The Additional Chief Secretary (General).
- 3) The Senior Member Board of Revenue.
- 4) All Secretaries to the Government.
- 5) The Secretary Finance Department.
- 6) The Special Secretary PM Secretariat.

*Azad Govt. of the State
of Jammu & Kashmir,
Muzaffarabad.*

Subject: General Decisions made by Selection Board No. 1 in Meetings held on 06/09/2018 & 12/09/2018.

I have been directed to refer to the above subject and to convey following recommendations made by the Selection Board No. 1, in its meetings held on 06/09/2018 & 12/09/2018:

- i) The S&GAD will convene pre-board meetings in letter & spirit of Promotion Policy, 2015, ensure fulfillment of all pre-requisites for selection Board in terms of Paras 17 & 18 alongwith observations of Finance Department shared in pre-board meetings in letter and spirit by the sponsoring departments before finalizing the working papers to be tabled in the meeting of selection board, without addressal of observations of pre-board meeting by the sponsoring department, no working paper will be entertained by the S&GAD.
- ii) Sponsoring Department will ensure necessary arrangements for multimedia presentation of working papers prescribed by the sponsoring departments in terms of Para 24 of Promotion Policy, 2015 Department will also ensure submission of updated working paper duly prepared (not old then one month) by the departments..
- iii) To convene regular meetings of Selection Board No. 1 on monthly basis.

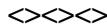
(Khalique Ahmed Khan)
Section Officer (Gazetted-I)
Ph: 05822-921038

Cc:

- 1) PSO to the Chief Secretary/Chairman SB No. 1.
- 2) PS to the Secretary S&GAD/Member/Secretary SB No. 1.
- 3) PS to the Special Secretary S&GAD.

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

SERVICES & GENERAL ADMINISTRATION DEPARTMENT



No. S&GAD/A-17(99)2020(G-I)

Muzaffarabad, the 9th of April, 2020

CIRCULAR

To:

- | | |
|--|---|
| i) The Additional Chief Secretary (Development). | } Azad Govt. of the State of Jammu & Kashmir, Muzaffarabad. |
| ii) The Additional Chief Secretary (General). | |
| iii) The Senior Member Board of Revenue. | |
| iv) All Secretaries to the Government. | |

SUBJECT: GENERAL DECISIONS OF SELECTION BOARD NO. 1 (MEETING HELD ON 25.02.2020).

The undersigned is directed to convey that the Selection Board No. 1 in its meeting held on 25/02/2020 has made following general decisions:

- i) The Board recommended arranging meeting of Selection Board No. 1 during the period March, 16 to December, 31 for every calendar year on the analogy of O.M issued by Government of Pakistan dated 01/02/2019 (Copy enclosed).
 - ii) The concerned authorities shall ensure completion of ACRs/PERs of the year up to end of February of the next year as per Para 5 of ACRs Instructions, 1988.
2. It is, therefore, requested that necessary action in this regard may please be taken at your end.

(Khalique Ahmed Khan)
Section Officer (SB No. 1)
Ph: 05822-921038

Cc:

- 1) The Chief Secretary/Chairman SB # 1.
- 2) The Secretary, S&GAD/Member/Secretary SB # 1.
- 3) The Special Secretary, S&GAD.
- 4) All Additional Secretaries, S&GAD.
- 5) Master file.

Section Officer (SB No. 1)

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

SERVICES & GENERAL ADMINISTRATION DEPARTMENT

No. S&GAD/A-17(99)2020(G-I)

Muzaffarabad, the 10th of February, 2020

CIRCULAR

To:

- | | |
|--|---|
| i) The Additional Chief Secretary (Development). | } Azad Govt. of the State of Jammu & Kashmir, Muzaffarabad. |
| ii) The Additional Chief Secretary (General). | |
| iii) The Senior Member Board of Revenue. | |
| iv) All Secretaries to the Government. | |

SUBJECT: GENERAL DECISIONS OF SELECTION BOARD NO. 1 (MEETING HELD ON 08/01/2020).

The undersigned is directed to convey that the Selection Board No. 1 in its meeting held on 08/01/2020 has made following general decisions:

- i) Departments are directed to ensure compliance of Circular No.S&GAD/A-1(29) 2012(Gazetted-I) dated 08/09/2012 regarding submission of cases for promotion against the posts likely to be vacant within three months on account of retirement of incumbents or otherwise with special focus on the officers at the verge of retirement to avoid litigation or phenomena of proforma/notional promotion.
 - ii) In future, cases of officiating promotion shall be submitted for approval with the consent of Chairman relevant Selection Board as per provision of Rule 13(2) of the AJ&K Civil Servants (Appointment & Conditions of Service) Rules, 1977. Sr. # (iii) of Circular No.S&GAD/A-17(99)2017(G-I) dated 09/11/2017 shall stand amended accordingly.
2. It is, therefore, requested that necessary action in this regard may please be taken at your end.

(Khalique Ahmed Khan)
Section Officer (SB No. 1)
Ph: 05822-921038

Cc:

- 1) The Chief Secretary.
- 2) The Secretary, S&GAD.
- 3) The Special Secretary, S&GAD.
- 4) All Additional Secretaries, S&GAD.
- 5) Master file.

Section Officer (SB No. 1)

THE PUBLIC SERVANTS (INQUIRIES) ACT, 1850

[Act No. XXXVII of 1850]

For regulating inquiries into the behavior of Public Servants

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of public servants ¹[not removable from their appointments] without the sanction of Government, and to make the same uniform throughout ²[Pakistan]; it is enacted as follows:-

1. **Repeal of Acts:** *[Repealed by the Repealing Act, 1870 (XIV of 1870)]*
2. **Articles of charge to be drawn out for public inquiry into conduct of certain public servants:** Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of ³[the Government not removable from his appointment without the sanction of the Government], it ⁴[may] cause the substance of the imputations to be drawn into distinct articles of charge, and ⁵[may] order a formal and public inquiry to be made into the truth thereof.
3. **Authorities to whom inquiry may be committed, Notice to accused:** The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, commissioners for the purpose: notice of which commission shall be given to the person accused ten days at least before the beginning of the inquiry.
4. **Conduct of Government prosecution:** When the Government shall think fit to conduct the prosecution; it shall nominate some person to conduct the same on its behalf.
5. **Charge by accuser to be written and verified. Penalty for false accusation, Institution of inquiry by Government:** When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser; and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury, but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.
6. **Security from accuser left by Government, to prosecute:** Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution or perjury or subornation of perjury, as the case may be.
7. **Power of Government to abandon prosecution and to allow accuser to continue it:** At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the

¹ Inserted by Public Servants (Inquiries) Act, (1850) Amendment Act, 1897 (Act 1 of 1897).

² Substituted by G.G.O 4 of 1949 for the original words as amended by Act 1 of 1897.

³ Substituted by *ibid.* for the words "the East India Company, not removed from his office without the sanction of the same Govt."

⁴ Substituted by A.O. 1937 for word "shall".

⁵ Substituted by *ibid.*

prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

8. **Powers of commissioners, their protection, Service of their process, Powers of Court, etc., acting under commission:** The commissioners shall have the same power of punishing contempt and obstructions to their proceedings, as is given to Civil and Criminal Courts by ⁶[the Code of Criminal Procedure, 1898,] and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the commission, and shall be entitled to the same protection as the Zila and City Judges, except that all process to cause the attendance of witnesses or other compulsory process, shall be served through and executed by the Zila or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, ⁷[*****]. When the commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the commission.
9. **Penalty for disobedience to process:** All persons disobeying any lawful process issued as aforesaid for the purposes of the commission shall be liable to the same penalties as if the same had issued originally from the Court or other authority through whom it is executed.
10. **Copy of the charge and list to be furnished to accused:** A copy of the articles of charge, and list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery and the first day of the inquiry.
11. **Procedure at beginning of inquiry:** At the beginning of the inquiry the prosecutor shall exhibit the articles of charge to the commissioners, which shall be openly read, and the person accused shall thereupon be required to plead "guilty" or "not guilty" to each of them, which pleas shall be forthwith recorded with the articles of charge. If the person accused refuses, or without reasonable cause neglects, to appear to answer the charge either personally or by his counsel or agent, he shall be taken to admit the truth of the articles of charge.
12. **Prosecutor's right of address:** The prosecutor shall then be entitled to address the commissioners in explanation of the articles of charge, and of the evidence by which they are to be proved: his address shall not be recorded.
13. **Evidence for prosecution and examination of witnesses, re-examination by prosecutor:** The oral and documentary evidence for the prosecution shall then be exhibited; the witnesses shall be examined by or on behalf of the prosecutor and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the commissioners, who also may put such questions as they think fit.
14. **Power to admit or call for new evidence for prosecution. Accused's right to adjournment:** If it shall appear necessary before the close of the case for the prosecution, the commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence; and in such case the person accused

⁶ Substituted by the Repealing and Amending Act, 1914 (10 of 1914), for the words, "Act XXX, 1841".

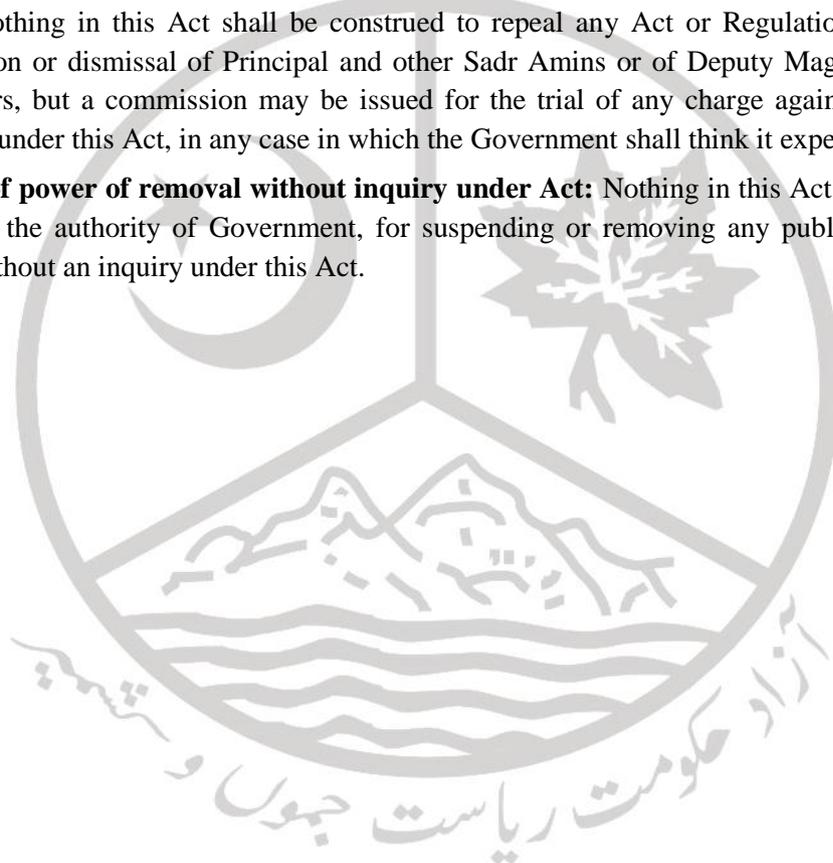
⁷ The words "if he resides within Calcutta, Madras or Bombay then through the Supreme Court of Judicature there" omitted by G.G.O.4 of 1949

shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

15. **Defence of accused, to be recorded only when written:** When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.
16. **Evidence for defence and examination of witnesses:** The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the commissioners according to the like rules as the witnesses for the prosecution.
17. **Examination of witnesses and evidence by prosecutor:** (*Repealed by the Repealing Act, 1876 (XII of 1876).*)
18. **Notes of oral evidence:** The commissioners or some person appointed by them shall take notes in English of all oral evidence, which shall be read aloud to each witness by whom the same was given, and, if necessary, explained to him in the language in which it was given, and shall be recorded with the proceedings.
19. **Inquiry when closed with defence; Prosecutor when entitled to reply and give evidence; Accused not entitled to adjournment.** If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.
20. **Power to require amendment of charge and to adjourn. Reason for refusing adjournment to be recorded:** When the commissioners, shall be of opinion that the articles of charge or any of them are not drawn with sufficient clearness and precision, the commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused on the ground of sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the commissioners shall record the application, and their reasons for refusing to comply with it.
21. **Report of commissioners' proceedings:** After the close of the inquiry the commissioners shall forthwith report to Government their proceedings under the commission, and shall send with the record thereof their opinion upon each of the articles of charge separately, with such observations as they think fit on the whole case.
22. **Power to call for further evidence or explanation, Inquiry into additional articles of charge; Reference of report of special commissioners' final orders:** The Government, on consideration of the report of the commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional articles of charge to be framed, in

which case the inquiry into the truth of such additional articles shall be made in the same manner as is herein directed with respect to the original charges. When special commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

23. ⁸[**Definition of “Government”**. In this Act, "the Government" means the Central Government in the case of persons employed under that Government and the State Government in the case of persons employed under that Government.]
24. **Saving of enactments as to dismissal of certain officers; Commission under Act for their trial:** Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sadr Amins or of Deputy Magistrates or Deputy Collectors, but a commission may be issued for the trial of any charge against any of the said officers, under this Act, in any case in which the Government shall think it expedient.
25. **Saving of power of removal without inquiry under Act:** Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.



⁸ Substituted by the A.O, 1937 for the original section; the words “Government, Central or Provincial Government” occurring in this Act shall mean and refer to the Azad Government of the State of Jammu and Kashmir.

THE AZAD JAMMU AND KASHMIR OFFICIAL SECRETS' ACT, 1923

Act No. XIX of 1923

[2nd April, 1921]

Preamble.--- An Act to consolidate and amend the law in Pakistan relating to official secrets.

WHEREAS it is expedient that the law relating to official secrets in Pakistan should be consolidated and amended;

It is hereby enacted as follows:--

1. **Short title, and application.**---(1) This Act may be called the Official Secrets' Act, 1923.

(2) It extends to the whole of Pakistan, and applies also, all citizens of Pakistan and persons in the service of Government, wherever they may be.

2. **Definitions.**--- In this Act, unless there is anything repugnant in the subject or context,---

(1) any reference to a place belonging to Government includes a place occupied by any department of the Government, whether the place is or is not actually vested in Government;

(2) expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document, or information itself or the substance, effect or description thereof only be communicated or received; expressions referring to obtaining or retaining any sketch, plan, model, article, note or document, include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note, or document; and expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission of the sketch, plan, model, article, note or document;

(2A) "appropriate Government" means, in relation to matters enumerated in the Federal Legislative List in the Fourth Schedule to the Constitution, the Federal Government and, in relation to any other matter, the Provincial Government;

(3) "document" includes part of a document;

(4) "model" includes design, pattern and specimen;

(5) "munitions of war" includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms and ammunition, torpedo, or mine intended or adopted for use in war, and any other article, material, or device, whether actual or proposed, intended for such use;

(6) "Office under Government" includes any office or employment in or under any department of the Government;

(7) “photograph” includes an undeveloped film or plate;

(8) “prohibited place” means,---

(a) any work of defence, arsenal naval, military or air force establishment or station, mine, minefield, camp, ship or aircraft belonging to, or occupied by or on behalf of Government, any military telegraph or telephone so belonging or occupied, any wireless or signal station or office so belonging or occupied and any factory, dockyard or other place so belonging or occupied and used for the purpose of building, repairing, making or storing any munitions of war, or any sketches, plans, models or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war;

(b) any place not belonging to Government where any munitions of war or any sketches, models, plans or documents relating thereto are being made, repaired, gotten or stored under contract with, or with any person on behalf of, Government, or otherwise on behalf of Government;

(c) any place belonging to or used for the purpose of Government which is for the time being declared by the appropriate Government, by notification in the official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality;

(d) any railway, road, way or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith) or any place used for gas, water or electricity works or other works for purposes of a public character, or any place where any munitions of war or any sketches, models, plans, or documents relating thereto, are being made, repaired or stored otherwise than on behalf of Government, which is for the time being declared by the appropriate Government by notification in the official Gazette, to be a prohibited place for the purposes of this Act on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference there with, would be useful to an enemy, and to which a copy of the notification in respect thereof has been affixed in English and in the vernacular of the locality:---

Provided that where for declaring a prohibited place under sub-clause (c) or sub-clause (d) a notification in the official Gazette is not considered desirable in the interest of the security of the State, such declaration may be made by an order a copy or notice of which shall be prominently displayed at the point of entry to, or at a conspicuous place near, the prohibited place.

(9) “sketch” includes any photograph or other mode of representing any place or thing; and

(10) “Superintendent of Police” includes any police officer of alike or superior rank, and any person upon whom the powers of a Superintendent of Police are for the purposes of this Act conferred by the appropriate Government;

3. Penalties for spying.---(1) If any person for any purpose prejudicial to the safety or interests of the State:---

- (a) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or
- (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy; or
- (c) obtains, collects, records or publishes or communicates to any other person any secret official code or pass word, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy; he shall be guilty of an offence under this section.

(2) On a prosecution for an offence punishable under this section with imprisonment for a term which may extend to fourteen years, it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or pass word is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State, such sketch, plan, model, article, note, document or information shall be presumed to have been made, obtained, collected, recorded, published or communicated for a purpose prejudicial to the safety or interests of the State.

(3) A person guilty of an offence under this section shall be punishable,---

(a) where the offence committed is intended or calculated to be, directly or indirectly, in the interest or for the benefit of a foreign power, or is in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Pakistan or in relation to any secret official code, with death, or with imprisonment for a term which may extend to fourteen years; and

(b) in any other case, with imprisonment for a term which may extend to three years.

3A. Restriction against photographs, sketches etc., of prohibited and notified areas.---(1) No person shall, except under the authority of a written permit granted by or on behalf of the appropriate Government, make any photograph, sketch, plan, model, note or representation of any kind of any prohibited place or of any other place or area, notified by the appropriate Government has a place or area with regard to which such restriction appears a to that Government to be expedient in the interests of the security of Pakistan, or of any part of or object in any such place or area.

(2) The 4[appropriate Government] may, by general or special order make provision for securing that no photograph, sketch, plan, model, note or representation of any kind made under the authority of a permit granted in pursuance of subsection (1) shall be published unless and until the same has been submitted to

and approved by such authority or person as may be specified in the order, and may retain or destroy or otherwise dispose of anything so submitted.

(3) If any person contravenes any of the provisions of this section, he shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

(4) The Federal Government may by notification in the *official Gazette* empower any Provincial Government to exercise all or any of the powers exercisable by the Federal Government under this section, or under sub-clause (c) or sub-clause (d) of clause (8) of section 2, or under clause (10) of that section.

4. Wrongful communication, etc., information.---(1) In any proceedings against a person **for an offence** under section 3, the fact that he has been in communication with, or attempted to communicate with, a foreign agent, whether within or without Pakistan, shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be, or is intended to be, directly or indirectly, useful to an enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provision,---

(a) a person may be presumed to have been in communication with a foreign agent if,---

(i) he has, either within or without Pakistan visited the address of a foreign agent or consorted or associated with a foreign agent, or

(ii) either within or without Pakistan, the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person;

(b) the expression “foreign agent” includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without Pakistan, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without Pakistan, committed, or attempted to commit, such an act in the interests of a foreign power;

(c) any address, whether within or without Pakistan, in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent; or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, may be presumed to be the address of a foreign agent, and communications addressed to such an address to be communications with a foreign agent.

5. Unauthorised use of uniforms; falsification of reports, forgery, personation and false documents.-

--(1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or

relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract,---

(a) willfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or

(b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or

(c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or willfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information; he shall be guilty of an *offence under* this section.

(2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an *offence under* this section.

(3) A person guilty of an offence under this section shall be punishable,---

(a) where the offence committed is a contravention of clause (a) of sub-section (1) and intended or calculated to be, directly or indirectly, in the interest or for the benefit of a foreign power, or is in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, mine-field, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Pakistan or in relation to any secret official code, with death, or with imprisonment for a term which may extend to fourteen years; and

(b) in any other case, with imprisonment for a term which may extend to two years, or with fine, or with both.

6. Unauthorised use of uniforms; falsification of reports, forgery, personation and false documents--

(1) If any person for the purpose of gaining admission or of assisting any other person to gain admission to a prohibited place or for any other purpose prejudicial to the safety of the State,---

(a) uses or wears, without lawful authority, any naval, military, air force, police or other official uniform, or any uniform so nearly resembling the same as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform; or

(b) orally, or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes or connives at the making of any false statement or any omission; or

(c) forges, alters, or tampers with any passport or any naval, military, air-force, police, or official pass, permit, certificate, licence, or other document of a similar character (hereinafter in this section referred to as an official document) or knowingly uses or has in his possession any such forged, altered, or irregular official document; or

(d) personates, or falsely represents himself to be, a person holding, or in the employment of a person holding office under Government, or to be or not to be a person to whom an official document or secret official code or pass word has been duly issued or communicated, or with intent to obtain an official document, secret official code or pass word, whether for himself or any other person, knowingly makes any false statement; or

(e) uses, or has in his possession or under his control, without the authority of the department of the Government or the authority concerned, any die, seal or stamp of or belonging to, or used, made or provided by, any department of the Government, or by any diplomatic, naval, military or air force authority appointed by or acting under the authority of Government, or any die, seal or stamp so nearly resembling any such die, seal or stamp as to be calculated to deceive, or counterfeits any such die, seal or stamp, or knowingly uses, or has in his possession or under his control, any such counterfeited die, seal or stamp, he shall be guilty of an offence under this section.

(2) If any person for any purpose prejudicial to the safety of the State,---

(a) retains any official document, whether or not completed or issued for use, when he has no right to retain it, or when it is contrary to his duty to retain it, or willfully fails to comply with any directions issued by any department of the Government or any person authorised by such department with regard to the return or disposal thereof; or

(b) allows any other person to have possession of any official document issued for his use alone, or communicates any secret official code or pass word so issued, or, without, lawful authority or excuse, has in his possession any official document or secret official code or pass word issued for the use of some person other than himself, or, on obtaining possession of any official document by finding or otherwise, willfully fails to restore it to the person or authority by whom or for whose use it was issued, or to a police officer; or

(c) without lawful authority or excuse, manufactures or sells, or has in his possession for sale, any such die, seal or stamp as aforesaid; he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(4) The provisions of sub-section (2) of section 3 shall apply, for the purpose of proving a purpose prejudicial to the safety of the State, to any prosecution for an offence under this section relating to the naval, military or air force affairs of Government, or to any secret official code, in like manner as they apply, for the purpose of proving a purpose prejudicial to the safety or interests of the State, to prosecutions for offences punishable under that section with imprisonment for a term which may extend to fourteen years.

7. Interfering with officers of the police or members of the armed forces of Pakistan.---(1) No person in the vicinity of any prohibited place shall obstruct, knowingly mislead or otherwise interfere with or impede, any police officer, or any member of the armed forces of Pakistan engaged on guard, sentry, patrol, or other similar duty in relation to the prohibited place.

(2) If any person acts in contravention of the provisions of this section, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

8. Duty of giving information as to commission of offences.---(1) It shall be the duty of every person to give on demand to a Superintendent of Police, or other police officer not below the rank of Inspector, empowered by an Inspector-General in this behalf, or to any member of the armed forces of Pakistan engaged on guard, sentry, patrol or other similar duty, any information in his power relating to an offence or suspected offence under section 3 or under section 3 read with section 9 and, if so required, and upon tender of his reasonable expenses, to attend at such reasonable time and place as may be specified for the purpose of furnishing such information.

(2) If any person fails to give ante such information or to attend as aforesaid, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

9. Attempts, incitements, etc.--- Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against in the same manner as if he had committed such offence.

10. Penalty for harbouring spies.- (1) If any person knowingly harbours any person whom he knows or has reasonable grounds for supposing to be a person who is about to commit or who has committed an offence under section 3 or under section 3 read with section 9 or knowingly permits to meet or assemble in any premises in his occupation or under his control any such persons, he shall be guilty of an offence under this section.

(2) It shall be the duty of every person having harboured any such person as aforesaid or permitted to meet or assemble in any premises in his occupation or under his control any such persons as aforesaid, to give on demand to a Superintendent of Police or other police officer not below the rank of Inspector empowered by an Inspector-General in this behalf, any information in his power relating to any such person or persons, and if any person fails to give any such information, he shall be guilty of an offence under this section.

(3) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

11. Search warrants.---(1) If, Magistrate of the first class or Sub-divisional Magistrate is satisfied, by information on oath that there is reasonable ground for suspecting that an offence under this Act has been or is about to be committed; he may grant a search-warrant authorising any police officer named therein, not being below the rank of an officer in charge of a police station, to enter at any time any premises or place named in the warrant, if necessary, by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note or document; or anything of alike nature, or anything which is evidence of an offence under this Act having been or being about to be committed which he may find on the premises or place or any such person, and with regard to or in connection with which he has reasonable ground for suspecting that an offence under this Act has been or is about to be committed.

(2) Where it appears to a police officer, not being below the rank of Superintendent, that the case is one of great emergency, and that in the interests of the State immediate action is necessary, he may by a written order under his hand give to any police officer the like authority as may be given by the warrant of a Magistrate under this section.

(3) Where action has been taken by a police officer under sub-section (2) he shall, as soon as may be, report such action to the District or Sub-divisional Magistrate.

12. Power to arrest. Notwithstanding anything in the Code of Criminal Procedure, 1898,---

(b) an offence under this Act, other than an offence punishable with imprisonment for a term which may extend to fourteen years, shall be a cognizable and bailable offence; and

(c) any member of the armed forces of Pakistan may, without an order from a Magistrate and without a warrant, arrest, in or in the vicinity of a prohibited place, any person who has been concerned in an offence under section 3, or under section 3 read with section 9, or under clause (a) or clause (b) of sub-section (1) of section 5, or under clause (a) of sub-section (1) of section 6, or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned, and shall without unnecessary delay take or send the person arrested before a Magistrate having jurisdiction on the case or before an officer in charge of a police-station, and thereupon the provisions of the said Code applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate or before an officer in charge of a police-station shall apply to him.

13. Restriction on trial of offences.---(1) No Court other than that of a Magistrate of the first class specially empowered in this behalf by the appropriate Government shall try any offence under this Act.

(2) If any person under trial before a Magistrate for an offence under this Act at any time before a charge is framed claims to be tried by the Court of Session, the Magistrate shall, if he does not discharge the accused, commit the case for trial by that Court, notwithstanding that it is not a case exclusively trial able by that Court.

(3) No Court shall take cognizance of any offence under this Act unless upon complaint made by order of, or under authority from, the appropriate Government or some officer empowered by the appropriate Government] in this behalf,---

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that such complaint has not been made, but no further or other proceedings shall be taken until such complaint has been made.

(4) For the purposes of the trial of a person for an offence under this Act, the offence may be deemed to have been committed either at the place in which the same actually was committed or at any place in Pakistan in which the offender may be found.

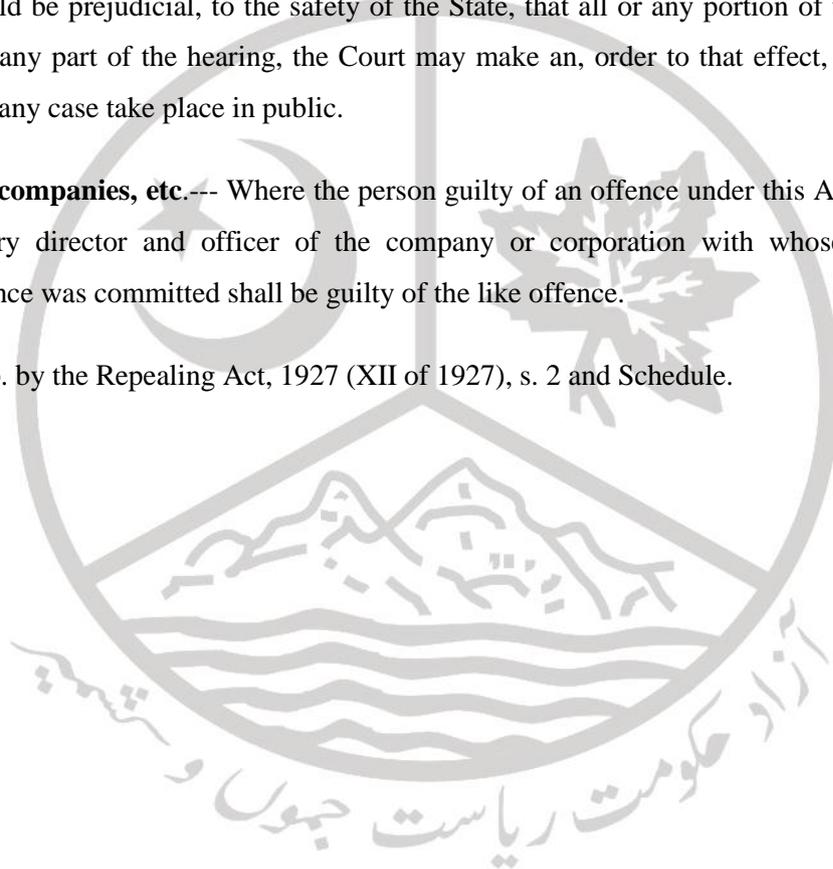
(6) The appropriate Government may, if it thinks fit, by general or special order direct that the procedure for the trial of an offence under section 3, or under section 3 read with section 9, or under clause (a) or clause (b) of sub-section (1) of section 5, or under clause (a) of sub-section (1) of section 6 shall be that

prescribed for offences under the Enemy Agents' Ordinance, 1943, or under the Pakistan Criminal Law, Amendment Act, 1958.

14. Exclusion of public from proceedings.--- In addition and without prejudice to any powers which a Court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before, a Court against any person for an offence under this Act or the proceeding on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, off, the, ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial, to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the Court may make an, order to that effect, but the passing of sentence shall in any case take place in public.

15. Offences by companies, etc.--- Where the person guilty of an offence under this Act is a company or corporation, every director and officer of the company or corporation with whose knowledge, and consent; the offence was committed shall be guilty of the like offence.

16. Repeals. Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.



THE AZAD JAMMU AND KASHMIR OFFICIAL MISDEMEANOR ACT, 1948

(Sanctioned by the Azad Jammu & Kashmir Government under
Council order No.254, Dated the 13th March 1948)

Preamble:- Whereas it is expedient to define and to consolidate the law relating to misdemeanor of persons holding any office under the Azad Jammu & Kashmir Government; it is hereby enacted as follows:-

1. **Title, extent and commencement:** (i) This Act shall be called the Official Misdemeanor Act of 1948.
 - (ii) It extends to all the territories that are or may come under the administration of Azad Jammu & Kashmir Government.
 - (iii) It shall come into force forthwith.
2. **Definition:** In this Act:
 - (1) **“Government”** means and denotes the Azad Jammu & Kashmir Government.
 - (2) **“Court”** means the Court of a Magistrate of first class having jurisdiction.
 - (3) **“To oppress”** denotes and includes the use of force physical or moral, against another person and employment of any method, so as to make any person do what he cannot be compelled to do legally or to omit to do anything which he is legally entitled to do except in accordance with law for the time being in force and within the strict limits of such law.
 - (4) The explanation and definition in chapter II of the Indian (now Pakistan) Penal Code shall as far as possible, apply to the provisions of this Act.
3. **What is misdemeanor:-** Any person holding office under the Azad Jammu & Kashmir Government shall be deemed to be guilty of misdemeanor if:-
 - (a) he oppresses any citizen of Jammu and Kashmir State within his jurisdiction, under the colour of his office of authority; or
 - (b) he willfully disobeys or omits, forbears or neglects to execute any lawful order or instructions of the Minister of the Government or his superior officers; or
 - (c) he is guilty of willful breach of trust or neglect of the duties of his office: or
 - (d) being a Minister, Head of Department or being a person employed or concerned in the collection of revenue or administration of justice, he is concerned or has any dealings or transaction by way of trade or business in any part of Azad Jammu & Kashmir State for the benefit either of himself or of any other person otherwise than as share-holders in any joint stock company or trading corporation, having been specially permitted to do so: or
 - (e) demands, accepts or obtains, or agrees to accept or attempts to obtain from any person, for himself or for any other person any gratification, gift, gratuity or reward other than legal remuneration, as a motive or reward for doing or for forbearing to do any official

act, for showing or forbearing to show, in the exercise of his official function, favour or disfavor to any person, or with any person as such except in accordance with such rules as may be made by the Government as to the receipt of presents.

4. **Punishment for misdemeanor:-** Any person who commits misdemeanor shall on conviction by a Magistrate of the First Class, be punished with imprisonment of either description for a term which may extend to three years or with fine or both and shall in addition be liable to be dismissed from his office or appointment.
5. **Forfeiture of property:-** If a person is convicted of misdemeanor, the property involved in any gift, gratuity or illegal gratification or the full value thereof shall be forfeited to the Government but the Court may order the same or any part thereof to be restored to the persons to whom it originally belonged or to be awarded to another person who in the opinion of the Court, was responsible for exposing the accused, whether he is a prosecutor, an informer or any other person.

Provided that a similar order may be made by the Court in respect of the whole or any part of the fine that may be imposed under the foregoing section.
6. **Exceptions and exemptions:-** Notwithstanding anything contained in this Act, if any person at the time of his appointment to any office under the Government is concerned with or is engaged in any trade or business, he may during the term of his office with the sanction of the Government and subject to general conditions or restrictions that may be prescribed by the Government retain his concern or interest in the trade or business and in such a case he shall not be liable to any penalties prescribed by this Act.
7. **Commencement of proceedings:-** No Court shall take cognizance of any offence under this Act, except on a complaint by or with the sanction of the head of the Department in the case of person other than Heads of Departments and ministers, and the Government in the case of the Heads of the Department or Ministers of the Government.
8. **Power of Police:-** Any offence under this Act shall not be cognizable except when the Head of Department or the Government who are competent to accord sanction or launch prosecution under section 7, as the case may be, directs that the investigation shall be made by the police in which case the case shall be dealt with as a cognizable case and the necessary complaint or sanction by the authority concerned shall be presumed.
9. **Withdrawal of Complaints:-** Any case falling under the purview of this Act shall be withdrawn only by the authority competent to file the complaint or accord sanction for the same.
10. **Bail:** An offence under this Act shall be bail able and the Court may issue a warrant in the first instance against the accused but it shall not be compoundable except as provided for under section 9.

THE PAKISTAN COMMISSIONS OF INQUIRY ACT, 1956

¹[(VI of 1956)]

[11th April, 1956]

AN ACT to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.

Preamble: WHEREAS it is expedient to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers:

It is hereby enacted as follows:-

1. **Short title, extent and commencement:** (1) This Act may be called the Pakistan Commissions of Inquiry Act, 1956.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
2. **Definitions:** In this Act, unless there is anything repugnant in the subject or context:
 - (a) **“Commission”** means a Commission of Inquiry appointed or deemed to have been appointed under section 3; and
 - (b) **“Prescribed”** means prescribed by rules made under section 12.
3. **Appointment of Commission:** (1) The Federal Government may, if it is of opinion that it is necessary so to do, by notification in the official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly.
 - (2) The Commission may consist of one or more members appointed by the Federal Government, and where the Commission consists of more than one member, one of them may be appointed as the President thereof.
4. **Powers of Commission:** The Commission shall have the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:-
 - (a) Summoning and enforcing the attendance of any person and examining him on oath;
 - (b) Requiring the discovery and production of any documents;
 - (c) Receiving evidence on affidavits;

¹ This Act reported from the Book, “Departmental Inquires”, published by Mansoor Book House, Lahore, Edition: 2000.

(d) Issuing commissions for the examination of witnesses or documents.

5. **Additional powers of Commission:** (1) Where the Federal Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of subsection (2) or subsection (3) or subsection (4) or sub-section (4-A) or subsection (5) or subsection (6) should be made applicable to a Commission, the [Federal Government] may, by notification in the official Gazette, direct that all or such of the said provisions as may be specified in the notification shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject-matter of the inquiry.

(3) The President or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the President may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject-matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies there-from, subject to the provisions of section 102 and section 103 of the Code of Criminal Procedure, 1898, in so far as they may be applicable:

(4) The Commission shall be deemed to be a Civil Court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Pakistan Penal Code, is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898, forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 482 of the Code of Criminal Procedure, 1898.

(4-A) Where a Commission consists of, or the President thereof is Judge of the Supreme Court or a High Court, the Commission shall have the same power as the High Court has to punish any person who ----

(a) Abuses, interferes with or obstructs the process of the Commission in any way or disobeys any order of the Commission;

(b) Scandalizes the Commission or otherwise does anything which tends to bring the Commission or a member of the Commission in relation to his office into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Commission; or

(d) does any other thing which, by any other law, constitutes contempt of Court;

Provided that fair comment made in good faith and in the Public interest on the working of the Commission or on its final report after the completion of the enquiry shall not constitute contempt of the Commission.

(4-B) The exercise of the power conferred on a Commission by sub-section (4A) shall be regulated by rules made by the Supreme Court.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of, sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).

(6) The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of requisitioning any public record or copy thereof from any court or office.

6. **Statements made by persons to the Commission:** No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement :

Provided that the statement:

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject-matter of inquiry.

7. **Commission to cease to exist when to notified:** The Federal Government may, if it is of opinion that the continued existence of a Commission is unnecessary, by notification in the official Gazette, declare that the Commission shall cease to exist from such date as may be specified in this behalf in such notification, and thereupon, the Commission shall cease to exist.

8. **Procedure to be followed by the Commission:** The Commission shall subject to any rules that may be made in this behalf, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members.

9. **Protection of action taken in good faith:** No suit or other legal proceedings shall lie against the Federal Government, the Commission or any member thereof, or any person acting under the direction either of the Federal Government or of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder or in respect of the publication, by or under the authority of the Federal Government or the Commission, of any report, paper or proceedings.

10. **Members, etc., to be public servants:** Every member of the Commission and every officer appointed or authorised by the Commission to exercise functions under this Act shall be deemed

to be a public servant within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

- 10-A (1) The Federal Government may, by notification in the official Gazette and subject to such conditions or restriction, if any, as may be mentioned in the notification, confer upon the Commission the power to order a police investigation into any matter coming before it.
- (2) In conducting an investigation ordered under sub-section (1) the police shall exercise the powers conferred on the police in respect of a cognizable case by Chapter XIV of the Code of Criminal Procedure, 1898.
11. **Act to apply to other inquiring authorities in certain cases:** Where any authority (by whatever name called), other than a Commission appointed under section 3, has been or is set up under any resolution or order of the Federal Government for the purpose of making an inquiry into any definite matter of public importance and the Federal Government is of opinion that all or any of the provisions of this Act should be made applicable to that authority, the Federal Government may, by notification in the official Gazette, direct that the said provisions of this Act shall apply to that authority, and on the issue of such notification, that authority shall be deemed to be a Commission appointed under section 3 for the purpose of this Act.
12. **Power to make rules:** The Federal Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.
13. **Repeal of Ordinance XXIV of 1955:** Omitted by the Ordinance, XXVII of 1981.

¹THE WEST PAKISTAN DEPARTMENTAL INQUIRIES (POWERS ACT, 1958)

Dated September 20, 1958

AN ACT to confer powers for compelling attendance of witnesses and production of documents on officers conducting departmental inquiries against Government servants in the Province of West Pakistan.

Preamble:

WHEREAS it is expedient to confer powers to compel attendance of witnesses and production of documents on officers conducting departmental inquiries against Government servants in the Province of West Pakistan;

It is hereby enacted as follows:-

1. Short title and extent:

- (1) This Act may be called the West Pakistan Departmental Short title and Inquiries (Powers) Act, 1958.
- (2) It extends to the whole of the Province of West Pakistan, except the Federal Capital and the Special Area.

2. Power to summon witnesses and to compel production of documents:

An officer conducting a departmental inquiry against a Power to summon Government servant under any rules for the time being in force, may exercise the same powers for compelling the attendance of witnesses and production of documents, as are exercisable by a Civil Court under the Code of Civil Procedure, 1908:

Provided that the process issued by the officer conducting the departmental inquiry shall be served and executed by the civil court having jurisdiction in the place where the witness or the person in possession of the documents, as the case may be, resides.

3. Penalties:

Any person disobeying a process issued by an officer in exercise of the powers conferred by section 2 shall be liable to the same penalties to which he would have been liable if he had disobeyed a process issued by the Civil Court.

4. Repeal:-

The West Pakistan Departmental Inquiries (Powers) Ordinance, 1958, is hereby repealed.

¹ This Act was adapted and enforced in Azad Jammu & Kashmir by the AJ&K. Adaptation of laws Act, 1959 (Act 1 of 1959), see entry 132 of the schedule to the said Act.

**THE AJ&K GOVERNMENT SERVANTS
(CONDUCT) RULES, 1981**

“Muzaffarabad”
Dated: 11th May, 1981

NOTIFICATION:

No. S&GAD/SO-I/388/81. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Rules, namely:-

THE AZAD JAMMU AND KASHMIR GOVERNMENT SERVANTS (CONDUCT RULES) 1981.

1. **Short Title and Commencement:-** (i) These Rules may be called the Azad Jammu and Kashmir Government Servants (Conduct) Rules, 1981.
(ii) They shall come into force at once.
2. **Extent of Application:-** These Rules shall apply to all persons, whether on duty or on leave, within or outside Azad Jammu and Kashmir, serving in connection with the affairs of the Government, including the employees of the Government deputed to serve under the Federal Government of Pakistan or a Provincial Government of any Province of Pakistan or with a Statutory Corporation or with a non-Government employer, but excluding-
 - (a) Members of an All-Pakistan Service or a Provincial Service of any Province of Pakistan serving in connection with the Affairs of the Government.
 - (b) Employees of the Federal or a Provincial Government of Pakistan or other authority deputed temporarily to serve under the Azad Government of the State of Jammu and Kashmir.
 - (c) Holders of such posts in connection with the affairs of the Government, as the Government may, by a notification in the official Gazette, specify in this behalf.
3. **Definitions:-** (1) In these rules, unless there is anything repugnant in the subject or context-
 - (a) “**Government**” means the Azad Government of the State of Jammu and Kashmir;
 - (b) “**Government Servant**” means a person to whom these rules apply; and
 - (c) “**Member of a Government Servant’s Family**” includes-
 - (i) his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government Servant; and
 - (ii) any other relative of the Government Servant or his wife, when residing with and wholly dependent upon him;

But does not include a wife legally separated from the Government Servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the Government Servant has been deprived by law.

(2) Reference to a wife in clause (c) sub-rule (1) shall be construed as reference to the husband where the Government servant is a woman.
4. **Repeal of Pervious Conduct Rules:-** The following rules, in so far as they applied to the persons to whom these rules apply are hereby repealed but such repeal shall not affect anything duly done or suffered under those rules:-

- (i) Government Servant Conduct Rules sanctioned under Council Order No. 91-C of 1945 dated 30th January, 1945 as contained in K.S.R. Vol: II.
- (ii) The Azad Jammu and Kashmir Government Servants Conduct Rules, 1972.
5. **Gifts:-** (1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving under offence, it may be accepted and delivered to Government for decision as to its disposal.
- (2) If any question arises whether receipt of a gift places a Government servants under any form of official obligation to the donor, the decision of Government thereon shall be final.
- (3) If any gift is offered by the head or representative of a foreign state, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without giving offence. If, however, he cannot do so he shall accept the gift and shall report this receipt to Government for orders as to its disposal.
6. **Acceptance of Foreign Awards:-** No Government servant shall except with the approval of the President accept a foreign award, title or decoration.
- Explanation:** For the purposes of this rule, the expression “approval of the President” means prior approval in ordinary cases and ex-post facto approval in special cases where sufficient time is not available for obtaining prior approval.
7. **Public Demonstration in Honour of Government Servants:-** No Government servant shall encourage meetings to be held in his honour or presentation of address of which the main purpose is to praise him.
8. **Gift to Medical Officers:-** Subject to the departmental rules in this behalf, a medical officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.
9. **Subscriptions:-** No Government servant shall, except with the previous sanction of the Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.
10. **Lending and Borrowing:-** No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings:
- Provided that a Government servant may-
- (i) deal in the ordinary course of business with a joint stock company, bank or a firm of standing or the House Building Finance Corporation;
- (ii) accept a purely temporary loan of small amount, free of interest, from a personal friend or the operation of a credit account with a bonafide tradesman.
- (2) When a Government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, the Government servant shall forthwith declare the circumstances, when he is a Gazetted Officer, to Government through the usual channel, and where he is a non-gazetted Government servant, to the head of his office.

(3) This rule, in so far as it may be construed to relate to loans given to or taken from Cooperative Societies registered under the Co-operative Societies Act, 1925 or under any law for the time being in force relating to the registration of Co-operative Societies, by the Government servants, shall be subject to any general or special restrictions or relaxations made or permitted by the Government.

11. **Buying and Selling of Valuable Property: Movable and Immovable:-** (1) Save in the case of a transaction conducted in good faith with a regular dealer, a Government servant who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value of ¹[Rs.25000/- (Twenty Five thousand Rupees)] with a person residing, possessing immovable property or carrying on business within the station, district or other local limits for which such Government servant is appointed, shall declare his intention to the Head of the Department or the Secretary to the Government, as the case may be. When the Government servant concerned is himself the Head of the Department or Secretary to the Government, he shall declare his intention to the Government through the Secretary of the Department or Chief Secretary. Any such declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Government:

Provided that all transactions with a person who is an official subordinate of the Government servant should be reported to the next higher authority.

Explanation: In this sub-rule, the term “property” includes agricultural or urban land, bonds, shares and securities but does not include a plot purchased for building a house from a Co-operative Housing Society or a Government Housing Scheme, or bonds; shares of securities purchased from the approved security market, a semi-Government institution or through public offer by a company.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it generally or by causing it to be sold by public auction.

12. **Construction of Building etc:-** No Government servant shall construct a building, whether intended to be used for residential or commercial purpose, except with the previous sanction of the Government obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.
13. **Declaration of Property:-** (1) Every Government servant shall at the time of entering Government service make a declaration to Government, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance, policies, cash and jewellery having a total value of ²[Rs.500,000/- (Five Hundred thousand Rupees)] or more belonging to or held by him or by a member of his family individually or collectively and such declaration shall --

(a) State the district within which the property is situated;

¹ Figure 5,000/- substituted by the figure 25,000/- vide Notification No. S&GAD/R/A-4(97)/91 dated 02.09.1991.

² Figures 10,000/- Substituted by the figure 50,000/- vide Notification No. S&GAD/JS/97/2476-2576/85 dated 30.11.1985. and figure 50,000/- substituted by the figure 500,000/- vide Notification No. S&GAD/R/A-4(67) 2011, P-III dated 05.03.2013.

- (b) Show separately individual items of jewellery exceeding [Rs.500,000/- (Five Hundred Thousand Rupees)] in value; and
- (c) give such further information as the Government may, by general or special order, require.
- (2) Every Government servant shall submit to Government, through usual channel, annual return of assets in the month of December showing any increase or decrease of property as shown in the declaration under sub-rule (1) or, as the case may be, the last annual return.
14. **Disclosure of Assets, Immovable, Movable and Liquid:-** A Government servant shall, as and when he is so required by the Government by a general or special order, furnish information as to his assets disclosing liquid assets and all other properties immovable and movable, including share, certificates, insurance policies, cash, jewellery.
15. **Speculation and Investment:-** (1) No Government servant shall speculate in investments. For the purpose of this sub-rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.
- (2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.
- (3) No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.
- (4) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of the Government thereon shall be final.
16. **Promotion and Management of Companies etc:-** No Government servant shall, except with the previous sanction of the Government, take part in the promotion, registration or management of any book or company:
- Provided that a Government servant may, subject to the provisions of any general or special order of the Government, take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative Societies Act, 1925 or under any similar law.
17. **Private Trade, Employment or Work:-** (1) No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake, any employment or work, other than his official duties:
- Provided that he may without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligation as a Government servant; but he shall not undertake or shall discontinue such work if so directed by the Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of the Government:
- Provided further that a non-gazetted Government servant may with previous sanction, undertake a small enterprise which absorbs family labour and where he does so shall file details of the enterprise along with the declaration of assets.

- (2) Notwithstanding anything contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by the Government.
- (3) This rule does not apply to sports activities and memberships of recreation clubs.
- ³[17-A A Civil Servant, with the prior permission of the Government may be a member of a Scientific or Cultural Society, the scope of which is limited to Literary, Educational and Cultural activities, subject to the condition that his official duties do not suffer.]
18. **Subletting of Residential Accommodation Allotted by Government:-** No Government servant shall, except with the prior permission of the Government, sublet residential accommodation or any portion thereof allotted to him by Government.
19. **Government Servant not to Live Beyond his Means etc:-** No Government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.
20. **Insolvency and Habitual Indebtedness:-** (1) A Government servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits.
- (2) A Government servant who applies to be or is adjudged or declared insolvent shall forthwith reports his insolvency to the Head of the Office or Department or to the Secretary of the Administrative Department, as the case may be, in which he is employed.
21. **Unauthorised Communication of Official Documents or Information:-** No Government servant shall, except in accordance with any special or general order of the Government, communicate directly or indirectly any official information or the contents of any official document to a Government servant not authorized to receive it, or to a non-official person, or to the Press.
22. **Approach to Members of the Assemblies etc:-** No Government servant shall, directly or indirectly, approach any member of the Assembly or any other non-official person to intervene on his behalf in any matter.
23. **Management etc. of Newspapers or Periodicals:-** No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.
24. **Submission of Literary, Artistic or Scientific Articles etc:-** Where a Government servant submits the draft of a literary, artistic or scientific article or book for obtaining previous sanction for its publication, he shall be informed within three months of his doing so whether he has or has not such sanction; and, if no communication is issued to him within that period, he shall be entitled to presume that the sanction asked for has been granted.
25. **Radio Broadcast and Communications to the Press:-** No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this

³ Added vide Notification No. S&GAD/A-4 (319)/94 dated 08.08.1995.

behalf or in the bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Azad Jammu and Kashmir or friendly relations with foreign states, or to offend public order, decency or morality, or to amount to contempt of Court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or such contribution or letter is of a purely literary, artistic or scientific character.

⁴[25-A. **Government Servant not to Express Views Against Ideology of Pakistan:-** No Government Servant shall express views detrimental to the ideology or integrity of Pakistan.]

⁵[25-B. **Government Servants not to Express Views Against Ideology of State's Accession to Pakistan:-** No Government Servant shall express views by any means detrimental to the Ideology of State's Accession to Pakistan.]

26. **Publication of Information and Public Speeches Capable of Embarrassing Government:-** No Government servant shall, in any document published or in any public utterance or television programme or radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Government;

Provided that technical staff (both gazetted and non-gazetted) may publish research papers on technical subjects, if such papers do not express views on political issues or on Government policy and do not include any information of classified nature.

27. **Evidence Before Committees:-** (1) No Government servant shall give evidence before a public committee except with the previous sanction of the Government.

(2) No Government servant giving such evidence shall criticise the policy or decisions of the Government.

(3) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

28. **Taking Part in Politics and Elections:-** (1) No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Azad Jammu and Kashmir or Pakistan or relating to the affairs of Azad Jammu and Kashmir or Pakistan.

(2) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is or tends directly, or indirectly to be, subversive of the Government as by law established in Azad Jammu and Kashmir or in Pakistan.

(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Azad Jammu and Kashmir or Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

⁴ Inserted vide Notification No. S&GAD/SO-1/388/81 dated 03.06.1981.

⁵ Inserted vide Notification No. S&GAD/JS/97/621-740/86 dated 25.02.1986.

- (4) No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule (3) to act.
- (5) No Government servant can be a member of non-official party-organization or take part in any non-official functions or processions/ meetings contrary to these rules.
- (6) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to have taken part in an election to such body.
- (7) The provisions of sub-rules (3) and (6) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law or order of the Government, for the time being in force, to be candidates at such elections.
- (8) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.
29. **Propagation of Sectarian Creeds, etc:-** No Government servant shall propagate such sectarian creed or take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.
30. **Vindication by Government Servants of their Public Acts or Character:-** (1) A Government servant may not, without the previous sanction of the Government, have recourse to any Court or Press for the vindication of his public acts or character from defamatory attacks. When Government grants sanction to a Government servant to have recourse to a Court, Government will ordinarily bear the cost of the proceedings, but may leave the Government servant to institute them at his own expense. In the later case, if he obtains a decision in his favour, Government may re-imburse him to the extent of the whole or any part of the cost.
- (2) Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.
31. **Nepotism, Favoritism and Victimization, etc:-** No Government servant shall indulge in regionalism, parochialism, nepotism, favoritism, victimization, or willful abuse of office.
32. **Membership of Service Association:-** No Government servant shall be a member, representative or officer of any association representing or purporting to represent Government servants or any class of Government servants, unless such association satisfies the following conditions, namely:-
- (a) The association has been sanctioned by the Government and membership of the association and its office bearers shall be confined to a distinct class of Government servants and shall be open to all Government servants of that class.
- (b) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (a) above.
- (c) The association shall not be in any way connected with any political party or organization, or engage in any Political activity.
- (d) The association shall not;

- (i) issue or maintain any periodical publication except in accordance with any general or special order of the Government; and
 - (ii) except with the previous sanction of Government, publish any representation on behalf of its members, whether in the press or otherwise;
- (e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Azad Jammu and Kashmir or elsewhere;
- (i) pay or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;
 - (ii) by any means support the candidature of any person for such election; or
 - (iii) undertake or assist in the registration of electors, or the selection of a candidate for such election;
- (f) The association shall not;
- (i) maintain or contribute towards the maintenance of, any member of a legislative body, or of any member of a local authority or body, whether in Azad Jammu and Kashmir or elsewhere; or
 - (ii) pay or contribute towards, the expenses of any trade union which has constituted a fund under the Trade Union Act.

⁶[(g)-----]

33. **Use of Political or Other Influence:-** No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Government or any Government servant in support of any claim arising in connection with his employment as such.
34. **Approaching Foreign Missions and Aid Giving Agencies:-** No Government servant shall approach, directly or indirectly, a foreign mission in Azad Jammu and Kashmir or Pakistan or any foreign aid giving agency in Azad Jammu and Kashmir or Pakistan or abroad to secure for himself invitations to visit a foreign country or to elicit offers of training facilities aboard.
35. **Delegation of Powers:-** Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order prescribe the channel through which reports shall be made to the Government and the Officers receipt by whom of such reports shall be regarded as receipts of the reports by the Government within the meaning of these rules.
36. **Rules Not to be in Derogation of Any Law, etc.:-** Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of the Government servants.

Sd/--

(SARDAR AFTAB AHMED KHAN)
Secretary Services

⁶ New clause (g) added vide Notification No. S&GAD/R/A-4 (97)/92 P-II dated 30.10.1994 has been withdrawn vide Notification No. S&GAD/R/A-4(97)/92 Part-II dated 24.07.1996.

**THE AZAD JAMMU AND KASHMIR CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1977**

“Muzaffarabad”

Dated: 30th November, 1977

NOTIFICATION:

No. S&GAD/R-80/77. In exercise of the powers conferred by Section 23 of Azad Jammu and Kashmir Civil Servants Act, 1976, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:-

CHAPTER-I: PRELIMINARY

1. **Short Title, Commencement and Application-**(1) These rules may be called the Azad Jammu and Kashmir Civil Servants (Efficiency and Discipline) Rules, 1977.

(2) They shall come into force at once ¹[and shall apply to all civil servants except members of such services and holders of such posts, as may be specified by Government.]

2. **Definition:-** (1) In these rules, unless the context otherwise requires:-

(a) **“Accused”** means a civil servant against whom action is taken under these rules;

(b) **“Authority”** means the Government or an officer or authority designated by it to exercise the powers of the authority under these rules;

²(c) **“Authorized Officer”** means an officer authorized or designated by Government to perform the functions of an authorized officer under these Rules:

Provided that where in the case of a civil servant no authorized officer has been so authorized or designated, the authority shall have power to appoint an officer to act as authorized officer in that case:

Provided further that in relation to a civil servant, the authority may be authorized to act as authorized officer.]

(d) **“Misconduct”** means conduct prejudicial to good order or service discipline or contrary to the Government Servants (Conduct) Rules as applicable to the Azad Jammu and Kashmir or conduct unbecoming of an officer and gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of services of a Civil Servant; and

(e) **“Penalty”** means a penalty which may be imposed under these rules.

(2) In case two or more civil servants are to be proceeded against jointly, the authority or as the case may be, the authorised officer for the civil servant senior most in rank, shall be the authority or, as the case may be, the authorised officer in respect of all such accused.

¹ (i) The said Rules shall not apply to the members of subordinate Police Service upto the rank of Inspector; Provided that an enquiry started under the said Rules shall be completed under these Rules; and

(ii) The members of the subordinate Police Service upto the rank of Inspector shall be governed by the Azad Jammu and Kashmir Police Rules, (Refer Notification No. S&GAD/R-80/SO-I/80 dated 28.09.1980).

² Substituted vide Notification No. S&GAD/H-6(34) Sec.1/83, dated 17.08.1983

(3) Save in case where Government is to act as 'the authority' or 'the authorised officer', notwithstanding, anything to the contrary contained in rule 2, where 'the authority' or the 'authorised officer' would personally be interested in the result of proceedings under these rules, the authority or the 'authorised officer' shall not proceed with the case and shall:-

- (i) in the case of 'authorised officer' report the matter to 'the authority' which shall appoint and authorise another officer of the corresponding rank or status to act as 'authorised officer'; and
- (ii) in the case of 'authority', report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily appealable and such appellate authority shall appoint and authorise another officer of the corresponding rank and status to act as 'the authority'.

(4) The various authorities empowered to award major punishments under the various delegation of powers Rules, shall, in respect of Civil Servants to whom they are competent to award major punishment, exercise the powers of 'the authority' under these Rules, and the authorities empowered to award minor punishment under the said delegation of Powers Rules are, in respect of the Civil servants to whom they are competent to award minor punishment, authorised to exercise the powers of 'Authorised Officer' under these rules.

(5) 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.

CHAPTER-II: PENALTIES

3. Grounds for Penalty:- A civil servant, who in the opinion of the authority:-

- (a) is inefficient or has ceased to be efficient whether by reason of:
 - i) infirmity of mind or body; or
 - ii) having, on two or more occasions, failed to pass in a departmental or other examination prescribed for the purpose of maintaining or raising general efficiency; or
 - iii) having failed once in departmental or other examination prescribed for the purpose of maintaining or raising general efficiency if the civil servant is recruited not in regular manner or recruitment is a result of pressures of all kinds;
 - iv) having, without reasonable cause, failed to appear at any such examination aforesaid, or otherwise and is not likely to recover his efficiency; or
 - v) by any reason affecting adversely the proper discharge of his duties;
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because:-
 - i) he is, or any of his dependents or any other person through him on his behalf, is in possession of pecuniary resources or of income, which he cannot reasonably account for; or
 - ii) he has assumed a style of living beyond his ostensible means; or
- (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is

guilty of disclosure of official secrets to any unauthorised persons, and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.

4. **Penalties:-** (1) The following are the minor and major penalties, namely:-

(a) Minor Penalties:

- (i) Censure;
- (ii) With-holding for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
- (iii) Stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;
- (iv) ³[-----]

(b) Major Penalties:

- (i) Reduction to a lower grade or post or time-scale or to a lower stage in a time-scale;
 - ⁴(i-a) Recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
 - (ii) Compulsory retirement;
 - (iii) Removal from services; and
 - (iv) Dismissal from service.
- (2) Removal from services does not, but dismissal from service does, disqualify for future employment.
- (3) In this rule, removal or dismissal from service does not include the discharge of a civil servant:
- (a) appointed on probation, during the period of probation or in accordance with the probation or training rules are applicable to him; or
 - (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
 - (c) engaged under a contract, in accordance with the terms of the contract.

CHAPTER III: INQUIRY AND IMPOSITION OF PENALTIES

⁵[5. **Initiation of Proceedings:-** (1) If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against a civil servant, or where in a case in which Anti-Corruption Committee/Committees set up by the Government, from time to time has decided to take departmental action, it shall direct the authorized officer to proceed against such civil servant.

³ Omitted vide No. S&GAD/H-6(34)/Sec-I/83 dated 17.08.1983.

⁴ Added by *ibid*.

⁵ Substituted vide Notification No. S&GAD/H-6/(34)/Sec-1/83 dated 17.08.1983.

(2) Where no authorized officer stands designated in respect of the accused civil servant, the authority shall simultaneously appoint an officer senior in rank to the accused, to perform the functions of an authorized officer.]

⁶[6. **Procedure to be Observed by the Authorized Officer:-** (1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority, or with the prior approval of the authority, by the authorized officer, or he may be required by the authorized officer to proceed on leave;

Provided that the continuation of suspension, if ordered by the authorized officer, or grant of any extension in leave shall require the prior approval of the authority after every three months.

(2) Within three days of the receipt of the direction from the authority under rule 5, or within such further period as may be allowed by the authority at the written request of the authorised officer, the authorised officer shall decide whether in the light of the facts of the case or in the interest of justice, an inquiry is necessary.

(3) If the authorised officer decides that is not necessary to have an inquiry conducted against the accused, he shall.

- (a) inform the accused forthwith, by an order in writing, of the action proposed to be taken in regard to him and the grounds of the action; and
- (b) give him a reasonable opportunity of showing cause against that action within a period of fourteen days from the date of receipt of the order under clause (a):

Provided that no such opportunity shall be given where, in the interest of security of Pakistan/Azad Jammu and Kashmir or any part thereof, it is not expedient to do so but before denying this opportunity, the authorised officer shall obtain the prior approval of the authority.

(4) Within seven days of the receipt of the explanation, if any, of the accused, or within such further period as may be allowed by the authority at the written request of the authorised officer, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If, however, the authorised officer considers it to be a case for a major penalty, he shall forthwith forward the case to the authority alongwith the explanation of the accused and his own recommendations regarding the penalty to be imposed.

(5) If under sub-rule (2) the authorised officer considers that an inquiry is necessary, he shall appoint an Inquiry Officer or an Inquiry Committee consisting of two or more persons who or one of whom shall be of a rank senior to that of the accused or if there are more than one accused, senior to all the accused.

(6) Where an Inquiry Officer or an Inquiry Committee is appointed under sub-rule (5), the authorised officer shall simultaneously frame a charge and communicate it to the accused together with a statement of allegations explaining the charge and other relevant circumstances which are proposed to be taken into consideration and require the accused, within a reasonable time which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defense directly before the Inquiry Officer or the Inquiry Committee, as the case may be.

⁶ Substituted vide *ibid*.

(7) The authorised officer, immediately after communicating the charge to the accused under sub-rule (6), shall forward such record or copies thereof and such other material as is necessary for the conduct of the inquiry to the Inquiry Officer or the Inquiry Committee, as the case may be.]

⁷[7. **Procedure to be Observed by the Inquiry Officer or Inquiry Committee:-** (1) On receipt of the record and the explanation of the accused referred to in the preceding rule, the Inquiry Officer or Inquiry Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused, as may be considered necessary, and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.

(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given, except for reason to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authorised officer. Normally, no adjournment shall be for more than a week.

(4) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) If the accused absents himself from the inquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available.

Provided that the authorised officer may, in his discretion sanction medical leave up to seven days without the recommendation of the Medical Board.

(6) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days commencing from the last date of submission of the written defense by the accused and shall, within ten days of the expiry of the said period of sixty days or within such further period as may be allowed by the authorised officer, submit his or its findings and the grounds thereof to the authorised officer.]

^{*8}[7-A The Authorised officer, on receipt of the report of the Inquiry Officer or Inquiry Committee, shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he shall after affording the accused an opportunity of showing cause against the action proposed and pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority along with the charge sheet, a statement of allegations served on the accused, explanation of the accused, the finding of the Inquiry Officer or the Inquiry Committee, as the case may be, and his own recommendations regarding the penalty to be imposed. In case it is

⁷ Substituted vide No. S&GAD/H-6(34)/Sec-I/83 dated 17.08.1983.

⁸ Notification No. S&GAD/R-80/SO-I/14527-14606/80 dated 07.09.1980 is omitted and substituted vide Notification No. S&GAD/H-6(34)/Sec-I/83 dated 17.08.1983.

proposed to drop the proceedings, the authorised officer shall submit the case with all relevant material/documents to the Authority for appropriate orders.]

⁹[7-B **Appearance of Counsel:-** No party to any proceeding under these rules before the authority, the authorised Officer, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.]

¹⁰[7-C **Expeditious Disposal of Proceedings:-** (1) In a case where the authorised officer decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty five days from the date of receipt of the direction under rule 5 and a report to that effect submitted to the authority.

(2) In a case where the authorised officer has appointed an Inquiry officer or Inquiry Committee, he should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the Inquiry Officer or the Inquiry Committee, as the case may be, within a period of forty five days of the date on which the accused puts in his written defense if any, the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authorised officer intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry and the authorised officer shall immediately cause the same to be produced before the authority.

(4) The Authority on receipt of report under sub-rules (2) and (3) shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

¹¹[8. **Action by the Authority:-** In the case of any proceedings the record of which has been reported for orders under sub-rule (4) of Rule 6 of Rule 7-A the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person, either before himself or before an officer senior in rank to the accused designated for the purpose after taking into consideration the record of such personal hearing prepared by the officer so designated.]

¹²[9. **Certain Rules not to Apply in Certain Cases:-** (1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in rule 5, 6, 7 and 8.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in Rules 5, 6, 7, and 8.]

10. **Procedure of Inquiry Against Officers Lent to Other Government etc.:-**

(1) Where the services of a civil servants to whom these rules apply are lent to the Azad Jammu and Kashmir Council or any other Government or to a local or other authority, the borrowing

⁹ Substituted vide Notification No. S&GAD/H-6/(34)/Sec-1/83 dated 17.08.1983.

¹⁰ Substituted vide *ibid*.

¹¹ Substituted vide *ibid*.

¹² Substituted vide No. S&GAD/H-6/(34)/Sec-1/83 dated 17.08.1983.

authority shall have powers of authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules;

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings as the case may be.

Provided further that the borrowing authority shall obtain prior approval of the Azad Government of the State of Jammu and Kashmir before taking any action under these rules against a civil servant holding a post in grade-17 or above.

(2) If, in the light of the findings in the proceedings taken against a civil servant in terms of sub-rule (1) above the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

¹³[(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2) Government may, in respect of certain civil servants or categories of civil servants, authorise the borrowing authority to exercise all the powers of authority and authorised officer under these rules.]

11. **Power to Order Medical Examination as to Mental or Bodily Infirmary:-**(1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority, may at any stage, whether or not an authorised officer has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Officer as the authority may direct and the report of the Board or the Medical Officer shall form part of the proceedings.

(2) If a civil servant refuses to undergo such an examination his refusal may, subject to the consideration of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.

12. **Powers of Inquiry Officer and Inquiry Committee:-** (1) For the purpose of an inquiry under these Rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, (Act V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Azad Kashmir Penal Code (Act XLV of 1860).

¹³ Added vide *ibid*.

CHAPTER-IV: APPEALS, REVISIONS, ETC.

¹⁴[13. The Civil Servants on whom a penalty is imposed shall have such right of appeal as provided in the Azad Jammu and Kashmir Civil Servants (Appeal) Rules, 1982;

Provided that where the penalty is imposed by the Government, there shall be no appeal, but the person aggrieved by an order, may apply for review of order.]

¹⁵[Rules 14, 15, 16, 17 and 18 repealed]

CHAPTER-V: REPEAL

19. **Repeal:-**

- (1) The Azad Jammu and Kashmir Government Servants (Efficiency and Discipline) Rules, 1974, in their application to the civil servants to whom these rules apply, are hereby repealed.
- (2) Notwithstanding the repeal of AJ&K Government Servants (Efficiency and Discipline) Rules, 1974 hereinafter referred to in this sub-rule as the said rules:
 - (a) subject to the provisions of Chapter IV of these rules any department inquiry or proceedings pending immediately before coming into force of these rules shall be completed and orders passed thereon as if the said rules had not been repealed; and
 - (b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.
- (3) Any person or authority, or the successor of the same authorised to exercise powers by virtue of a delegation made by the Government from time to time subsisting immediately before the commencement of these rules, shall to the extent of the powers delegated and so far as is not inconsistent with these rules, be deemed to be an authority designated under these rules.

Sd/--

(KHALIL AHMED QURESHI)
Secretary S&GAD

¹⁴ Substituted vide No. S&GAD/R-80/Sec-1/82 dated 12.10.1982.

¹⁵ Repealed vide ibid.

THE AJ&K POLICE EFFICIENCY AND DISCIPLINE RULES, 1992

Dated 10.11.1992

NOTIFICATION:

No. 8787-8796/92. In exercise of the powers conferred by Section 7 of the Police Act 1861, as adopted in Azad Jammu & Kashmir, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:-

1. **Short title, commencement and application:-** (1) These rules may be called the Police Efficiency and Discipline Rules 1992.
2. They shall come into force at once and shall apply to all Police officers below the rank of ASPs/DSPs and PDSPs.
 - i. “Accused” means Police officers against whom action is taken under these rules;
 - ii. “Authority” means Authority competent to award punishment as per Schedule-I;
 - iii. “Misconduct” means conduct prejudicial to good order or discipline in the Police force, contrary to Government servants conduct rules or unbecoming of a Police Officer and a gentlemen, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police officer to bring or attempt to bring political or other outside influence directly or in directed to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer;
 - iv. “Punishment” means a punishment which may be imposed under these rules by authority as indicated in the Schedule;
 - v. “Schedule” means the schedule inclusive of explanatory notes given there under and annexed to these rules;
3. **Grounds of punishment:-** When a Police officer, in the opinion of the authority;
 - a) Is inefficient or has ceased to be efficient; or
 - b) Is guilty of misconduct; or
 - c) Is corrupt, or may reasonable be considered corrupt because;
 - i. He is or any of his dependents or any other person through him or on his behalf, is in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - ii. He has assumed a style of living beyond his ostensible means; or
 - iii. He has a reputation of being corrupt; or
 - d) Is engaged or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is

guilty of disclosure of official secrets to any unauthorized person, and his retention in services is therefore, prejudicial to national security, the authority may impose on him one or more punishments.

4. **Punishments:-** The following are the minor and major punishments, namely:-
- (a) Minor punishments:-
 - (i) Censure;
 - (ii) Forfeiture of approved service up to 2 years;
 - (iii) Withholding of promotion up to one year;
 - (iv) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;
 - (v) Fine to any amount not exceeding one month's Pay;
 - (vi) Confinement of constables and head constables for 15 days to quarters Guards;
 - (vii) Drill, extra guard, fatigue or other duty;
 - (b) Major Punishments:-
 - (i) Reduction in Rank/pay;
 - (ii) Compulsory retirement;
 - (iii) Removal from service; and
 - (iv) Dismissal from service;
- (2) (a) Removal from service does not but dismissal from service does disqualify for further employment;
- (b) Reversion from an officiating rank is not a punishment;
- (3) In this rule, removal or dismissal from service does not include the discharge of a person:-
- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him, or;
 - (b) Appointed otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or
 - (c) Engaged under a contract, in accordance with the terms of the contract.
5. In case a Police officer is accused of subversion, corruption, inefficiency or misconduct, the authority may require him to proceed on leave or suspend him.
6. Punishment proceedings:- The punishment proceedings shall be of three kinds i.e.
- (a) Summary Police proceedings.

- (b) General Police proceedings.
- (c) Special Police proceedings,

and the following procedure shall be observed when a Police officer is proceeded against under these rules:-

- a. When information of misconduct or any act or omission or commission on the part of a Police officer liable for punishment provided in these rules is received by the authority, the authority shall examine the information and may conduct or cause to be conducted quick brief inquiry, if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act or omission referred to above should be dealt with in a police summary proceedings, in the Orderly Room or General Police proceedings;
- b. In case the authority decides that the misconduct is to be dealt within Police summary proceedings, he shall be proceeded as under:-
 - (i) The accused officer liable to be dealt with in the Police summary proceedings shall be brought before the authority in an Orderly Room;
 - (ii) He shall be apprised by the authority orally of the nature of the alleged misconduct etc. The Substance of his explanation, the same shall be recorded and if the same is found unsatisfactory, he may be awarded one of the minor punishments mentioned in these rules;
 - (iii) The authority conducting the Police summary proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure any additional information.
- (3) If the authority decides that the misconduct or act or omission or commission referred to above should be dealt with in General Police Proceedings, the authority shall determine whether in the light of facts of the case or in the interest of justice, a departmental inquiry through an inquiry officer is necessary, if he decides that it is not necessary, he shall:-
 - (a) by order in writing inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
 - (b) give him a reasonable opportunity of showing cause against that action.

Provided that no such opportunity of showing cause shall be given where the authority is satisfied that in the interest of security of Azad Jammu & Kashmir or Pakistan or any part thereof it is not expedient to give such opportunity.
- (4) If the authority decides, that it is necessary to conduct a departmental inquiry, through an inquiry officer, he shall appoint for this purpose an inquiry officer, who is senior in rank to the accused.
- (5) On receipt of the finding of the inquiry officer or when no such officer is appointed on receipt of the explanation of the accused, if any, the authority shall

determine whether the charge has been proved or not. In case the charge is proved, the authority shall award one or more of major or minor punishments as deemed necessary.

7. **Procedure of Departmental Inquiry:-** (1) Where an inquiry officer is appointed the authority shall:
- (a) Frame a charge sheet and communicate it to the accused together with statement of the allegation, explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration:
 - (b) Require the accused within 14 days from the day the charge has been communicated to him to put in a written defense and to state at the same time whether he desires to be heard in person.
- (2) The Inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.
- (3) The inquiry officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing where any adjournment is given;
- (a) It shall not be more than a week; and
 - (b) The reasons thereof shall be reported forthwith to the authority.
- (4) Where the inquiry officer is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to the effect and proceed to complete the departmental Inquiry ex-parte.
- (5) If the accused absents himself from the Inquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the inquiry unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical officer nominated by the authority for this purpose.
- Provided that the authority may, in his discretion, sanction medical leave up to seven days without the recommendation of the medical officer.
- (6) The Inquiry officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority.
8. **Powers of Inquiry officer:-** (1) for the purpose of departmental Inquiry under these rules, the Inquiry officer shall have the powers of a civil Court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters namely:-
- (a) Summoning and enforcing the attendance of any person and examining him on oath;
 - (b) Requiring the discovery and production of documents;

- (c) Receiving evidence on affidavits;
- (d) Issuing commission for the examination of witnesses or documents.
- (2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code (Act XLV of 1860)¹.
9. **Special Police Proceedings:-** Where an enrolled Police officer goes on strike, hunger strike, protest or demonstration or by use or threat of criminal force or in any other manner whatsoever, induces or incites any other Police officer to go on or participates in such strike, demonstration or protest, notwithstanding anything contained in these rules, the authority shall:-
- (a) By order in writing inform the accused officer of the action proposed to be taken in regard to him and grounds of the action and require him to submit his explanation within a specified period;
- (b) Consider the explanation of the accused, if any, and after giving him a reasonable opportunity of showing cause against the proposed action may award any of the punishment specified in section 7 of the Police Act, 1861;
- Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such opportunity.
10. **Rules 6, 7 and 9 not to apply in certain case:-** Noting in Rules 6, 7 and 9 shall apply in case:
- (a) Where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or imprisonment, or both; or
- (b) Where the authority competent to dismiss or remove from a person service or to reduce a person in rank, is satisfied that for reason to be recorded in writing by the authority, it is not reasonably practicable to give the accused an opportunity of showing cause.
11. **Procedure of inquiry against officer lent to other Government or authority:-** (1) Where the services of a Police officer to whom these rules apply are lent to any other Government or to local or other authority, in this rule referred to as the borrowing authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules:
- (2) Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of this suspension or the commencement of the proceedings, as the case may be.
- (3) If, in the light of the finding of the proceedings taken against the Police officer in terms of sub-rule (1) **the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.**

¹ The rule making authority is suggested to substitute the words "P.P.C" as referred above in these rules with the words "Azad Kashmir Penal Code, 1860"

No party to any proceedings as under the rules before the authority or Inquiry officer shall be represented an advocate.

12. **Revision:-** (i) The Inspector General, Additional Inspector General, a Deputy Inspector General of Police or a Superintendent of Police may call for the records of awards made by their subordinate and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.
- (ii) If an award of dismissal is annulled the officer annulling it shall state whether it is to be regarded as suspension followed by reinstatement, or not. The order should also state whether service prior to dismissal should count for pension or not.
- (iii) In all cases in which officers propose to enhance an award they shall, before, passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.
13. **Appeal:-** (a) An appeal shall lie only against the order of dismissal, removal from service, compulsory retirement, reduction in rank or time-scale, forfeiture of approved service and imposition of fine.
- (b) There, shall be one appeal only from the original order, and the order of the appellate authority shall be final;
- (c) The appeal shall lie to the officer one step higher than the one who passes the original order provided that in case of orders passed by the Inspector-General of Police, only a review petition would be admissible.
14. No order passed under these rules shall be subject to review by any Court/Tribunal.
15. **Repeal:-** any disciplinary rules previously applicable to Police Officer to whom these rules apply are hereby repealed or anything already done or suffered there under.

SCHEDULE
AZAD KASHMIR POLICE DISCIPLINARY RULES 1992
POWER OF PUNISHMENT TABLE

| S.No. | Punishments | INSP/PI | SI/ASI | HCS | Constable |
|--------------|---|----------------|---------------|------------|------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Extra Drill not exceeding 15 days fatigue or other duties | - | - | SP | Inspector |
| 2. | Confinement to quarter guard up to 15 days | - | - | SP | ASP |
| 3. | Censure | SP | SP | ASP | ASP |
| 4. | Forfeiture of approved service up to 2 years. | SP | SP | SP | ASP |
| 5. | Stoppage of increments not exceeding 3 years | SP | SP | ASP | ASP |
| 6. | Fine to any amount not exceeding one month's pay | DIG | SP | ASP | ASP |
| 7. | Withholding of promotion for one year or less | DIG | SP | ASP | ASP |
| 8. | Reduction from substantive rank to a lower rank or reduction in pay | DIG | SP | SP | SP |
| 9. | Dismissal, removal from service / compulsory retirement | DIG | SP | SP | SP |

16. **Explanatory Note:** (a) The punishment mentioned in the punishment table may be inflicted on officers of the various ranks shown in the heading Nos.3-6 by the officers named below each heading in each case by an officer of higher rank.

- (b)
- (i) IGP includes additional IGP.
 - (ii) DIG of Police includes all police officers of equivalent rank/grade whether known by the designation of Commandant, Principal or otherwise.
 - (iii) SP includes all Police officers of equivalent rank/ grade whether known by the designation of SSP, Additional SP or otherwise.
 - (iv) ASP includes a DSP/PDSP.
 - (v) Inspector Includes PIs, MMPIs, or Police Officers of equivalent rank/grade.

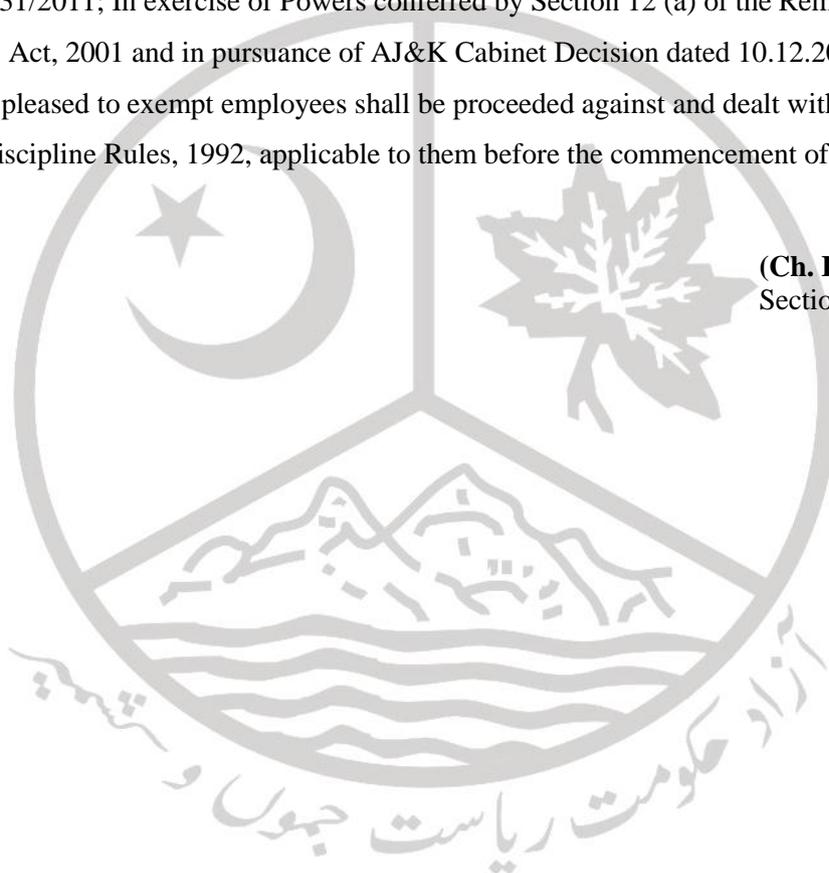
**AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
(Home Department)**

“Muzaffarabad”
Dated: 25th May, 2011

NOTIFICATION:

No. Home/2824-31/2011; In exercise of Powers conferred by Section 12 (a) of the Removal from Service (Special Powers) Act, 2001 and in pursuance of AJ&K Cabinet Decision dated 10.12.2010, the President, AJ&K has been pleased to exempt employees shall be proceeded against and dealt with under the Police Efficiency and Discipline Rules, 1992, applicable to them before the commencement of the said Act. Sd/--

Sd/--
(Ch. Fazal Hussain)
Section Officer (Home)



**GUIDING PRINCIPLES FOR DEPARTMENTAL AND ANTI-CORRUPTION
INQUIRIES (1982)**

No. S&GAD/SO.IV-51/82-1752-1803

Dated the 13th September 1982

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
(SERVICES AND GENERAL ADMINISTRATION DEPARTMENT)**

To:

All Secretaries to Government
All Heads of Departments

Subject: Delay in finalization of departmental and Anti-corruption inquiries, indifference to Court Cases against Government.

Sir,

I am directed to enclose herewith copy of instructions relating to the subject cited above received from the Government of Punjab for guidance in future.

Please acknowledge receipt.

Your obedient Servant,
(S.D. Katal)
Section Officer Services (IV)

No. SOR-1(S&GAD) 1-93/81:

Dated Lahore, the 7th August, 1982

**DELAY IN FINALIZATION OF DEPARTMENTAL AND ANTI-CORRUPTION
INQUIRIES, INDIFFERENCE TO COURT CASES AGAINST GOVERNMENT**

This is to bring to your notice some matters of very serious concern to Punjab Government. These pertain to handling of inquiries under the Efficiency and Discipline Rules, 1975 and judicial proceedings filed in Courts against or on behalf of Government.

2. In spite of Provision of a time frame for departmental inquiries in the E&D Rules 1975 and repeated instructions about the manner of conducting such inquiries, no visible difference appears to have occurred in timely finalization of such proceedings. The inquiries still drag on for long periods causing prolonged mental agony and torture to the accused who may turn out to be innocent, or resulting in loss to Government and indiscipline among employees. Main reasons for erratic handling of departmental inquiries are:-

- (a) Delay in the appointment of "Authorized Officer" and the "Inquiry Officer".
- (b) Delay in framing the charge sheet and statement of allegations.

- (c) Failure of the Inquiry Officer to hear the case on day to day basis.
- (d) Failure to dispose off the objections raised by the accused on some procedural or technical points.
- (e) Failure to show the relevant records to the accused, if he wishes to do so.
- (f) The prosecution evidence on behalf of the Government is not placed properly and by an officer of suitable seniority before the Inquiry Officer.

3. The provisions of E&E Rules are clear in the matter of time limits for various stages of proceedings and for completion of inquiries and the procedure to be observed for conducting these. A person not observing these time limits and procedures renders himself liable to action for violation of rules. In order to facilitate disposal of inquiries, step-wise chronological detail of the procedure for the guidance of authorities under the E&D Rules, Model draft charge-sheet, and notices to be issued under rule 6(3) and rule 8 of the E&D Rules, and draft orders of appointment of “Authorized Officer” and “Inquiry Officer” are enclosed as Annexure-I to VIII. These model drafts and stage-wise details of the procedure with it is hoped take care of technical flaws in the procedure pointed out above. Copies of this letter may, therefore, be supplied to all offices under your administrative control.

4. In order to check the chronic problem of delay in completion of inquiries this Department has at times been constrained to take over monitoring of progress of inquiries, although this should in fact be done by the Administrative Departments. Through a circular of even number dated 30th November, 1981 all concerned were last requested to furnish quarterly returns of departmental inquiries pending for more than six months by the 10th of every January, April, July and October. Progress of inquiries pending for less than that was required to be watched by the Secretaries and Heads of Attached Departments. The fact that returns due on 10th July, 1982 has been received only from a few quarters indicates that instructions have not been taken seriously. I would like to point out that since monitoring has been re-introduced under express orders of the Governor, any lapses in this regard will have to be brought to his notice. The Departments would be well advised to give serious attention to this work. Format of the register to be maintained for watching progress of inquiries has already been circulated with the letter referred to above.

5. Another matter of concern to Government is that litigation for or against Government’s Departments/Agencies generally suffer by default. Instead of taking interest in such Court case as one would do in the case of his personal litigation, the concerned authorities tend to treat this work as of minor importance leaving it to be attended by junior officials. This indifference at supervisory level results in lack of proper interest at all levels down the line and for obvious reasons culminates, more often than not, in judgments against the Government. In order to arrest the adverse tendency it has been decided that in future the grounds of action in cases on behalf of Government shall invariably be signed by head of department or office responsible for piloting the case of Government. He shall also maintain a register of all pending cases in which he is representing the Government. The register shall be maintained as indicated in the format at slip ‘B’. The case lost in the Courts shall be reviewed every year in December and a report submitted to the Chief Secretary through Law Department along-with the views of the Head of Department/Office concerned about lapses, if any, on the part of any Government functionary. The report shall be furnished to the Law Department by first week of January every year.

6. I would like to request you to make the above mentioned registers a compulsory item of inspections by all inspecting officers of your Department/Office who must record their remarks about proper handling or otherwise of these matters.

The receipt of this letter should please be acknowledged.

Sd/- -
(Sajjad-ul-Hasan)
Additional Chief Secretary

ANNEXURE-I

PROCEDURE FOR DEPARTMENTAL PROCEEDINGS UNDER EFFICIENCY AND DISCIPLINE RULES 1977 IN CASES WHERE FORMAL INQUIRY IS ORDERED

Step No. 1: Initiation of Proceedings:

In the following circumstances the authority shall direct the authorized officer to proceed against a Civil Servant in respect of whom it stands designated as authority :-

- (a) On the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceedings against the Civil Servant.
- (b) The Anti-Corruption committee No.1 has decided to take departmental action against a Civil Servant.

Note:- Normally “authority” and authorized officer should have been designated as such under the relevant Delegation of powers Rules in respect of all posts under any Department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such. Besides taking the decision for initiation of action the authority should simultaneously direct the authorized officer to proceed against the accused. Where no authorized officer has already been designated the authority should immediately appoint an officer senior in rank to the accused to perform the functions of authorized officer. Draft order of appointment of authorized officer is attached Annexure-III.

Step No. 2: Suspension of the accused or sending him on forced leave:

Action by “Authority” If the Civil Servant is accused of subversion. Corruption or misconduct the authority may suspend him or allow the authorized officer to do so for an initial period of three months.

Action by “Authorized Officer” If it is not considered necessary to suspend the accused the authorized officer may require the accused to proceed on leave.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority after every three months. Except where the accused has been arrested and is confined to prison, suspension or forced leave, or extension thereof should be decided on the merits of each individual. Inquiry officer or inquiry committee should take care of the following:-

- (i) The proceedings must be conducted on day to day basis and should be arranged as far as possible at or near the place of residence of defence witnesses.
- (ii) In case the accused officer attempts to hamper the proceedings by delaying tactics the inquiry officer must have recourse to procedure prescribed in rule 7 (4) and 7 (5).

Step No. 6: Action after receipt of the Inquiry report:

On receipt of the report of findings of inquiry officer/inquiry committee the “Authorized Officer” shall determine whether all or any of the charges stand proved.

Step No. 7: Action where charges stand proved:

If all or any of the charges stand proved the authorized officer has to decide whether the charge calls for imposition of:-

- (i) One more of the minor penalties listed in the rule 4 (a), or
- (ii) One or more of the major penalties listed the rule 4 (b)

Step No. 8: Finalization of the proceedings by the authorized officer where one more of the minor penalties is called for:

Action by “Authorized Officer”. If the case calls for one or more of the minor penalties the authorized officer shall impose the same after giving the accused an opportunity of showing cause against that action.

If the case calls for major penalty the authorized officer shall forward the case to the authority alongwith :-

- (i) Charge sheet.
- (ii) Statement of allegations.
- (iii) Findings of the inquiry officer or inquiry committee.
- (iv) His own recommendations.

If it is proposed to drop the proceedings the authorized officer shall submit the case with all relevant record to the “authority” for orders.

Step No. 9: Decision of Authority:

On receipt of recommendations and record from the authorized officer the authority shall give the accused an opportunity of personal hearing and pass such orders as it may deem fit.

Note: Draft notice for personal hearing is at Annexure-VII

Annexure - II

PROCEDURE FOR DEPARTMENTAL PROCEEDINGS UNDER EFFICIENCY AND DISCIPLINE RULES 1977 IN CASES WHERE FORMAL INQUIRY IS NOT ORDERED

Step No. 1: Initiation of Proceedings:

In the following circumstances the authority shall direct the authorized officer to proceed against a Civil Servant in respect of whom it stands designated as authority :-

- (i) On the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceedings against the Civil Servant.
- (ii) The Anti-Corruption Committee No. 1 has decided to take departmental action against a Civil Servant.

Note: Normally “Authority” and “Authorized Officer” should have been designated as such under the Delegation of powers Rules in respect of all posted under any Department/Office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such. Besides taking the decision for initiation of action the authority should simultaneously direct the authorized officer to proceed against the accused. Where no authorized officer has already been designated the authority should immediately appoint an officer senior in rank to the accused to perform the functions of authorized officer. Draft order of appointment of authorized officer is at annexure-III

Step No. 2: Suspension of the accused or sending him on forced leave:

Action by “Authority”: If the Civil Servant is accused of subversion, corruption or misconduct the authority may suspend him or allow the authorized officer to do so for an initial period of three months.

Action by “Authorized Officer”. If it is not considered necessary to suspend the accused the authorized officer may require the accused to proceed on leave.

Note: Continuation of suspension or extension of leave. If intended, must be approved by the authority after every three months. Except where the accused has been arrested and is confined to prison, on the merits of each individual case.

Step No. 3: Decision whether inquiry is necessary:

Action by “Authorized officer”. The authorized officer should decide within three days of the receipt of directions of the authority (see Step No. 1) or such extended period as may be allowed the authority on the written request of authorized officer whether formal inquiry is necessary

Step No. 4: Action in case where formal inquiry is not considered necessary:

Action by “Authorized Officer”. The authorized officer shall immediately inform the accused by order, in writing, of the action proposed to be taken against him and the grounds of that action and give him a reasonable opportunity of showing cause against that action. A model draft notice is at **annexure-VI**.

Note: Reasonable opportunity would mean such opportunity, which enables the accused to present his defence adequately. This opportunity can, however, be refused where it is not expedient to extend it in the interest of security of Pakistan or any part thereof. Before conveying the refusal. Approval of the “authority” must be obtained.

Step No. 5: Action after receipt of reply of the accused:

On receipt of explanation of the accused, the “Authorized officer” shall determine whether or not the charge has been proved.

Step No. 6: Determination of proof of charge and quantum of punishment called for:

If the charge stands proved, the authorized officer has to decide whether the charge calls for imposition of:-

- (i) One or more of the minor penalties listed in rule 4 (a); or
- (ii) One or more of major penalties listed in rule 4 (b).

Step No. 7: Imposition of penalty by the Authorized Officer:

If the case calls for a minor penalty the authorized officer shall impose it after giving the accused an opportunity of showing cause against that action.

If the case calls for a major penalty the authorized officer shall forward the case to the authority alongwith :-

- (i) Show Cause Notice.
- (ii) Written defence of the accused in reply to the show cause notice.
- (iii) His own recommendations.

If it is proposed to drop the proceedings the authorized officer shall submit the case with all relevant record to the “authority” for orders.

Step No. 8: Imposition of penalty by the Authority:

On receipt of recommendation and record from the authorized officer the authority shall give the accused an opportunity of personal hearing and pass such order as it may deem fit.

Note: Draft notice for personal hearing is at Annexure-VII

ANNEXURE-III

Model draft Order (to be issued by the authority) Appointing the Authorized Officer under the first proviso below clause (c) of the sub-rule (1) of rule 2 of the Punjab Civil Servant (E&D) Rules, 1975 (Where one is not already so authorized or designated).

ORDER

Whereas in the opinion of the “Authority” _____ (state here the full designation), there are sufficient grounds for proceedings against _____ (give here full name & designation of the accused Civil servant). On the charge of in-efficiency/misconduct/corruption or reasonably being considered _____ (score out which is not applicable) corrupt/ subversive activities;

And whereas in the case of the Raid accused Civil Servant no authorized officer has been so authorized or designated within the meanings of Rule 2 (1) (c) read with Rule 2 (3) of the Punjab Civil Servant (E&D) Rules, 1977. I, _____ to act as the authorized officer under and in accordance with (give here full name & designation) Rule 6 and 7-A of the Efficiency and Discipline rules.

Signature of Authority

The accused Civil Servant has been directed to put in his written defence directly before the enquiry officer/enquiry committee. The relevant record or copies thereof or such other material as is necessary for the conduct of the enquiry is enclosed herewith.

The enquiry officer/enquiry committee shall proceed under and in accordance with the provisions of Rules 7 of the Punjab Civil Servants E&D Rules, 1977 and submit to the undersigned a report of his/its finding with in the period specified therein.

ANNURE – IV

Model Draft Order (to be issued by the authorized officer) under rules 6 (5) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1977 Appointing an Inquiry Officer or Inquiry Committee consisting of two or more persons who or one of whom shall be of a rank senior to that of the accused Civil Servant or if there are more than one accused Civil Servant senior to all the accused.

ORDER

Whereas the Authority _____(give here full designation) has directed under Rule 5 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1977, the undersigned, as the authorized Officer, to proceed against _____ (give here full name & designation of the accused Civil Servant).

And whereas I, _____ (give here full name & designation) as the authorized officer, on due consideration of the facts of the case, have decided under Rule 6 (2) of the Punjab Civil Servants (E&D) Rules, 1977 that an inquiry is necessary in the interest of justice.

Now, therefore, I hereby appoint / _____(give here full name & designation). Substitute the following for the position in parenthesis where an Inquiry committee may have to be appointed.

1. _____ (Convener)
2. _____ (Member)
3. _____ Member)

(give full name & designation)

Inquiry Officer: to inquire into the charges as set forth in the enclosed charge sheet served on the accused _____(give here the date on which the charge sheet is served).

ANNEXURE - V

- Caution:-**
- (i) The model charge-sheet is meant to be served in cases where the authorized officer considers an inquiry, through the inquiry office or inquiry committee, necessary.
 - (ii) The model charge-sheet is designed to furnish essential guide-lines only and it may be suitably amended, altered or added to keeping in view the circumstances of each case. The words, expressions or parts not applicable may be carefully deleted.
 - (iii) Each case has to be examined in its own perspective with due care and proper application of mind. The model charge-sheet is not to be used mechanically. The under-lying idea, in circulating it, is simply to provide general guidance.
 - (iv) It need hardly be added that these caution-notes are not from part of the contents of the charge sheet meant to be actually served.

MODEL CHARGE-SHEET

I, _____(Name and full designation of Authorized Officer) hereby Charge sheet you Mr. _____ (Name and full designation) as under :-

That while posted as _____ your _____

- (i) _____
- (ii) _____
- (iii) _____

2. By reason of the above you appear to be :-

- (a) inefficient within the meaning of rule 3 (a) of the Punjab Civil Servant (Efficiency & Discipline) Rules, 1977 and or
- (b) guilty of misconduct within the meaning of rule 2 (1) (d) and 3 (b) of the AJ&K Civil Servants (Efficiency & Discipline) Rule, 1977 and or
- (c) corrupt or can reasonably be considered corrupt within the meaning of rule 3 © of the AJ&K Servants (Efficiency & Discipline) Rules, 1977 and /or
- (d) engaged or are reasonably suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities, or are guilty or disclosure of official secrets to unauthorized persons(s), and your retention in services, therefore, considered prejudicial to the national security within the meaning of rule 3(d) of the Punjab Civil Servants (E&D) Rules, 1977; and as such, are liable to disciplinary action under Rule 3 of the AJ&K Civil Servants (E&D) Rules, 1977 which may include imposition of one or more of the penalties prescribed by rule 4 of the said rules.

3. You are hereby required to submit your written defence within _____ days of the receipt of this charge-sheet, as to why disciplinary action, as aforesaid, may not taken against you.

4. Your written defence should reach the inquiry officer / inquiry committee within the aforesaid period alongwith a list of defence witnesses you may wish to produce in support of your defence. In case of your failure to do so, it shall be presumed that either you have no defence to offer or you have declined to offer the same, and you accept the charges.

5. A statement of allegation in support of this charge-sheet is enclosed.

6. In case you may desire to consult any record on which the aforesaid charges are based or it relevant to the aforesaid charges, you may do so with prior arrangement with the Authorized Officer, within 7 days of the receipt of the Notice/Charge-Sheet.

Date_____

OFFICER
DESIGNATION _____
(AUTHORIZED OFFICER)

Note: The days allowed are to be not less than seven (07) and not more than fourteen (14) from the day charge-sheet is served.

**ANNEXURE - VI
MODEL SHOW CAUSE NOTICE**

No _____
To _____

Dated _____

Subject: Show Cause Notice

Whereas the undersigned, as Authorized Officer in your case has been directed by the authority to proceed against you under the AJ&K Civil Servant (E&D) Rules, 1977 (on the following allegations):-

- (i) _____.
- (ii) _____.
- (iii) _____.

As further detailed in the enclosed statement of allegations,

And whereas the undersigned has decided that it is not necessary to have an inquiry conducted in proof thereof and whereas it is proposed to proceed against you under sub-rule (3) of Rule 6 of the AJ&K Civil Servant (Efficiency & Discipline) Rules, 1977.

Now therefore, you are hereby called upon to show cause in writing within _____ days of the receipt of this communication as to why one or more of the penalties as prescribed in rule 4 of the AJ&K Civil Servants ((E&D) Rules, 1977, should not be imposed on you.

Your explanation (in duplicate) should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer, and do not wish to be heard in person.

In case you may desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this Notice/Charge-Sheet.

(AUTHORIZED OFFICER)

**ANNEXURE – VII
MODEL DRAFT OF NOTICE OF PERSONAL HEARING UNDER RULE 8 OF THE AJ&K
CIVIL SERANTS (EFFICIENCY & DISCIPLINE) RULES, 1977
MEMO**

To _____ (give here full name and designation and address of the accused Civil Servant).

Subject: Personal Hearing under Rule 8 of the AJ&K Civil Servants (Efficiency and Discipline) Rules, 1977.

On consideration of the written defence offered in your letter dated _____ to show cause against the action proposed to be taken in regard to you, as spelt out in memo No. _____ (gives here the No. & date of the show-cause notice) and of the report submitted by the authorized officer under sub-rule (4) of rule 6 of the AJ&K Civil Servants (Efficiency & Discipline) Rules, 1977 (copy enclosed), you are hereby offered an opportunity of personal hearing before _____ (give here name and full designation of the authority, if person hearing is to be given by him or of the officer senior in rank to the accused designated for the purpose).

For this purpose, you are hereby advised, in your own interest, to appear before the aforesaid officer on _____ (give here the time and place of personal hearing) to offer your additional defence if any, during said personal hearing.

**PROCEDURE FOR CONDUCTING INQUIRIES AGAINST CIVIL SERVANTS
(CHECK LIST)**

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(SERVICES AND GENERAL ADMINISTRATION DEPARTMENT)**

No. S&GAD/E-8/21-130/89

Dated: January 10, 1989

To: **Additional Chief Secretary (Dev),**
Planning & Development Department.

All Secretaries to Government.

All Heads of Departments.

Subject: **Procedure for Conducting Inquiries Against Civil Servants (Check List)**

Departmental action against civil servants of the Azad Government of the State of Jammu and Kashmir for subversion, corruption, misconduct, inefficiency etc., is generally taken under the Azad Jammu and Kashmir Civil Servants (Efficiency and Discipline) Rules, 1977. It has come to notice that in a large number of cases the procedure laid down in the rules is not properly adopted by the officers designated as authority, authorized officer and inquiry officer. Failure to fully comply with the requirements of the rules impairs and at times vitiates the disciplinary proceedings and the order imposing a penalty on an accused is frequently set aside by the appellate authority or the Service Tribunal, if challenged before it.

2. With a view to ensuring that all the procedural requirements under the Government Servants (Efficiency and Discipline) Rules, 1977, are complied with, a check list has been drawn (Annexure "A"). The Departments are requested to bring relevant extracts of this to the notice of the officers responsible for discharging their duties under the said rules before and during the currency of disciplinary proceedings against the civil servants as authority, authorized officer or inquiry officer.

Sd/- -
(Ch. Muhammad Latif)
Additional Secretary Services (Inquiry)

ANNEXURE 'A' (CHECK LIST)

Requirements to be noted while taking action under Civil Servants (E & D) Rules, 1977

AUTHORITY to ensure that:-

The President has been pleased to designate the officer or authority to exercise his powers as Authority under rule (2-b).

AUTHORIZED OFFICER to ensure that:-

The officer exercising the powers of Authorized Officer has been authorized by the Authority to act as such in terms of rule (2-c).

The Authorized Officer while exercising his discretionary powers or suspension under rule 6(1) has obtained prior approval of the Authority in writing before issuing orders suspending the accused officer. Further, an officer can be suspended only if he is accused of subversion, corruption or misconduct.

Formal approval of the Authority is available for continuation of the suspension period after every three months. [Rule 6(1)]

Formal approval of the authority is available for extending the period of forced leave after every three months. [Rule 6(1)]

No officer other than the Authorized Officer has decided that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry office or Inquiry Committee. [Rule 6(2)]

Considering the nature of charges and other facts, the decision not to hold an inquiry has been taken judiciously and not arbitrarily. Before taking such a decision, the authorized officer has taken into consideration the nature of charges and other facts and has satisfied himself that the allegations against the accused could be decided without holding an enquiry. [Rule 6(3)(a)(b)].

(Though it is not a requirement of the rule that the reasons for not holding an inquiry be recorded, yet the check-point is necessary to ensure that the decision is in the interest of justice as required by rule and that there is no violation of the law of natural justice).

The procedure prescribed in rule 7 is followed in case the Authorized Officer in exercise of his discretionary power under rule 6(2) has decided to hold an inquiry through an Inquiry Officer or Inquiry Committee.

Formal order regarding appointment of Inquiry Officer or Inquiry Committee, as the case may be, has been issued by the Authorized Officer and not by any other officer.

A formal charge-sheet together with a statement of allegations has been framed and communicated to the accused officer by the Authorized Officer under his signature. (The statement of allegations should also be authenticated by the authorized officer).

The charge sheet requires the accused:

to put in written defence within a reasonable time which is not less than 7 days or more than 14 days from the day the charge has been communicated;

to state whether he desires to be heard in person, [Rule 6 (2)].

The procedure laid down in Rule 6 (3) (a) (b) is followed in case the Authorized Officer in exercise of his discretion has decided to dispense with holding an inquiry through an Inquiry Officer or Inquiry Committee.

In the show cause notice issued under Rule 6 (3) (a) (b), the proposed action and the grounds of the action including particular or particulars of charges and substance of evidence in support of the charges has been specified; the grounds for penalty in terms of rule 3 have been specifically mentioned; the penalty or penalties which would be called for if the charges are established have been specified and no general mention has been made by reference to all minor or major penalties.

On receipt of the report of the Inquiry Officer or Inquiry Committee or on receipt of explanation of the accused officer under Rule 6 (3) (a) (b), the Authorized Officer has determined whether the charge or charges against the accused officer has been proved or not. [Rule 7 (a)].

In case the Authorized Officer has proposed imposition of a major penalty on the accused officer, he has referred the case to the Authority with his recommendation. [Rule 6(2)]

When the accused has desired to be heard in person, the authorized officer has duly heard him in person before deciding to impose a minor penalty or make recommendations to the authority for a major penalty.

[Rule 6 (2) & 7 (a)]

INQUIRY OFFICER/COMMITTEE to ensure that---

The procedure laid down in rule 6 & 7 strictly adhered to during the inquiry proceedings.

The inquiry proceedings being of judicial nature in terms of rule 12, the Inquiry Officer has recorded the statement of witnesses on oath.

The accused officer is allowed to cross-examine the witnesses produced against him during the proceedings.

The accused officer is afforded a reasonable opportunity to produce his defence.

The findings are recorded after due analysis and appreciation of evidence on record.

The following irregularities have come to the notice of Government of the State of Jammu and Kashmir in dealing with the disciplinary cases submitted by the departments in respect of the civil servants of Grade 17 and above.

Under rule 6(1) of the Civil Servants (Efficiency and Discipline) Rules, 1977, it is the "authorized officer" [designated as such under sub-rule (3) of rule of the said rules] who can obtain the approval of "authority" [designated as such under sub-rule 1(b) rule 2 of the said rules] to the suspension of a civil servant. The summaries proposing the suspension of the civil servants in grades 17-20 are sometime received under the signatures of an officer other than authorized officer.

Rule 6 (2) makes it incumbent upon the "authorized officer" to decide that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry Officer/Inquiry Committee or a "Show Cause Notice" should be served on the accused official in terms of sub-rule 6(3)(a)(b). It has been noticed that in some cases either this decision has been taken by a person other than "authorized officer" or the "authorized officer" has not shown to have applied his independent judgment.

In case the Authorized Officer has decided to serve a "Show Cause Notice" to the accused official, under rule 6 (3) (a), sometimes it is not served under his signatures. Similarly, in a large number of cases it has been noticed that the action proposed to be taken against the accused and grounds thereof are not incorporated in the show cause notice. Instead of that a general reference is invited to one of the major penalties, which is not correct.

In case the "Authorized Officer" decides to hold an inquiry through an Inquiry Officer/Inquiry Committee, formal orders regarding the appointment of Inquiry Officer/Inquiry Committee have to be issued by the "Authorized Officer" and not by any other officer.

In terms of rule 6 (6), it is the "Authorized Officer" who has to frame a charge-sheet together with a statement of allegations and then communicate these to the accused official. It has been observed in some of the cases that:

- (a) Charge sheet has been signed by an officer other than the "authorized officer"
- (b) The charge-sheet is not accompanied by the statement of allegation has not been authenticated by the "authorized officer".

In terms of rule 7(3), the Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment with reasons shall be reported forthwith to the "authorized officer". No adjournment shall be for more than a week. In spite of clear provisions of the rules, it has been generally noticed that:

- (a) the inquiry proceedings are not conducted by the Inquiry Officers from day to day;
- (b) the reasons of adjournments, if any, are not regularly reported to the "authorized officer"
- (c) the period of adjournment goes beyond a week. These delays must be avoided, particularly in cases where the accused officer is under suspension.

Under rule 7(a), the authorized officer has to afford the opportunity of personal hearing to the accused officer, if such opportunity is claimed, before deciding to impose a minor penalty or recommending to the authority the imposition of major penalty, in terms of rule 7 (a). It has been often observed that this opportunity of personal hearing is confused with the hearing given by the inquiry proceedings. This is not correct.

Under rule 7 (a), on receipt of the report of the Inquiry Officer or an Inquiry Committee on receipt of the explanation of the accused to the show cause notice, if any, the authorized officer has to determine whether the charge/charges have been proved. If it is proposed to impose a minor penalty, he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge-sheet, statement of allegations, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. It has been generally found that:

- (a) the Inquiry Officer at times besides giving his findings on the charges also makes his recommendation regarding the imposition of a major or minor penalty,
- (b) the authorized officer does not make use of his independent judgment,

(c) the recommendations of the authorized officer to the authority are not accompanied by all the documents mentioned above.

The irregularities detailed above are grave in nature and a failure to fully comply with the requirements of the Government Servants (Efficiency and Discipline) Rules, 1977 impairs and at times vitiates the disciplinary proceedings and the order imposing a penalty on an accused is frequently set-aside by the appellate authority or the Services Tribunal. This not only results in loss of prestige for the government but also in the loss of unnecessary expenditure which the government has to incur in defending the appeals of the aggrieved government servants in the courts of law.

It may kindly be ensured that provisions of the Government Servants (Efficiency and Discipline) Rules, 1977 are fully complied with in future by the officers responsible for discharging their duties under the said rules before and during the currency of the disciplinary proceedings against the civil servants as authority, (authorized officer or inquiry officer).

Under the provisions of rule 6(a) of the Civil Servants (Efficiency and Discipline) Rules, 1977 the authority may call for the record of any case pending before or disposed of by the authorized officer and pass the order in relation there to as it may deem fit.

2. To enable the 'Authority' to perform its function more effectively under the provisions of said rule, it has been decided that in future, whenever the disciplinary proceedings are completed against a civil servants of the Azad Government of the State of Jammu and Kashmir in grade 17 and above copies of the record of the proceedings viz; charge sheet along-with statement of allegations; show cause notice, if issued instead of charge sheets, report of the Inquiry Officer and the final orders, be endorsed to Services and General administration Department, Additional Secretary (Inquiry).

3. The above decision may also be brought to the notice of all attached departments/ subordinate offices; for strict compliance in future.

SUPPLY OF COPIES OF INQUIRY REPORTS TO THE ACCUSED OFFICIALS

A reference is invited to rule 5 and 6 of the Government Servants (Efficiency and Discipline) Rules, 1977. The Supreme Court of Pakistan in their Judgment in Mir Mohammad Vs. NWFP (All Pakistan Legal Decisions 1981 SC 176). They observed as follows in respect of corresponding rules 5 and 6 in the NWFP Government Servants (Efficiency and Discipline) Rules, 1977.

"It seems to us, therefore, that on a proper construction of rules 5 and 6 read together it is a statutory requirement that if a formal inquiry is held, then the authorized officer should, after he has tentatively decided upon the action he proposes to recommend to the Authority, give an opportunity to the accused officer to offer his explanation against the proposed action in the light of the findings of the inquiry officer or inquiry committee, before sending his recommendations to the Authority. This would, of course, necessitate that a copy of the inquiry report be furnished to the accused officer at this stage, and he should be apprised of the action proposed against him."

In view of the Supreme Court Judgment, it is now necessary that in a case where a formal inquiry is held, a copy of the inquiry report is furnished to the accused official to enable him to offer his explanation with regard to adverse finding, if any, recorded against him by that Inquiry Officer or the Inquiry Committee, as the case may be.

It has been decided that after the authorized officer has considered the report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause, within a specified time, which shall not ordinarily exceed one month against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.

The procedure described in para 3 may also to be followed in those disciplinary cases which are in progress and have not been finally closed. Even in cases where the matter has been pending before the Services Tribunal or the Supreme Court, the proceeding may be started de novo in consultation with the Law Division, from the stage from which the error could be corrected in the light of the aforesaid Judgment. Cases finally closed need not be reopened.

Grant of personal hearing to the accused official according to instructions contained in the Establishment Division Circular O.M.No.4/20/82-R.I, dated 20th July, 1982, in a case where a formal inquiry is held, the authorized officer, on receipt of the inquiry report, shall arrive at a provisional conclusion as to the penalty to be imposed and shall supply a copy of the inquiry report to the accused and ask him to show cause within a specified time, against the penalty to be imposed. A question has arisen at what stage the accused will be given personal hearing by the authorized officer whether it will be given after the receipt of the inquiry report and before the accused is supplied with the inquiry report and, asked to show cause against the particular penalty to be imposed or it will be given after this action is completed and the reply of the accused to the Show Cause has been received.

2. The matter has been considered in the Establishment Division in consultation with the Law Division and the view held is that the right stage for giving personal hearing to the accused by the authorized officer, if the accused had asked for such opportunity, comes after the accused has submitted his reply to the show cause notice and before the authorized officer finally makes up his mind as to the penalty to be imposed, and gives orders to that effect or submits the case to the authority, as the case may be.

DISCIPLINARY PROCEEDINGS AGAINST GOVERNMENT SERVANTS BELONGING TO ALL-PAKISTAN UNIFIED GRADES AND THOSE HOLDING THE POSTS OF SECTION OFFICER

Instances have come to the notice of the Establishment Division, where Provincial Governments have taken disciplinary action against officers of the All-Pakistan Unified Grades without consulting this Division. Government servants belonging to the All-Pakistan Unified Grade are under the administrative control of the Establishment Division. It follows that appointments, promotions and matters pertaining to disciplinary cases of such government servants is the responsibility of the Establishment Division. It is, therefore, reiterated for the information of all concerned that disciplinary cases against government servants belonging to the All-Pakistan Unified Grades and also those holding the posts of Section Officers will, henceforth, be initiated and processed in the Establishment Division on receipt of reports and recommendations of the Ministry or Division or Government to which they are attached at the time of commission of the alleged offence.

2. It is further decided that the cases which have already been initiated but not yet finalized may be sent to the Establishment Division for taking further necessary action.

GOVERNMENT SERVANTS TO BE PLACED UNDER SUSPENSION WHEN REALLY NECESSARY

No. 103: Cases have come to the notice of the Establishment Division in which government servants have been kept under suspension unduly long, the period in some cases extending over six months thereby subjecting them to unnecessary mental and other hardships.

2. The matter was considered at the Secretaries' meeting, held on the 7th July, 1959. It has been decided, in the first place, that no Government servant should be placed under "Suspension" except when this is really necessary, and that the following factors should guide an officer in deciding whether or not to issue orders of suspension:

There must be a strong prima-facie case against the delinquent; If the offence is of such a serious nature that dismissal will be the probable punishment, or such that it is inadvisable that the offender should be allowed to continue to perform the duties of his office pending decision on the case, suspension is justifiable;

Unless there is some very strong reason why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to; No one should be suspended for petty breaches of discipline and for minor departmental offences;

No one should be suspended unless: He wilfully and obstinately refuses to carry out an order;

During the course of an enquiry his retention in his appointment would hamper or frustrate such enquiry;

He is in Police custody;

He is charged with an offence of a nature which, if proved against him, would ordinarily result in his dismissal.

Note: Where documentary and oral evidence has already been collected and the risk of an official tampering with evidence (documentary or oral) no longer exists, the order of suspension should be cancelled. Where, however, there is still such a risk, he should be transferred. In cases where the police have intervened and the official is under arrest, the order of suspension must remain in force until the official is released on bail or until sentence has been pronounced.

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(Law, Justice, Parliamentary Affairs and human Rights Department)

“Muzaffarabad”
Dated: 08.01.2020

No. LD/Legis-Act/25-39/2020. The following Act of assembly received the assent of the President on the 3rd day of January 2020, is hereby published for general information.

[Act III 2020]

An

Act

To repeal, Removal from service (Special Powers) Act, 2001

Whereas, it is expedient to repeal the Removal from Service (Special Powers) Act., 2001 (Act XXV of 2001) for the purpose hereinafter appearing;

It is hereby enacted by as follows:-

1. **Short title and commencement:-**

- (1) This Act may be called the Removal from Service (Special Powers) (Repeal) Act, 2019.
- (2) It shall come into force at once.

2. **Repeal of Removal from Service (Special Powers) Act, 2001:-**

- (1) The Removal from Service (Special Powers) Act, 2001 (Act XXV of 2001), is hereby repealed.
- (2) All proceedings pending under the repealed Act, immediately before the commencement of this Act, against any person whether in Government Service or Corporation Service, shall continue under the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), and the Azad Jammu and Kashmir Civil Servants (Efficiency and Discipline) Rules, 1977.
- (3) Subject to sub-section (2), on the repeal of he said Act, all disciplinary matters relating to persons in Government Service, to whom the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), and the Azad Jammu and Kashmir Civil Servants (Efficiency and Discipline) Rules, 1977 apply, shall be governed under the aforesaid Act and the rules made thereunder and the persons in Corporation Service or other statutory organizations shall also be governed under Azad Jammu and Kashmir Civil Servants (Efficiency and Discipline) Rules, 1977, if the rules have been made applicable to them under their respective laws.

Sd/--
(RASHID KALEEM)
Deputy Secretary (Legislation)

NO. FD/8748-8808/83

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
FINANCE DEPARTMENT**

“Muzaffarabad”

Dated: the 29th August, 1983

From: Mr. M. Farogh Naweed,
Secretary to Government of
Azad Jammu & Kashmir,
Finance Department.

To: 1. All Secretaries to Government
2. All Heads of Attached Departments,
Azad Government of the State of J&K,
Muzaffarabad.

Subject: **Revision of Pay Scales Scheme of Basic Pay Scales and Fringe Benefits of the Azad
Jammu & Kashmir Government Employees (1983)**

Sir,

I am directed to state that the President Azad Jammu & Kashmir has been pleased to sanction, with effect from 1st July, 1983, a Scheme, as detailed below, of the Basic Pay Scales, allowances and other Fringe Benefits 1983, for the employees of the Azad Government of the State of Jammu & Kashmir.

PART I: BASIC SCALES AND ALLIED MATTERS

2. Basic Scales of Pay: The Basic Scales of Pay, 1983, as shown in annexure I to this letter shall replace the existing Revised National Pay Scales.

3. Fixation of pay in Basic Scales: The initial pay of an existing Government servant, i.e. an employee who has been in government service since before the 1st July, 1983 shall be fixed at the stage in the relevant Basic Pay Scales (i.e. the Basic Scale in annexure corresponds to the Existing Revised National Pay Scale in annexure I) which is as many stages above the minimum as the stage occupied by him above the minimum of the existing Revised National Pay Scale. Provided that where the pay so determined does not give the employee concerned a minimum advantage of 10 per cent of his existing basic pay plus Dearness Allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage; provided further that the maximum of the relevant Basic Scale shall not be exceeded in any case. In this fixation formula, “emoluments” would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

20. (a) Cost of blood Transfusion: The cost of blood transfusion shall henceforth be reimbursable to the Government employees and their families in accordance with the procedure laid down for reimbursement of cost of medicines, etc.

(b) Definition of "family" the word "family" for the purpose of medical treatment shall also include parents of the Government servant residing with and dependent on him.

21. Encashment of Leave preparatory to Retirement: At present encashment of Leave preparatory to Retirement up to six months is permissible to Government Servants. Provided the leave Preparatory to Retirement is refused by Government in Public interest. Henceforth, the option for encashment of Leave Preparatory to Retirement shall rest with the Government servant concerned. In case of Government servant opts to not take Lave preparatory to Retirement he shall be allowed leave salary for the period for which leave Preparatory to Recruitment is admissible subject to a maximum of six months.

22. General: All existing rules and orders on the subject shall be deemed to have been modified to the extent indicated above, all existing rules and orders not so modified shall continue to be in force under this scheme. Amendments in the relevant rules, incorporating the above provisions and new rules regarding revision of pay scales shall be issued later.

23. The additional amount required in this behalf shall be provided in Revised Estimates 1983-84. Financial implication in the enclosed proforma (Annexure III) may kindly be furnished to this department before 1st October, 1983 positively.

Yours obedient servant

Sd/--

(Raja Muhammad Farooq Niaz)
Deputy Secretary (Regulations)
for Secretary Finance.

Copy to:-

1. The Accountant General Azad Jammu and Kashmir.
2. All Deputy Commissioners.
3. All District Accounts Officers.
4. Registrar Supreme Court Azad Jammu and Kashmir Muzaffarabad.
5. Register High Court Azad Jammu and Kashmir Muzaffarabad.
6. Chairman AKMIDC Muzaffarabad.
7. Chairman, Mirpur Development Authority Mirpur.
8. Secretary, Public Service Commission.
9. Chairman Board of Intermediate and Secondary Education Mirpur.
10. Managing Director AKLASC Muzaffarabad.
11. Registrar, Azad Jammu & Kashmir University.
12. Secretary Azad Jammu & Kashmir Legislative Assembly.
13. Superintendent, Government Printing Press for Publication in the Government Gazette.

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR,
FINANCE DEPARTMENT**

“Muzaffarabad”
Dated: 04.01.1984

To,

1. All Secretaries to Government,
2. All Heads of Attached Department's,
Azad Govt. of the State of J&K,
Muzaffarabad.

Subject: **Revision of pay Scales, Scheme of Basic Pay Scales and Fringe Benefits of the Azad Jammu & Kashmir Government Employees 1983**

Sir,

I am directed to refer to this department's letter No .FD/8748-8808/83 dated the 29th August, 1983 on the subject noted above and to say that some doubts have been expressed about the application of certain provision of the letter in question. Relevant provisions of the letter under reference are clarified in the following paragraphs in order to put the matter beyond any doubt.

I. Paragraph 5: Move-Over

2. The technical and professional categories of government servants, e.g. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Archaeologists, Geologists, Meteorologists, experts of Agriculture, Animal Husbandry and forestry, etc have been allowed to move over upto basic pay scale 20 without the condition of staying at the maximum for 3 years.

3. Since the more-over does not constitute actual promotion to a higher post carrying higher basic pay scale, the incidence of move-over should not be notified. The government servants concerned shall be allowed to move-over to the next higher basic scale with effect from 1st December of the year following the year in which he reaches the maximum of his basic pay scale as laid down in rule 8 (1) of the Azad Jammu and Kashmir civil servants pay revision rules, 1977 in the case of move-over of employees in pay scales 1 to 15.

II. Paragraphs 13 Charge Allowance

4. Charge allowance is admissible at the rate of Rs.200/- per month to the heads of all the institutions, which award degrees or diplomas equivalent to a bachelor's degree and at the rate of Rs.100/- per month to the heads of institutions that award diplomas or certificate equivalent to an intermediate certificate.

III –paragraphs 15: Advance Increments to School Teachers on Attaining Higher Qualification.

5. A number teacher in different categories were drawing pay at the maximum of their pay scales on 1st July, 1983 and their pay has also been fixed at the maximum of their respective basic pay scales. Such teachers would deprived of the benefit of advance increments sanctioned in the scheme of basic pay scales even if they possessed the higher qualification for which advance increments have been allowed , it has

been decided that such teachers , who could not get the full benefit of advance increments provided for in the scheme of basic pay scales , shall be allowed the benefit of advance increments, if any, which they could not get on 1st July , 1983 in the next higher pay scale after their move-over to that pay scale with effects from the date of move-over to that pay scale with effect from the date of mover-over under paragraph 5 of this department's letter No. FD/8748-8803/83 dated the 29th August, 1983 read with paragraph 3 of this letter.

6. For the purpose of grant of advance increments for higher qualifications to the teachers, B.com and other academic qualifications equivalent to B.A/ B.SC shall be treated at par with B.A/B.SC and B.Com /other qualification equivalent to M.A/M.SC shall be treated at par with M.A/MSC .

7. Government servants belonging to the cadre of headmasters / headmistresses of high schools would also be entitled to advance increment as admissible to other high school teachers for possessing higher qualification provided that they were not appointed to the cadre by initial recruitment on the basis of qualifications for which advance increments have been sanctioned.

IV. Paragraph 16: Advance Increments to Technical and Professional Categories on possessing/ acquiring Higher Qualification.

8. Advance increments are admissible only to the professional and technical employees drawing pay in scale B-17.

9. A number of technical and professional employees were drawing pay at the maximum of BS.17 on 1st July 1983 and their pay has also been fixed at the maximum of basic pay scale -17 .such Government servants would be deprived of the benefit of advance increments sanctioned in the scheme of basic pay scales even if they possessed the higher qualifications for which advance increments have been allowed. It has been decided that such technical and professional employees, who could not at the full benefit of advance increments provided for in the scheme of basic scales, shall be allowed the benefit of advance increments, if any, which they could not get on 1st July 1983, in scale B-18 after their move-over to that pay scale with effect from the date of move-over under paragraph 5 of this department's letter NO. FD/8748-8808/83 dated the 29th August, 1983 and No. FD/9003-9060/83 dated the 31st August, 1983 read with paragraph 3 of this letter.

V. Paragraph 21: Encashment of Leave Preparatory to Retirement

10. A government servant who desires to get the benefit of encashment of LPR up to a period of six months must (a) submit his written option to do so at least three months before the date of commencement of his leave preparatory to retirement, and (b) surrender the whole leave preparatory to retirement due to him.

11. The condition mentioned at (a) in para 10 above is not applicable to the Government servants who were due to proceed on LPR before the 29th August 1983 or whose LPR is due to commence within a period of three months from the date of issue of this letter. The following provisions would govern the cases of such government servants:-

- (a) A person whose LPR was due to commence on or before the 29th August 1983 but he did not proceed on LPR would be deemed to have exercised his option of leave for the purpose of encashment will be counted from 1st July, 1983.

- (b) A Government servants who proceeded on LPR on or before the 19th August, 1983 would be deemed to have exercised his option to proceed on LPR. Thus he is not entitled to claim encashment of LPR by getting the un-expired LPR cancelled.
- (c) The Government servants whose LPR is due to commence within a period of three months from the date of issue of this letter may exercise their option any time before the commencement of LPR.

VI – Serial No.4 Under the Heading Police Department in Annexure-II Basic Pay Scale of Sub-Inspector.

12. The minimum qualification of graduation laid down for admissibility of scale B-11 is applicable to the sub-inspector who are appointed by initial recruitment. The sub-inspector of police appointed by promotion are entitled to scale B-11 irrespective of whether they are graduates or not.

VII S#4&5 under the heading ‘All Govt. Deptt. in Annexure-II: Selection Grade of Stenographers.

13. The existing entries in the last column against serial Nos. 4 and 5 under the heading all Government department’s shall be substituted by the following:-

“B-15 Rs. 900-55-2000 With selection grade in B-16 (Rs.1050-80-2250).

The posts of senior scale stenographers are merged with the posts of Personal Assistants. The number of selection grade posts will be 25% of their combined strength minus the number of posts of private secretaries in scale B-16”

Your obedient servant,

(Raja Muhammad Farooq Niaz)
Deputy Secretary Finance (Regulations)

Copy to:-

1. The Accountant General Azad Jammu and Kashmir.
2. All Deputy Commissioners.
3. All District Accounts Officers.
4. Registrar Supreme Court Azad Jammu and Kashmir Muzaffarabad.
5. Register High Court Azad Jammu and Kashmir Muzaffarabad.
6. Chairman AKMIDC Muzaffarabad.
7. Chairman, Mirpur Development Authority Mirpur.
8. Secretary, Public Service Commission.
9. Chairman Board of Intermediate and Secondary Education Mirpur.
10. Managing Director AKLASC Muzaffarabad.
11. Registrar, Azad Jammu & Kashmir University.
12. Secretary Azad Jammu & Kashmir Legislative Assembly.
13. Superintendent, Government Printing Press for Publication in the Government Gazette.

Sd/--
(Abdul Rauf Khan)
Section Officer Finance (Regulations)

NO. FD/R/ 14269-14319 / 2015

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
Dated: 27th July, 2015

OFFICE MEMORANDUM

Subject: REVISION OF BASIC PAY SCALES & ALLOWANCES OF CIVIL SERVANTS OF THE AJ&K GOVERNMENT / EMPLOYEES OF CORPORATIONS / AUTONOMOUS / SEMI-AUTONOMOUS BODIES (2015).

The President Azad Jammu & Kashmir has been pleased to sanction the revision of Basic Pay Scales & Allowances with effect from 1st July, 2015 for the Civil Servants of Azad Government of the State of Jammu & Kashmir, as detailed in the following paragraphs:

Part-I (Pay)

2. Revision of Basic Pay Scales:

The Basic Pay Scales-2015 shall replace the Basic Pay Scales-2011 with effect from 01-07-2015 as contained in the Annexure to this Office Memorandum.

3. Fixation of Pay of the existing employees:

- i) The basic pay of an employee in service on 30-06-2015 shall be fixed in the Basic Pay Scales-2015 on point to point basis i.e. at the stage corresponding to that occupied by him/her above the minimum of Basic Pay Scales-2011;
- ii) In case of Personal Pay being drawn by an employee as part of his/her basic pay beyond the maximum of his/her pay scale on 30-06-2015, he/she shall continue to draw such pay in the Basic Pay Scales-2015 at the revised rates.

4. Fixation of Pay on promotion:

In cases of promotion from a lower to higher posts/scale before introduction of these scales, the pay of the employees concerned in the revised pay scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.

5. Annual increment:

Annual increment shall continue to be admissible, subject to the existing conditions, on 1st December each year.

Part-II (Allowances)

6. Ad-hoc Relief Allowances:

The following Ad-hoc Relief Allowances granted w.e.f. 01-07-2011 and 01-07-2012 shall cease to exist with effect from 01-07-2015:

| S. No | Name of Ad-hoc Relief Allowance | Office Memorandum and Date | Admissible Rates |
|-------|---|--|----------------------------------|
| i. | Ad-hoc Relief Allowance-2011 (01-07-2011) | No. FD/R/(340)07/2011 dated 25-07-2011 | 15% of the basic pay on BPS-2008 |
| ii. | Ad-hoc Relief Allowance-2012 (01-07-2012) | No. FD/R/17481-17580/2012 dated 23-07-2012 | 20% of the basic pay on BPS-2011 |

7. **Ad-hoc Allowance-2010 (if admissible), 2013 and 2014:**

- i) The Ad-hoc Allowance-2010 @ 50% of the basic pay of Basic Pay Scales-2008 (where admissible to the Civil employees) shall continue to stand frozen at the level of its admissibility/drawn as on 30-06-2015;
- ii) All the new entrants shall be allowed Ad-hoc Allowance-2010 @ 50% of the minimum of relevant Basic Pay Scales-2008 (if admissible in that organization) on notional basis with effect from 01-07-2015, till further orders, and shall stand frozen at the same level;
- iii) The Ad-hoc Relief Allowance-2013 and 2014 @ 10% each shall stand frozen at the level of its admissibility as on 30-06-2015;
- iv) All the new entrants shall be allowed Ad-hoc Relief Allowance-2013 and 2014 @ 10% each of the minimum of relevant Basic Pay Scales-2011 on notional basis with effect from 01-07-2015, till further orders, and shall stand frozen at the same level.

8. **Ad-hoc Relief Allowance-2015:**

- i) An Ad-hoc Relief Allowance-2015 @ 7.5% of the running basic pay of BPS-2015 to the Civil Servants of the AJ&K Government including contingent paid staff and contract employees employed against civil posts in Basic Pay Scales on standard terms and conditions of contract appointment shall be allowed with effect from 01-07-2015 till further orders;
- ii) The Ad-hoc Relief Allowance will be subject to the Income Tax;
- iii) The Ad-hoc Relief Allowance will be admissible during leave and entire period of LPR except during extra ordinary leave;
- iv) The Ad-hoc Relief Allowance will not be treated as part of emoluments for the purpose of calculation of Pension/Gratuity and recovery of House Rent;
- v) The Ad-hoc Relief Allowance will not be admissible to the employees during the tenure of their posting/deputation abroad;
- vi) The Ad-hoc Relief Allowance will be admissible to the employees on their repatriation from posting/deputation abroad at the rate and amount which would have been admissible to them, had they not been posted abroad;
- vii) The Ad-hoc Relief Allowance will be admissible during the period of suspension;
- viii) The term "Basic Pay" will also include the amount of Personal Pay granted on account of annual increment(s) beyond the maximum of the existing pay scales.

9. **Medical Allowance:**

- (i) The President Azad Jammu & Kashmir has further been pleased to sanction 25% increase in the amount of Medical Allowance to the Civil Servants in the following manner:

| BPS | Existing Rate | Revised Rate |
|---------|---|--------------|
| 1 to 15 | Rs. 1,200/- | Rs. 1,500/- |
| 16 – 22 | Increase in the amount of Medical Allowance @ 25% of the existing amount, being admissible / drawn on 30-06-2015. | |

- (ii) All the new entrants in BPS-16 to BPS-22 shall be allowed Medical Allowance @ 15% of the minimum of relevant Basic Pay Scales-2008 on notional basis plus 25% of the amount of Medical Allowance, so calculated, w.e.f. 01-07-2015, till further orders, and shall stand frozen at the same level;

(iii) The Medical Allowance, in no case, should be less than Rs. 1500/- per month.

10. Special Pay and Allowances:

All the Special Pays, Special Allowances or the Allowances admissible as percentage of pay (excluding those which are capped by fixing maximum limit) including House Rent Allowance and the Risk Allowance equal to one month pay (initial of the relevant pay scales) granted to Police Employees and Special Judicial Allowance equal to three times of the initial of substantive pay scale granted to the employees of judiciary shall stand frozen at the level of its admissibility as on 30-06-2015.

11. Orderly Allowance for BPS-20 and above:

The rates of Orderly Allowance, admissible to the officers in BS-20 and above working in Secretariat Departments, shall be revised as follows:

| Existing Rate | Revised Rate |
|-----------------------|------------------------|
| Rs. 7,000/- per month | Rs. 12,000/- per month |

(Note: Subject to furnishing a certificate that the officer is not using the services of any official employee at his residence.)

12. Option:

- (i) All the existing Civil Servants (BS-1 to 22) of the AJ&K Government shall, within **30 days** from the date of issue of this Office Memorandum, exercise an option in writing and communicate it to the Accountant General AJ&K / District Accounts Office / DDO concerned, as the case may be, either to continue to draw salary in the Basic Pay Scales-2011 or in the Basic Pay Scales-2015 as special in this Office Memorandum. Option once exercised shall be considered final.
- (ii) An existing employee, as aforesaid, who does not exercise and communicate his/her option within the specified time limit, shall be deemed to have opted for the Basic Pay Scales-2015.

13. All the existing rules/orders on the subject shall be considered to have been modified to the extent indicated above. All the existing rules/orders, not so modified, shall continue to be in force under this scheme.

14. Anomalies:

An Anomaly Committee shall be set up in the Finance Department (Regulations Wing) to resolve the anomalies, if any, arising out in the implementation of the Basic Pay Scales-2015.

15. The President Azad Jammu & Kashmir has also been pleased to sanction the revision of Basic Pay Scales & Allowances to the extent of admissibility with effect from 1st July, 2015 for the employees of Corporations / Autonomous / Semi-Autonomous Bodies working under Government of AJ&K which have adopted the AJ&K Government's Basic pay Scales Scheme in toto. The expenditure involved in this regard would be met by the respective Corporations / Autonomous / Semi-Autonomous Bodies from their own budget except Azad Jammu & Kashmir Small Industries Corporation, Development Authority Muzaffarabad / Bagh / Rawalakot / Kotli and Local Bodies.

Sd/--
(INAYAT ALI QAZI)
Deputy Secretary (Regs.)

FD/R/ 14269-14319 / 2015

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
Dated: 27th July, 2015

OFFICE MEMORANDUM

Subject: GRANT OF INCREASE IN PENSION TO CIVIL PENSIONERS OF AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR.

The President Azad Jammu & Kashmir has been pleased to sanction an increase @ 7.5% of net pension with effect from 1st July, 2015 until further orders to all civil pensioners of Azad Government of the State of Jammu & Kashmir including army pensioners drawing pension from AJ&K.

2. The 20% increase in pension as allowed vide para-1 of the Finance Department's Office Memorandum No. FD/R/17951-18050/2012 dated 27-07-2012 shall be discontinued for those who would retire on or after 01-07-2015.

3. However, 15% increase in pension allowed vide para-1 (ii) of the Finance Department's Office Memorandum No. FD/R/11045-11144/2010 dated 16-08-2010, 15% increase in pension as allowed vide para-12 (i) of Finance Department's Office Memorandum No. FD/R/(340)07/2011 dated 25-07-2011, 10% increase in pension as allowed vide para-1 of Finance Department's Office Memorandum No. FD/R/11970-12069/2012 dated 29-07-2013 and 10% increase as allowed vide para-1 of Finance Department's Office Memorandum No. FD/R/17055-154/2014 dated 18-08-2014 shall be admissible to the new pensioners who would retire on or after 01-07-2015.

4. The 7.5% increase in pension as mentioned at para-1 above will also be admissible to the future retirees who would retire on or after 01-07-2015.

5. For the purpose of admissibility of increase in pension sanctioned in this O. M. the term "Net Pension" means "Pension being drawn" minus "Medical Allowance", which shall be continued to be admissible at the level of its admissibility as on 30-06-2011.

6. The increase will also be admissible on family pension granted under the Pension-Cum-Gratuity Scheme, 1955, Liberalized Pension Rules, 1977, on pension sanctioned under the Azad Kashmir Civil Services Pension Rules, 1971, as well as the Compassionate Allowance allowed under the AJ&K Civil Servants Act, 1976. This increase will also be admissible to the pensioners in receipt of Extraordinary Pension.

7. If the gross pension sanctioned by Azad Government of the State of Jammu & Kashmir is shared with any Government in accordance with the relevant rules, the amount of the increase in pension will be apportioned between the Azad Government of the State of Jammu & Kashmir and the other Government concerned on proportionate basis.

8. This increase in pension sanctioned in this Office Memorandum will not be admissible on Special Additional Pension allowed in lieu of pre-retirement Orderly Allowance.

Sd/--
(INAYAT ALI QAZI)
Deputy Secretary (Regs.)

Annexure to OM No. FD/R/ 14269-14319 / 2015 dated 27-07-2015**BASIC PAY SCALES OF THE CIVIL SERVANTS**

| Basic Pay Scales-2011 | | | | Stages | Basic Pay Scales-2015 | | |
|-----------------------|--------|-------|--------|--------|-----------------------|-------|---------|
| BPS | MIN | INCR | MAX | | MIN | INCR | MAX |
| 1 | 4,800 | 150 | 9,300 | 30 | 6,210 | 195 | 12,060 |
| 2 | 4,900 | 170 | 10,000 | 30 | 6,335 | 220 | 12,935 |
| 3 | 5,050 | 200 | 11,050 | 30 | 6,535 | 260 | 14,335 |
| 4 | 5,200 | 230 | 12,100 | 30 | 6,730 | 300 | 15,730 |
| 5 | 5,400 | 260 | 13,200 | 30 | 6,985 | 340 | 17,185 |
| 6 | 5,600 | 290 | 14,300 | 30 | 7,235 | 375 | 18,485 |
| 7 | 5,800 | 320 | 15,400 | 30 | 7,490 | 415 | 19,940 |
| 8 | 6,000 | 350 | 16,500 | 30 | 7,750 | 455 | 21,400 |
| 9 | 6,200 | 380 | 17,600 | 30 | 8,015 | 495 | 22,865 |
| 10 | 6,400 | 420 | 19,000 | 30 | 8,275 | 544 | 24,595 |
| 11 | 6,600 | 460 | 20,400 | 30 | 8,540 | 595 | 26,390 |
| 12 | 7,000 | 500 | 22,000 | 30 | 9,055 | 650 | 28,555 |
| 13 | 7,500 | 550 | 24,000 | 30 | 9,700 | 715 | 31,150 |
| 14 | 8,000 | 610 | 26,300 | 30 | 10,340 | 790 | 34,040 |
| 15 | 8,500 | 700 | 29,500 | 30 | 10,985 | 905 | 38,135 |
| 16 | 10,000 | 800 | 34,000 | 30 | 12,910 | 1,035 | 43,960 |
| 17 | 16,000 | 1,200 | 40,000 | 20 | 20,680 | 1,555 | 51,780 |
| 18 | 20,000 | 1,500 | 50,000 | 20 | 25,940 | 1,950 | 64,940 |
| 19 | 31,000 | 1,600 | 63,000 | 20 | 40,155 | 2,075 | 81,655 |
| 20 | 36,000 | 2,350 | 68,900 | 14 | 46,705 | 3,050 | 89,405 |
| 21 | 40,000 | 2,600 | 76,400 | 14 | 51,885 | 3,375 | 99,135 |
| 22 | 43,000 | 3,050 | 85,700 | 14 | 55,755 | 3,960 | 111,195 |

NO. FD/R/14269-14319/2015
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 27th July, 2015

OFFICE MEMORANDUM

Subject: GRANT OF MEDICAL ALLOWANCE TO CIVIL PENSIONERS OF AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR.

The undersigned is directed to refer to Finance Department's O.M. No. FD/R/11145-11244/2010 dated 16-08-2010 and to state that Medical Allowance was introduced with effect from 1st July, 2010 for all civil pensioners of Azad Government of the State of Jammu & Kashmir.

2. In terms of para-21 of Finance Department's O.M. No. FD/R/(340)07/2011 dated 25-07-2011, it was decided that:-

- (i) Medical Allowance admissible to the existing retired Civil Servants in BPS-1 to BPS-15 and BPS-16 to BPS-22 @ 25% and @ 20% of the net pension respectively shall continue to be admissible at the frozen level of its admissibility as on 30-06-2011 till further order.
- (ii) All the Civil Servants in BPS-1 to BPS-15 and in BPS-16 to BPS-22, who shall retire on or after 01-07-2011 onwards, shall be allowed Medical Allowance @ 25% and @ 20% of the net pension respectively and shall stand frozen at the same level.

3. Now, the President Azad Jammu & Kashmir has been pleased to sanction w.e.f. 01-07-2015 until further orders, 25% increase in the amount of medical allowance being drawn by the civil pensioners of Azad Government of the State of Jammu & Kashmir including army pensioners drawing pension from AJ&K and to the future retirees on the medical allowance admissible to them at the time of retirement and shall stand frozen at same level.

(INAYAT ALI QAZI)
Deputy Secretary (Regs.)

NO. FD/R/ 12082-12182/2016
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 19th July, 2016

OFFICE MEMORANDUM

Subject: REVISION OF BASIC PAY SCALES & ALLOWANCES OF CIVIL SERVANTS OF THE AJ&K GOVERNMENT / EMPLOYEES OF CORPORATIONS / AUTONOMOUS / SEMI-AUTONOMOUS BODIES (2016).

The President Azad Jammu & Kashmir has been pleased to sanction the revision of Basic Pay Scales & Allowances with effect from 1st July, 2016 for the Civil Servants of Azad Government of the State of Jammu & Kashmir, as detailed in the following paragraphs:

Part-I (Pay)

2. Revision of Basic Pay Scales:

The Basic Pay Scales-2016 shall replace the Basic Pay Scales-2015 with effect from 01-07-2016 as contained in the Annexure to this Office Memorandum.

3. Fixation of Pay of the existing employees:

- i) The basic pay of an employee in service on 30-06-2016 shall be fixed in the Basic Pay Scales-2016 on point to point basis i.e. at the stage corresponding to that occupied by him/her above the minimum of Basic Pay Scales-2015;
- ii) In case of Personal Pay being drawn by an employee as part of his/her basic pay beyond the maximum of his/her pay scale on 30-06-2016, he/she shall continue to draw such pay in the Basic Pay Scales-2016 at the revised rates.

4. Fixation of Pay on promotion:

In cases of promotion from a lower to higher posts/scale before introduction of these scales, the pay of the employees concerned in the revised pay scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.

5. Annual increment:

Annual increment shall continue to be admissible, subject to the existing conditions, on 1st December each year.

Part-II (Allowances)

6. Ad-hoc Relief Allowances:

The following Ad-hoc Relief Allowances granted w.e.f. 01-07-2013, 01-07-2014 and 01-07-2015 shall cease to exist with effect from 01-07-2016:

| S. No | Name of Ad-hoc Relief Allowance | Office Memorandum and Date | Admissible Rates |
|-------|---|--|-----------------------------------|
| i. | Ad-hoc Relief Allowance-2013 (01-07-2013) | No. FD/R/1270-12169/2013 dated 29-07-2013 | 10% of the basic pay on BPS-2011 |
| ii. | Ad-hoc Relief Allowance-2014 (01-07-2014) | No. FD/R/16955-17054/2014 dated 18-08-2014 | 20% of the basic pay on BPS-2011 |
| iii. | Ad-hoc Relief Allowance-2015 (01-07-2015) | Para-8 of Finance Dptt.OM No. FD/R/14269-14319/2015 dated 27-07-2015 | 7.5% of the Basic Pay on BPS-2015 |

7. **Ad-hoc Allowance-2010 (if admissible), 2013 and 2014:**
- i) The Ad-hoc Allowance-2010 @ 50% of the basic pay of Basic Pay Scales-2008 (where admissible to the Civil employees) shall continue to stand frozen at the level of its admissibility/drawn as on 30-06-2016;
 - ii) All the new entrants shall be allowed Ad-hoc Allowance-2010 @ 50% of the minimum of relevant Basic Pay Scales-2008 (if admissible in that organization) on notional basis with effect from 01-07-2016, till further orders, and shall stand frozen at the same level;
8. **Ad-hoc Relief Allowance-2016:**
- i) An Ad-hoc Relief Allowance-2016 @ 7.5% of the running basic pay of BPS-2016 to the Civil Servants of the AJ&K Government including contingent paid staff and contract employees employed against civil posts in Basic Pay Scales on standard terms and conditions of contract appointment shall be allowed with effect from 01-07-2016 till further orders;
 - ii) The Ad-hoc Relief Allowance will be subject to the Income Tax;
 - iii) The Ad-hoc Relief Allowance will be admissible during leave and entire period of LPR except during extra ordinary leave;
 - iv) The Ad-hoc Relief Allowance will not be treated as part of emoluments for the purpose of calculation of Pension/Gratuity and recovery of House Rent;
 - v) The Ad-hoc Relief Allowance will not be admissible to the employees during the tenure of their posting/deputation abroad;
 - vi) The Ad-hoc Relief Allowance will be admissible to the employees on their repatriation from posting/deputation abroad at the rate and amount which would have been admissible to them, had they not been posted abroad;
 - vii) The Ad-hoc Relief Allowance will be admissible during the period of suspension;
 - viii) The term "Basic Pay" will also include the amount of Personal Pay granted on account of annual increment(s) beyond the maximum of the existing pay scales.
9. **Qualification Pay:** The rates of Qualification Pay shall be revised as under :-
- (i) The President Azad Jammu & Kashmir has further been pleased to sanction 25% increase in the amount of Medical Allowance to the Civil Servants in the following manner:

| Ser.# | Qualification | Existing Rates (per month) | Revised Rates (per month) |
|-------|---|-------------------------------|------------------------------|
| a | SAS/PFA | Rs.800/- | Rs.1,200/- |
| b | ICMA/ICWA (Part-III) | Rs.800/- | Rs.1,200/- |
| c | ICMA/ICWA/CIMA/ACCA | Rs.2,100/- | Rs.3,150/- |
| d | Chartered Accountant | Rs.2,300/- | Rs.3,450/- |
| e | Staff College/NMC/NDC | Rs. 2,000/- | Rs.3,000/- |
| f | NIPA Advanced Course/Senior Management Course | Rs.1,000/- | Rs.1,500/- |
| g | Mid Career Management Course | Rs.500/- | Rs. 750/- |

(Note: CIMA and ACCA qualified employees may henceforth be allowed Qualification Pay at the same rate as admissible for ICMA/ICWA).

10. **Special Pay and Allowances:**

All the Special Pays, Special Allowances or the Allowances admissible as percentage of pay (excluding those which are capped by fixing maximum limit) including House Rent Allowance and the Risk Allowance equal to one month pay (initial of the relevant pay scales) granted to Police Employees and Special Judicial Allowance equal to three times of the initial of substantive pay scale granted to the employees of judiciary shall stand frozen at the level of its admissibility as on 30-06-2016.

11. **Option:**

- (i) All the existing Civil Servants (BS-1 to 22) of the AJ&K Government shall, within 30 days from the date of issue of this Office Memorandum, exercise an option in writing and communicate it to the Accountant General AJ&K / District Accounts Office / DDO concerned, as the case may be, either to continue to draw salary in the Basic Pay Scales-2015 or in the Basic Pay Scales-2016 as special in this Office Memorandum. Option once exercised shall be considered final.
- (ii) An existing employee, as aforesaid, who does not exercise and communicate his/her option within the specified time limit, shall be deemed to have opted for the Basic Pay Scales-2016.

12. All the existing rules/orders on the subject shall be considered to have been modified to the extent indicated above. All the existing rules/orders, not so modified, shall continue to be in force under this scheme.

13. **Anomalies:**

An Anomaly Committee shall be set up in the Finance Department (Regulations Wing) to resolve the anomalies, if any, arising out in the implementation of the Basic Pay Scales-2016.

14. The President Azad Jammu & Kashmir has also been pleased to sanction the revision of Basic Pay Scales & Allowances to the extent of admissibility with effect from 1st July, 2016 for the employees of Corporations / Autonomous / Semi-Autonomous Bodies working under Government of AJ&K which have adopted the AJ&K Government's Basic pay Scales Scheme in toto. The expenditure involved in this regard would be met by the respective Corporations / Autonomous / Semi-Autonomous Bodies from their own budget except Azad Jammu & Kashmir Small Industries Corporation, Development Authority Muzaffarabad / Bagh / Rawalakot / Kotli and Local Bodies.

Sd/-
(INAYAT ALI QAZI)
Deputy Secretary (Regs.)

Annexure to OM No. FD/R/ 12082-12182 / 2016 dated 19-07-2016**BASIC PAY SCALES OF THE CIVIL SERVANTS**

| Basic Pay Scales-2015 | | | | Stages | Basic Pay Scales-2016 | | |
|-----------------------|--------|-------|---------|--------|-----------------------|-------|---------|
| BPS | MIN | INCR | MAX | | MIN | INCR | MAX |
| 1 | 6,210 | 195 | 12,060 | 30 | 7,640 | 240 | 14,880 |
| 2 | 6,335 | 220 | 12,935 | 30 | 7,790 | 275 | 16,040 |
| 3 | 6,535 | 260 | 14,335 | 30 | 8,400 | 325 | 17,790 |
| 4 | 6,730 | 300 | 15,730 | 30 | 8,280 | 370 | 19,380 |
| 5 | 6,985 | 340 | 17,185 | 30 | 8,590 | 420 | 21,190 |
| 6 | 7,235 | 375 | 18,485 | 30 | 8,900 | 470 | 23,000 |
| 7 | 7,490 | 415 | 19,940 | 30 | 9,220 | 510 | 24,520 |
| 8 | 7,750 | 455 | 21,400 | 30 | 9,540 | 560 | 26,340 |
| 9 | 8,015 | 495 | 22,865 | 30 | 9,860 | 610 | 28,160 |
| 10 | 8,275 | 544 | 24,595 | 30 | 10,180 | 670 | 30,280 |
| 11 | 8,540 | 595 | 26,390 | 30 | 10,510 | 740 | 32,710 |
| 12 | 9,055 | 650 | 28,555 | 30 | 11,140 | 800 | 35,140 |
| 13 | 9,700 | 715 | 31,150 | 30 | 11,930 | 880 | 38,330 |
| 14 | 10,340 | 790 | 34,040 | 30 | 12,720 | 980 | 42,120 |
| 15 | 10,985 | 905 | 38,135 | 30 | 13,510 | 1,120 | 47,110 |
| 16 | 12,910 | 1,035 | 43,960 | 30 | 15,880 | 1,280 | 54,280 |
| 17 | 20,680 | 1,555 | 51,780 | 20 | 25,440 | 1,930 | 64,040 |
| 18 | 25,940 | 1,950 | 64,940 | 20 | 31,890 | 2,400 | 79,890 |
| 19 | 40,155 | 2,075 | 81,655 | 20 | 49,370 | 2,560 | 100,570 |
| 20 | 46,705 | 3,050 | 89,405 | 14 | 57,410 | 3,750 | 109,910 |
| 21 | 51,885 | 3,375 | 99,135 | 14 | 63,780 | 4,150 | 121,880 |
| 22 | 55,755 | 3,960 | 111,195 | 14 | 68,540 | 4,870 | 136,720 |

NO. FD/R/ 12112-12212/2017
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 20th July, 2017

OFFICE MEMORANDUM

Subject: REVISION OF BASIC PAY SCALES & ALLOWANCES OF CIVIL SERVANTS OF THE AJ&K GOVERNMENT / EMPLOYEES OF CORPORATIONS / AUTONOMOUS / SEMI-AUTONOMOUS BODIES (2017).

The President Azad Jammu & Kashmir has been pleased to sanction the revision of Basic Pay Scales & Allowances with effect from 1st July, 2017 for the Civil Servants of Azad Government of the State of Jammu & Kashmir, as detailed in the following paragraphs:

Part-I (Pay)

2. **Revision of Basic Pay Scales:**

The Basic Pay Scales-2017 shall replace the Basic Pay Scales-2016 with effect from 01-07-2017 as contained in the Annexure-I to this Office Memorandum.

3. **Fixation of Pay of the existing employees:**

- i) The basic pay of an employee in service on 30-06-2017 shall be fixed in the Basic Pay Scales-2017 on point to point basis i.e. at the stage corresponding to that occupied by him/her above the minimum of Basic Pay Scales-2016;
- ii) In case of Personal Pay being drawn by an employee as part of his/her basic pay beyond the maximum of his/her pay scale on 30-06-2017, he/she shall continue to draw such pay in the Basic Pay Scales-2017 at the revised rates.

4. **Fixation of Pay on promotion:**

In cases of promotion from a lower to higher posts/scale before introduction of these scales, the pay of the employees concerned in the revised pay scale may be fixed and so enhanced that it would not be less than the pay that would have been admissible to him if his promotion to the higher post/scale had taken place after the introduction of these scales.

5. **Annual increment:**

Annual increment shall continue to be admissible, subject to the existing conditions, on 1st December each year.

Part-II (Allowances)

6. **Ad-hoc Relief Allowance 2010:**

- (i) The ad-hoc allowance 2010 @ 50% granted w.e.f. vide Finance Department's OM No FD/R/165/06/09/2010 dated 09.08.2010 shall cease to exist with effect from 01.07.2017;
- (ii) For those who are in receipt of an allowance equal to 100% of basic pay in BPS-2008 as on 30.06.2011 and not in receipt of Ad-hoc Allowance 2010 @ 50% the existing amount of 100% allowance (being drawn at frozen level) shall be reduced by 50% w.e.f. 01.07.2017. The remaining amount shall continue to be drawn at reduced frozen level;

- (iii) For those who are in receipt of an allowance equal to 100% of basic pay in BPS-11 as on 30.06.2015 and not in receipt of Ad-hoc Allowance-2010 @ 50%, the existing amount 100% allowance (being drawn at frozen level) shall be reduced w.e.f. 01.07.2017 by 50% of the amount to be calculated at the level admissible on 30.06.2011. The remaining amount shall continue to be drawn at reduced frozen level. (Examples are given in Annexure-II).
7. **Ad-hoc Allowance-2016:**
- (A) The Ad-hoc Allowance-2016 @ 10% shall stand frozen at the level of its admissibility as on 30.06.2017;
- (B) All the new entrants shall be allowed Ad-hoc Relief Allowance-2016 @ 10% of the minimum of relevant Basic Pay Scales-2016 on notional basis with effect from 01.07.2017, till further order, and shall stand frozen at the same level.
8. **Ad-hoc Relief Allowance-2017:**
- (a) An Ad-hoc Relief Allowance-2017 @ 10% of the running basic pay of BPS-2017 to the Civil Servants of the AJ&K Government including contingent paid staff and contract employees employed against civil posts in Basic Pay Scales on standard terms and conditions of contract appointment shall be allowed with effect from 01-07-2017 till further orders. This allowance will not be admissible to contract employees appointed on fixed pay package;
- ii) The Ad-hoc Relief Allowance will be subject to the Income Tax;
- iii) The Ad-hoc Relief Allowance will be admissible during leave and entire period of LPR except during extra ordinary leave;
- iv) The Ad-hoc Relief Allowance will not be treated as part of emoluments for the purpose of calculation of Pension/Gratuity and recovery of House Rent;
- v) The Ad-hoc Relief Allowance will not be admissible to the employees during the tenure of their posting/deputation abroad;
- vi) The Ad-hoc Relief Allowance will be admissible to the employees on their repatriation from posting/deputation abroad at the rate and amount which would have been admissible to them, had they not been posted aboard;
- vii) The Ad-hoc Relief Allowance will be admissible during the period of suspension;
- viii) The term “Basic Pay” will also include the amount of Personal Pay granted on account of annual increment(s) beyond the maximum of the existing pay scales.
9. **Special Pay and Allowances:** All the Special Pay, Special allowances or the allowances admissible as percentage of pay (excluding those which are capped by fixing maximum limit) including House Rent Allowance and Risk Allowance equal to one month pay (initial of the relevant pay scales) granted to police employees, Prison Allowance equal to one month basic pay granted to officers / officials of prison Department, Health Allowance equal to one basic pay granted to health personnel in Health Department and Special Judicial Allowance equal to three times of the initial of substantive pay scale granted to the employees of judicial shall stand frozen at the level of its admissibility as on 30.06.2017.
11. **Option:**
- (i) All the existing Civil Servants of the AJ&K Government shall, within 30 days from the date of issue of this Office Memorandum, exercise an option in writing and communicate it to the Accountant General AJ&K / District Accounts Office / DDO concerned, as the case may be,

either to continue to draw salary in the Basic Pay Scales-2016 or in the Basic Pay Scales-2017 as special in this Office Memorandum. Option once exercised shall be considered final.

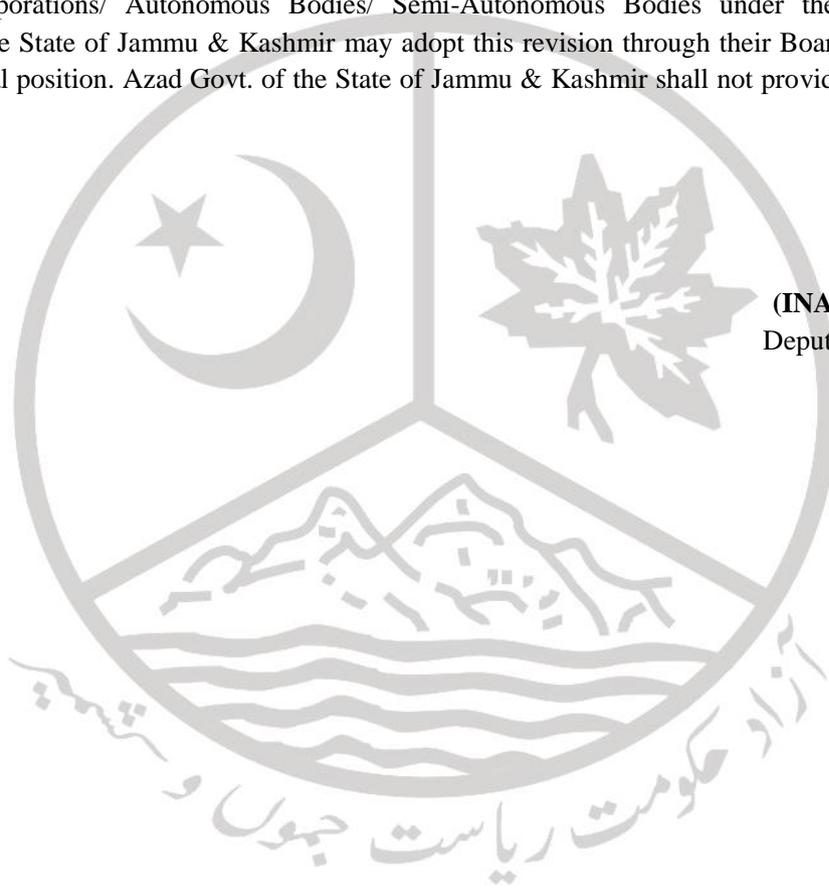
- (ii) An existing employee, as aforesaid, who does not exercise and communicate his/her option within the specified time limit, shall be deemed to have opted for the Basic Pay Scales-2017.

12. All the existing rules/orders on the subject shall be considered to have been modified to the extent indicated above. All the existing rules/orders, not so modified, shall continue to be in force under this scheme.

13. **Anomalies:**

An Anomaly Committee shall be set up in the Finance Department (Regulations Wing) to resolve the anomalies, if any, arising out in the implementation of the Basic Pay Scales-2017.

14. The Corporations/ Autonomous Bodies/ Semi-Autonomous Bodies under the control of Azad Government of the State of Jammu & Kashmir may adopt this revision through their Boards keeping in view their own financial position. Azad Govt. of the State of Jammu & Kashmir shall not provide any grant for this purpos



Sd/--

(INAYAT ALI QAZI)
Deputy Secretary (Regs.)

| Annexure to OM No. FD/R/ 12112-12212/2017 dated 20.07.2017 | | | | | | | |
|---|------------|-------------|------------|---------------|------------------------------|-------------|------------|
| BASIC PAY SCALES OF THE CIVIL SERVANTS | | | | | | | |
| Basic Pay Scales-2016 | | | | Stages | Basic Pay Scales-2017 | | |
| BPS | MIN | INCR | MAX | | MIN | INCR | MAX |
| 1 | 7,640 | 240 | 14,880 | 30 | 9,130 | 290 | 17,830 |
| 2 | 7,790 | 275 | 16,040 | 30 | 9,310 | 330 | 19,210 |
| 3 | 8,40 | 325 | 17,790 | 30 | 9,610 | 390 | 21,310 |
| 4 | 8,280 | 370 | 19,380 | 30 | 9,900 | 440 | 23,100 |
| 5 | 8,590 | 420 | 21,190 | 30 | 10,260 | 500 | 25,260 |
| 6 | 8,900 | 470 | 23,000 | 30 | 10,620 | 560 | 27,420 |
| 7 | 9,220 | 510 | 24,520 | 30 | 10,990 | 610 | 29,290 |
| 8 | 9,540 | 560 | 26,340 | 30 | 11,380 | 670 | 31,480 |
| 9 | 9,860 | 610 | 28,160 | 30 | 11,770 | 730 | 33,670 |
| 10 | 10,180 | 670 | 30,280 | 30 | 12,160 | 800 | 36,160 |
| 11 | 10,510 | 740 | 32,710 | 30 | 12,570 | 880 | 38,970 |
| 12 | 11,140 | 800 | 35,140 | 30 | 13,320 | 960 | 42,120 |
| 13 | 11,930 | 880 | 38,330 | 30 | 14,260 | 1,050 | 45,760 |
| 14 | 12,720 | 980 | 42,120 | 30 | 15,180 | 1,170 | 50,280 |
| 15 | 13,510 | 1,120 | 47,110 | 30 | 16,120 | 1,330 | 56,020 |
| 16 | 15,880 | 1,280 | 54,280 | 30 | 18,910 | 1,520 | 64,510 |
| 17 | 25,440 | 1,930 | 64,040 | 20 | 30,370 | 2,300 | 76,370 |
| 18 | 31,890 | 2,400 | 79,890 | 20 | 38,350 | 2,870 | 95,750 |
| 19 | 49,370 | 2,560 | 100,570 | 20 | 59,210 | 3,050 | 120,210 |
| 20 | 57,410 | 3,750 | 109,910 | 14 | 69,090 | 4,510 | 132,230 |
| 21 | 63,780 | 4,150 | 121,880 | 14 | 76,720 | 5,000 | 146,720 |
| 22 | 68,540 | 4,870 | 136,720 | 14 | 82,380 | 5,870 | 164,560 |

- (A) Those who are in receipt of an allowance equal to 100% of basic pay in BPS-2008 as on 30.06.2011 and not in receipt of Ad-hoc allowance-2010 @50%, the existing amount of 100% allowance shall be reduced by 50% w.e.f. 01.07.2017.

Example:

Mr. N. Assistant Director (BPS-17) in receipt of basic pay of Rs. 48, 600/- on 30.06.2017 with the frozen level of an allowance of Rs. 14,520/- equal to 100% of basic pay in BPS-2008 will draw a reduced amount of Rs. 7,260/- w.e.f. 01.07.2017 calculated as under:-

| 30.06.2017 | | 01.07.2017 | | |
|------------------------------------|-----------------|--|-----------------------|-----------------|
| Basic pay in BPS-2017 | 48,600/- | Basic Pay in BPS-17 | | 57,970/- |
| Amount of 100% allowance in BPS-16 | 14,520/- | -Amount of 100% Allowance -Less: amount to be reduced (50% of Rs. 14,520/-) -amount admissible on 01.07.2017 | 14,520/- (7,260/-) | 7,260/- |
| Total | 63,120/- | Total | | 65,230/- |

- (B) Those who are in receipt of an allowance equal to 100% of basic pay in BPS-2011 as on 30.06.2015 and not in receipt of Ad-hoc allowance-2010 @50%, the existing amount of 100% allowance shall be reduced w.e.f. 01.07.2017 by 50% of the amount to be calculated on the level admissible on 30.06.2011.

Example:

Mr. T. Assistant Director, (BPS-18) in receipt of basic pay of Rs.39,090/- on 30.06.2017 with the frozen level of an allowance of Rs. 19,600/- equal to 100% of basic pay in B-17 of BPS-2011 will draw a reduced amount of Rs. 13,565/- calculated as under :-

| 30.06.2017 | | 01.07.2017 | | |
|--|-----------------|---|-----------------------|-----------------|
| Basic pay in BPS-2018 | 30,090/- | Basic Pay in BPS-18 | | 46,960/- |
| Amount of 100% allowance in BPS-17 | 19,600/- | -Amount of 100% Allowance -Less: amount to be reduced (50% of Rs. 12,070/-*) -amount admissible on 01.07.2017 | 19,600/- (6,035/-) | 13,565/- |
| Total | 58,690/- | Total | | 60,525/- |
| *60,035 is 50% of Rs. 12,070/- which is corresponding stage in BPS-2008 against the stage of Rs. 19600/- in BPS-2011 | | | | |

THE AZAD KASHMIR TRAVELING ALLOWANCE RULES 1971

¹(No. FD/24822-2532/71, Dated 17-7-1971

CHAPTER-I GENERAL

- 1.1 **Short title-** These rules may be called the Azad Kashmir Travelling Allowance Rules.
- 1.2 **Commencement-** They shall come into effect on the 15th July, 1971.
- 1.3 The Travelling Allowance Rules in force in Azad Kashmir immediately before coming into force of these rules shall stand rescinded
- 1.4 **Extent of application-** These Rules shall apply to-
- (i) all Government servants serving in connecting with the affairs of the Azad Kashmir, whose conditions of service, President of Azad Kashmir is competent to determine; and
 - (ii) Officers on deputation with the Government of Azad Kashmir, from the Central Government or the Provincial Government of Pakistan unless otherwise determined in any particular case.
- Note:-* These rules shall not be applicable to:-
- (a) Judges of the High Court, and Advocate General;
 - (b) Officers of the Central Government of Pakistan seconded to Azad Kashmir Government, who draw their salary from the Government.
- 1.5 **Definitions-** In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say-
- i. “Authorized Medical Attendant” means a Medical Officer of Government required to attend on a Government servant or his family under the rules relating to medical attendance on Government servants.
 - ii. “Chief Public Office” means, at the Headquarters of a District the office of the Deputy Commissioner, at an out-post or Tehsil the office of the Officer-in-Charge of the Post or Tehsil and at other places the Police Station or, if there be no Police Station the Post Office or, if there be no Post Office the point designated as such by a competent authority.
 - iii. “Competent Authority” in relation to the exercise of any powers means the Administrative Department concerned acting in consultation with the Finance Department, or any other authority to which such powers have been delegated.

¹ These rules have been sanctioned by the President of Azad Jammu and Kashmir vide FD/24822-2532/71, Dated 17-7-1971

- iv. “Controlling Officer” means an officer declared as such for exercising supervision over the Travelling Allowance claims of a Government servant or a class of Government servants.
- v. “Day” means a calendar day beginning and ending at mid-night
- vi. “Family” means a Government servant’s-
 - i. Wife or wives or husband as the case may be;
 - ii. legitimate children and step children under 12 years of age;
 - iii. legitimate children and step-children not more than 24 years old, if residing with the wholly dependent upon him; and
 - iv. adopted child not more than 24 years old subject to the following conditions-
 - a. the Government servant has no legitimate or step-child of his own;
 - b. prior approval of the Government is obtained for having adopted the child;
 - c. Government’s liability will be restricted to one adopted child only;
 - d. Adapted child will cease to be a member of the family if after his adoption, the Government servant has a legitimate or step-child of his own; and
 - e. adopted child is residing with and wholly dependent upon him.²
- vii. “Finance Department” means the Finance Department of the Government of Azad Kashmir;
- viii. “Government” means the Government of Azad Kashmir;
- ix. “Head of Department” means any authority whom Government may declare to be the Head of Department for the purposes of these rules and includes all Secretaries to Government and Heads of Attached Departments.
- x. “Head of Office” means any officer designated as Disbursing Officer or any other Government servants declared to be the Head of Office by a competent Authority.
- xi. “Headquarters” of a Government Servant is the station which has been declared as such by a competent authority or in the absence of such a declaration, the station where the records of his office are kept.
- xii. “Months” means a month reckoned according to the British Calendar.
- xiii. “Pay” includes special pay, qualifications pay, personal pay, technical pay, overseas pay and any other emoluments which may be specially classed as pay by

² Note: A child not actually residing with the Government servant but residing in the same station where the headquarters of the Government servant are situated shall be deemed to be residing with the Government servant.

a competent authority, and in case of a re-employed Government servant whose pension is not wholly held in abeyance, pay includes the pension drawn by him provided that if the total of pay and pension exceeds the maximum of the pay scale of the post held during re-employment, the maximum pay of such scale shall be deemed to be the pay.

- xiv. "Public Conveyance" means a railway train, steamer, steamer, bus or other conveyance which plies regularly on a given course for the conveyance of passengers.
- xv. "Prescribed" means prescribed under these rules.
- xvi. "Transfer" means the movement of Government servant from one headquarters station to another such station either to take up duties of a new post or in consequence of a change in hi headquarters.
- xvii. "Local Authority" means a Municipal Corporation, Municipal Committee, Union Council, Union Committee, Town Committee, Body of Port Trustees or Commissioners, or other authority legally entitled to or encrusted by the Government with the control or management of a municipal or local funds.

1.6 **Nature of Travelling Allowance-** (1) Travelling Allowance is granted to a Government servant to cover the expenses which he incurs in travelling in the interest of public service

(2) A Government servant's claim to travelling allowance shall be regulated by the rules in force at the time the journey in respect of which the claim is made, is undertaken.

1.7 **Functions of Controlling Officers-** A Controlling Officer in order to ensure that travelling allowance is not turned into a source of profit and that travelling is resorted to only when it is necessary in the interest of public service may-

- (a) issue instructions limiting the extent of touring to be done by a subordinate officer;
- (b) if the subordinate officer is in receipt of a conveyance allowance or a permanent travelling allowance and has done inadequate touring, may reduce the amount of such permanent travelling allowance or conveyance allowance;
- (c) issue instructions to a subordinate Government servant to regulate his touring in such a way as to minimize un-necessarily large claims for travelling allowance.

1.8 **Signature e of Controlling Officer on Travelling Allowance Bills-** No bill for travelling allowance other than permanent Travelling Allowance or Conveyance Allowance shall be paid, unless it be signed or countersigned by the Controlling Officer.

1.9 **Bar on delegation of duty of counter-signature-** Unless expressly permitted by a competent authority, a controlling officer may not delegate to a subordinate his duty of counter-signature.

1.10 **Duties of Controlling Officer-** Before signing or counter-signing a travelling allowance bill, the Controlling officer shall:-

- (a) scrutinize the necessity, frequency and duration of journey and halts for which travelling allowance is claimed and disallow the whole or any part of the travelling claimed for any journey or halt if he considers that a journey or halt was un-necessary or unduly protracted, or that a halt was of excessive durations;
- (b) scrutinize carefully the distances entered in travelling allowance bills and satisfy himself by maintaining proper check registers of bill signed or countersigned by him, that a double payment for one and the same journey is not passed;
- (c) satisfy himself that where the actual cost of transporting personal effects, etc., is claimed under these Rules the scale on which such personal effects, were transported was reasonable and to disallow any claim which in his opinion, does not fulfill the condition;
- (d) exercise care that there is no evasion or breach of the fundamental principle of travelling allowance, viz., that the allowance is not to be a source of profit;
- (e) Observe any subsidiary rules or order which a competent authority may make for his guidance;
- (f) judge on the circumstances of each case whether the officer making the journey could or could not have purchased a return ticket and to allow travelling allowance accordingly when he considers that the officer making journey could have purchased a return ticket;
- (g) satisfy himself that the mileage allowance for journeys by railways or steamer or other public conveyance has been claimed at the rate applicable to the class of accommodation actually used.

1.11 When a Government servant paid from the Revenues of the Azad Kashmir Government travels on duty connected with the affairs of a Local authority (for which the Travelling Allowance is payable from the Local Funds), he should prepare a separate bill for such journeys but should forward such bill with the bill for the same month, if any, payable from Revenues of the Azad Kashmir Government to the Controlling Officer for the latter bill, who will scrutinize the bills, and forward the bill payable by a local body to the local body concerned for necessary action under the Rules of the Local Funds.

1.12 **Journeys for which travelling allowance may be drawn-** Travelling allowance may be drawn in respect of a journey performed for any of the following purposes:-

- a) for the purpose of tour;
- b) on transfer;
- c) on joining a first appointment;
- d) on retirement, suspension, dismissal or termination of employment;
- e) to attend a course of training or to appear at an examination;
- f) to give evidence in a Court or to attend an inquiry or conference;
- g) to obtain or furnish medical advice or treatment;
- h) to attend an official function; and
- i) any other purpose authorized by a competent authority.

1.13 **Journeys within five miles-** The pay of a Government servant is supposed to include the cost of maintaining a conveyance proper to his status, and therefore, ordinarily he is not to be paid any travelling allowance for journeys within five miles of his headquarters, nor is he to be paid for journeys from his residence to his office. A competent authority may, however, sanction a monthly conveyance allowance to a Government servant under the following circumstances:-

- (i) when he does intensive tour within five miles of his headquarters;
- ³(ii) when on account of shortage of residential accommodation in a particular locality, a Government servant has to reside at considerable distance from his office]

1.14 **Conveyance Allowance-** Conveyance Allowance is of two kinds:-

- (i) that sanctioned on the condition that a particular type of conveyance will be maintained by the Government servant;
- (ii) that sanctioned without any such condition being imposed.

1.15 **Conveyance Allowance during leave or joining time-** (1) Conveyance allowance falling under rule 1.14(1) may be drawn only for the period the required conveyance is actually maintained on a certificate being furnished by the officer concerned that this requirement has, in fact, been met.

Such a conveyance allowance may be drawn during leave or joining time at full rates, if the conveyance in question is an animal or an animal drawn vehicle and at half rate, in case of any other conveyance;

Provided that the post held by the Government servant immediately prior to the leave or joining time carried the allowance;

Provided further that the conveyance is actually maintained by the Government servant during the leave or joining time, as the case may be.

(2) Conveyance allowance falling under rules 1.14 (ii) will be admissible only for the period during which the Government servant held the post to which the conveyance allowance is attached and will not be admissible during leave or joining time.

³ The Travelling allowance Rules, 1971, as published in issue No. 39 of the official Gazette of Azad Jammu and Kashmir on 28-7-1971, does not contain this sub-clause(II) but the sequence of rule 1.13 and existence of sub-clause(I) necessitated for another sub-clause at least. A resort was made to the original text of the West Pakistan Travelling Allowance Rules, wherefrom our rule-making authorities derive the texts ordinarily, the sub-clause (II) was there. Inclusion of the said provision has been made with a suggestion to the competent authority that the force of law to the said escaped sub-clause may be given properly.

CHAPTER -II
TRAVELLING ALLOWANCE FOR JOURNEYS ON TOUR

SECTION – I

General

2.1 **Definition of tour-** A Government servant is on tour when he is absent on duty from his headquarters, either within, or with proper sanction, beyond his sphere of duty.

2.2 In doubtful cases, a competent authority may decide whether an absence from headquarters, whether in a particular case or in any specified class of cases, is absence on duty for the purpose of rule 2.1.

NOTE- When power is exercised under this rule a copy of the sanction briefly giving the grounds of sanction should be sent to Audit officer.

2.3 **Government servants who are not entitled to Travelling Allowance for journeys on tour-** Where a competent authority has declared that the pay of a particular Government servant or class of Government servants has been so fixed as to compensate him or them for the cost of all journeys, other than journeys by rail or steamer within the Government servant's sphere of duty, such a Government servant may not draw travelling allowance for such journeys through he may draw mileage allowance for journeys by rail or steamer.

Such Government servant or servants may, however, draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty, when travelling with proper sanction beyond his or their sphere of duty.

2.4 **Distance to be travelled before Travelling Allowance is admissible-** Travelling Allowance may not be drawn for any journey during which a Government servant does not reach a point outside a radius of five miles from his headquarters or beyond the municipal limits of the place where his Headquarters are located, whichever is farther.

2.5 **Kinds of Travelling Allowance-** The following are the different kind of travelling allowances, which may be drawn by Government servants for journeys on tour:-

(a) Permanent Travelling Allowance.

(b) Mileage and Daily Allowance.

2.6 **Permanent Travelling Allowance –** A Permanent monthly travelling allowance may be granted by competent authority to any Government servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government servant's sphere of duty.

2.7 A permanent travelling allowance may be sanctioned on condition that a particular conveyance is maintained or without the imposition of any such condition.

2.8 **Admissibility of permanent Travelling Allowance-** In case a permanent travelling allowance is sanctioned subject to the condition that a conveyance is maintained, it may be drawn only for the period for which it is certified by the Government servant concerned that a conveyance was in fact maintained by him.

Such allowance may be drawn during leave or joining time at full rates, if the conveyance in question is an animal or an animal-drawn vehicle, and at half rates, in case of any other conveyance;

Provided that the post held by the Government servant immediately prior to the leave or joining time carried the allowances;

Provided further that the conveyance is actually maintained by the Government servant during the leave or joining time, as the case may be.

2.9 **Permanent Travelling Allowance**, which is sanctioned without imposition of any condition as to the maintenance of conveyance, inadmissible only for the period during which the charge of a post to which it is attached is held, and is not admissible during leave or joining time.

2.10 A Government servant deputed to undergo a course of training may draw a conveyance allowance or permanent travelling allowance for maintaining a conveyance during the course of training provided he actually maintains the conveyance and the authority sanctioning the deputation is satisfied that on expire of the training he is likely to return to the post to which the allowance is attached.

2.11 **Permanent Travelling Allowance for two or more posts** – When a Government servant holds, either substantively or in officiating capacity, two or more posts, to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance not exceeding the total of the permanent travelling allowances attached to such posts, as the competent authority may consider to be necessary in order to re-imburse him for the travelling expenses which he has to incur.

2.12 **Permanent Travelling Allowance to cover cost of all journeys within sphere of duty** – Permanent Travelling Allowance intended to cover the cost of all journeys within the sphere of duty the Government servant, who draws it, and such Government servant may not draw any other travelling allowance in addition to the permanent travelling allowance for any such journey. If, however, the Government servant travels outside the sphere of his duty, he may draw ordinary travelling allowance for such journeys in addition to permanent travelling allowance

⁴[2.13 **Grades of Civil Servants for purpose of mileage and daily allowance** – For the purposes of calculating daily allowance and mileage allowance civil servants are divided into following grades:-

| | | |
|-----|---|----------------|
| (a) | Civil Servants in BPS-17 and above and all those in receipt of pay exceeding Rs. 2840/-P.M. | First Grade |
| (b) | Civil Servants drawing pay exceeding Rs. 910/P.M. but not exceeding Rs. 2840/- P.M. | Second Grade |
| (c) | Civil Servant excluding those in BPS-1 and 2. | Third Grade |
| (d) | Civil Servants in BPS-1 and 2. | Fourth Grade.] |

2.14 **Determination of grade of Government servant in transit** – (1) A Government servant in transit from one post to another ranks in the grade to which the holding of the lower of the two posts would entitle him.

⁴ Substituted: vide Notification No. FD/R/1045-1145/89 dated 14-1-1989

(2) If the initial order of transfer is modified while the Government Servant is in transit, his travelling allowance shall be regulated in accordance with the initial or the final orders of transfer, whichever entitles him to rank in the lower grade;

Provided that if the initial order entitled him to travelling allowance in a higher grade, he may be allowed to claim travelling allowance admissible according to that grade on his certifying that he actually travelled by the mode of conveyance of the class admissible to an officer of the higher grade.

- 2.15 **Grade of part-time Government servants** – A Government servant whose whole time is not retained for public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may declare.
- 2.16 **Revision of Travelling Allowance due to retrospective promotion or reversion** – The travelling allowance of Government servant who is promoted or reverted or is granted an increased rate of pay with retrospective effect should not be revised in respect of the period intervening between the date of promotion, or reversion and that on which it is ordered, except when the promotion or reversion or increase in salary implies a change of duties. In the case of travelling allowance bills audited before the order is issued, the Audit Officer should be guided by the facts known officially at the time of the audit, but, in the case of travelling allowance bills not presented or audited before the promotion is ordered, the Audit Officer should recognize the retrospective effect of the order.
- 2.17 When a Government servant is permitted for his own convenience to perform his duties at a station other than his headquarters, he is not entitled to draw any travelling allowance for the journeys to or daily allowance for halts at such station. A competent authority may decide what should be considered to be the place of duty of a Government servant for the purposes of these rules.
- 2.18. **Competent authority may prescribe higher rates of travelling allowance for expensive localities** - A competent authority may prescribe a higher rate of daily allowance and mileage for a particular class of Government servants or generally for travelling in a particularly expensive area, or for any other special reason to be recorded in writing.

SECTION-II

Mileage Allowance

- 2.19 **Definition and principles of calculation** – A mileage allowance is an allowance calculated on the distance travelled, which is given to meet the cost of a particular journey and is governed by the following principles:-
- (a) for the purpose of calculating mileage allowance, a journey between two places shall be deemed to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short.
 - (b) the shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of two or more routes.
 - (c) if a Government servant travels by a route, which is not the shortest, but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

2.20 **Point of commencement and end of journey** – The point in any station at which a journey is deemed to commence or end is chief public office in that station.

2.21 **Different rates for different classes of journeys** – Mileage allowance is differently calculated according as the journey is or could be, performed by railways, by sea or river steamer, by road or by air.

The following are the authorized modes of travel:

- (1) Rail:
- (2) River steamer or boat:
- (3) Road:
 - (i) Car;
 - (ii) Taxi;
 - (iii) Passenger Bus;
 - (iv) Motor Cycle;
 - (v) Cycle or on foot;
 - (vi) On animal back or in an animal driven carriage;
- (4) Air.

2.22 **Mileage allowance for journeys by Railway** – For the purpose of calculating mileage allowance, Government servants when travelling by railway are considered to be entitled to accommodation according to the following scale:-

- | | | |
|------------------|--|---|
| (a) | Gazetted Government servants highest drawing pay of Rs. 750 and above | Accommodation of the class (including air-conditioned ⁵ [Sleeper] accommodation) provided on the Railway by which the Government servants concerned travels. |
| (b) | Government servants of the Second Grade other than those covered by (a) above. | ⁶ [(i) 1 st class (sleeper) accommodation in the case of Government servants in NPS 16;] (ii) 1 st class (sitter) accommodation in case of Government servants in NPS 15 and below drawing pay below Rs. 275/- p.m] |
| ⁷ (c) | x x x x x x] | |
| (d) | Government servants of the Fourth Grade | The lowest class. |

⁸[2.23 **Mileage Allowance for journey by Rail.**

For the purposes of calculating mileage allowances the civil servants when travelling by rail shall be entitled to accommodation according to the following scales:-

⁵ Added vide AJ&K Finance Department letter No. FD/1/81/426-86 dated 19-01-1982

⁶ Substituted by ibid.

⁷ Omitted by ibid.

⁸ Submitted vide Notification No. FD/R/1045-1145/89 dated 14-1-1989.

- | | |
|---|---|
| (a) Civil servants in BPS-17 and above and all those in receipt of pay exceeding Rs. 2840/- p.m. (First Grade). | Accommodation of highest class by whatever name it may be called. |
| (b) Civil Servants drawing pay exceeding Rs. 910/- p.m. but not exceeding Rs. 2840/- (Second Grade). | First Class (Sleeper) Accommodation. If travelling on a line which does not provide 1 st Class (Sleeper) the next lower class. |
| (c) Civil servants excluding in BPS 1 & 2 (Third Grade). | First Class (Sitter) accommodation. If travelling on a line which does not provide 1 st Class (sitter) the accommodation next lower class. |
| (d) Civil servants in BPS-1 and 2 (Fourth Grade). | Lowest class, by whatever name be it may called. |

2.24. A Government servant is required to travel by the class of accommodation for which travelling allowance is admissible to him, but if for any reason he or any other person for whom travelling allowance can be claimed under these rules, travels in a lower class of accommodation, he shall be entitled to the fare of the class of accommodation actually used.

2.25. When through booking involves the payment for part of a journey of rates for accommodation for a higher class than that to which the Government servant concerned is entitled, the Government servant may draw mileage allowance based on the higher rates for the part of the journey.

2.26. The mileage allowance for journeys by river steamer or boat admissible to a Government servant is the amount actually paid by him.

2.27. **Mileage allowance for journeys by road** – For journeys by road mileage allowance admissible at the following rates according to the different modes of travel:-

(i) Personal Car-

| | |
|---|------------------|
| To a Government servant of the First Grade | 50 paisa a mile |
| To a Government servant of the Second Grade | 378 paisa a mile |

Note (1)- Government servants of the second Grade are ordinarily not expected to perform journeys by motor car and no bill for a journey under this clause by such an officer shall be paid unless the Controlling Officer certifies in each case that it was absolutely necessary in the public interest that the journey should have been performed in a motor car.

Note (2)- A personal car is a car registered in the name of the Government servant or his wife or her husband, as the case may be, or his or her brother or father or son, or sister.

(i) **Borrowed Car** – A Government servant travelling in a borrowed motor car may charge mileage allowance at the rate of 20 paisa per mile if he incurs the cost of propulsion himself. In the bill claiming the travelling allowance in such a case, the Government servant should give the number of the car and the name and occupation of its owner and record a certificate to the effect that he paid the cost of propulsion himself.

- (ii) **Taxi-**
- (a) To an officer of the First Grade for a journey between places not connected by rail, 50 paise per mile provided that all accommodation in the taxi is reserved by such officer;
 - (b) To an officer of the First or Second Grade the fare actually paid for a single seat in a taxi regularly playing for hire any particular route.
- (iii) **Bus-** Mileage allowance equivalent to ⁹[1½] fare of a single seat is admissible.
- (iv) **Motor-Cycle, Scooter or Auto-Cycle-** Mileage allowance is admissible at the rate of 16 paise per mile.
- (v) **Push Bicycle or on foot-** 9 paise per mile.
- (vi) **On animal back or in an animal drawn carriage-**
- (a) Animal drawn carriage-
Government servants of the First, Second and Third Grade 37 paise per mile.
 - (b) Animal-
Government servants of the First, Second and Third Grade 19 Paise per mile.

NOTE 1 No mileage allowance is admissible for travelling in any borrowed means of transport.

NOTE 2 Where two or more Government servants travel in the same conveyance, only that officer who either owns the conveyance or has hired it may draw mileage and daily allowance, while the rest may draw only daily allowance. A note showing the circumstances of such a journey should be made on the travelling allowance bill of each such officer.

NOTE (3) Where Government servant, while travelling on duty, is required to pay and pays toll, he should be entitled to recover the amount in addition to the mileage allowance admissible to him.

NOTE (4) No mileage allowance is admissible for journeys within the Municipal limits or Cantonment limits of the town or halt.

Instruction-1 Vouchers should be attached to every travelling allowance bill presented for payment, particularly in respect of claims for hiring a whole vehicle, but where vouchers cannot be obtained, the Controlling Officer should certify that to the best of his knowledge the claim is correct. But, when the whole conveyance is hired, a voucher should ordinarily be required.

Instruction-2 The nature of the conveyance used should be certified on the travelling allowance bill.

⁹ Substituted vide Finance Department letter No. FD/1693-1743/72, dated 6-5-1972.

Instruction-3 All Controlling Offices should maintain in their office a record of rates of hire of conveyance of all kinds within the tract in which the Government servants subject to their control ordinarily travel.

Instruction-4 Heads of Departments are not required to attach vouchers to their travelling allowance bills, but should certify that the amount claimed was actually paid by them.

- 2.28 **Fractions of a mile to be omitted** – In calculating mileage allowance for journeys by road, fractions of a mile should be omitted from the total of the amount claimed for a complete journey but not from the various items which made up the complete journey.

Explanation- Each complete journey on tour ends when the Government servant returns to headquarters or to a place in which his headquarters are situated, whether he halts there or not.

- 2.29 **Air Travel** – For purposes of these rules, travel by air means journeys performed in the machines of public air transport companies regularly operating for hire. It does not include journeys performed in private aeroplanes or air taxis.

- 2.30 A Government servant of the First Grade travelling by air and any other Officer authorized by competent authority to travel by air may draw mileage allowance equal to the fare charged for the air journey.

NOTE-1 An officer drawing pay of less than Rs. 2,300/- is not entitled to travel by air in the first class.

NOTE-2 Wherever available a return ticket at reduced rates should always be purchased when an officer expects to perform the return journey by air within the period for which a return ticket is valid.

SECTION-III

Daily Allowance

- 2.31 (1) A daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the extra daily expenditure incurred by a Government servant in consequence of such absence.
- (2) A day is to be reckoned from mid-night.
- (3) A part of the day at the commencement or end of the tour is to be reckoned as a full day if it is 8 hours or more, and half day if it is less than 8 hours but more than 2 hours.
- (4) Daily allowance at half rate will be admissible for half day.
- (5) A part of day less than 2 hours is to be ignored for the purposes of daily allowance.
- (6) In case of journey by rail, no daily allowance shall be admissible for journey days; but for the day of arrival at and of departure from the place of temporary duty, half the normal daily allowance shall be admissible.

- (7) Notwithstanding anything to the contrary contained in sub-rules (3), (4), (5) and (6) an officer availing H.O.R. Facilities will be entitled to draw for journey days daily allowance at full rate for a complete day and at half the rate for half day or less.

2.32 ¹⁰**Rates of Daily Allowance** – (1) Daily allowance is admissible on the following

- | | | |
|-------|---|--|
| (a) | To a Government servant of First grade- | |
| (i) | Pay exceeding Rs.925 but not exceeding Rs. 1,200 per mensem | Rs. 9.0. |
| (ii) | Pay exceeding Rs. 1,200 per mensum | Rs. 9.00 for the first Rs. 1,200 plus Rs. 1.5 for every additional Rs 500 or fraction thereof, subject to a maximum of Rs. 15.00 |
| (b) | To a Government servant of Second Grade- | |
| (i) | Pay up to Rs. 450. | Rs. 5.00 |
| (ii) | Pay above Rs. 450 but less than Rs. 750. | Rs. 6.00 |
| (iii) | Pay of Rs. 750 or above | Rs. 7.50 |
| (c) | To a Government servant of Third Grade- | |
| (i) | Pay up to Rs. 150 | Rs. 2.00 |
| (ii) | Pay above Rs. 150, but less than Rs. 275 | Rs. 3.00 |
| (iii) | Pay of Rs. 275 or above. | Rs. 4.00 |
| (d) | To a Government servant of the Fourth Grade- | Rs. 1.50 |
- (2) Double rate admissible under sub-rule (1) may be drawn for halts at Karachi, Rawalpindi, Islamabad and in East Pakistan and 1-1/2 times those rates for halts at Lahore.

NOTE- The rate of daily allowance of Government servant who spent part of a day in one locality and part in a locality for which a different rate of daily allowance is admissible should be determined according to the place where he spent the major part of such day.

This principle will also apply in the case of the incomplete days at the beginning and end of a tour, and a Government servant will be entitled to daily allowance at the higher rate fixed for a locality if his halt at that place was more than half of the period of the incomplete day in question.

2.33 **Period for which daily allowance may be drawn** - Daily allowance may be drawn for the entire period of absence from headquarters, i.e. for the time spent on a journey, a halt, on tour or on a holiday occurring during a tour.

NOTE-1 A Government servant who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

NOTE-2 A Government servant who during the course of his tour returns temporarily to headquarters on Sunday or a public holiday to attend to his private business is not entitled to draw daily allowance for the day or days spent at.

2.34 **Maximum period for which Daily Allowance is admissible** – (1) Daily allowance may not be drawn for a continuous halt of more than ten days at any one place

¹⁰ Rates of T.A & D.A have been revised. See revised rates.

Provided that a competent authority may, if it is satisfied that prolonged halts are necessary in the interests of the public service, grant general or individual exemptions from the operation of this rule, on such conditions, including reduction in the amount or rate of daily allowance, as it thinks fit.

NOTE-1 In granting exemptions from the operation of this rule the competent authority may impose such conditions as it thinks fit. One such condition is the reduction in the amount of the daily allowance that may be drawn and the Principle underlying this reduction is that the expenses incurred by a Government servant in respect of a halt at an out station ordinarily decreases in proportion to the length of his stay at that station. This Principle should be borne in mind by the authorities to whom powers under this rule have been delegated and the rate of daily allowance should be suitably reduced after the first ten days in all cases except those which present every special feature. Cases in which special treatment can be justified will be generally those in which the halt of a Government servant at an out-station is of uncertain duration which makes it impossible for him to arrange for more permanent and cheaper accommodation.

NOTE-2 Casual leave taken during tour may be excluded in computing the period of ten days referred to in this rule-

2.35 For the purposes of these rules;-

- (a) after a continuous halt of ten days duration, the halting place shall be regarded as the Government servant's temporary headquarters.
- (b) a halt is continuous, unless terminated by an absence on duty at a distance from the halting place exceeding five miles for a period of not less than three nights;

Provided that when a Government servant returns to his headquarters, the halt is terminated, even though the return be for less than three nights.

CHAPTER -III **TRAVELLING ALLOWANCE FOR JOURNEY ON TRANSFER**

- 3.1 **General conditions of admissibility** – Travelling allowance may not be drawn under this Chapter by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise directs.
- 3.2 When a Government servant is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Accountant General with an endorsement stating the reasons for the transfer. In the absence of such an endorsement the Audit Officer shall assume that the Government servant has been transferred, for the public convenience. In the case of Non-Gazetted Government servant a certificate from the head of the office may be accepted in lieu of the copy of the order referred to above.
- 3.3 A competent authority may depute a Government servant on duty outside his headquarters and order him to reside at a temporary headquarters for a period not exceeding three months. In such circumstances travelling allowance as on transfer will not be admissible and the Government servant in question will only draw travelling allowance as on tour.

3.4 **Elements of the Travelling Allowance on transfer** – Travelling allowance for a journey on transfer is meant to cover-

- (a) the cost of transportation of the Government servant and his family;
- (b) expenditure incidental to the travelling of the Government servant and his family;
- (c) transportation cost of the personal effects of the Government servant and his family; and
- (d) in certain cases the cost of the transportation of a conveyance or conveyances of a Government servant.

3.5 Travelling allowance will be admissible in respect of all items of expenditure specified in rule 3.4;

Provided that the transportation in question took place not earlier than one month and not later than six months of the date on which the Government servant took over charge of the new post.

3.6 **Travelling Allowance for Journeys on transfer includes-**

- (a) mileage allowance for the Government servant and his family to cover the cost of their transportation;
- (b) daily allowance for the Government servant and his family to cover incidental expenses;
- (c) cost of transportation of the personal effects of the Government servant subject to certain limits; and
- (d) cost of moving conveyance under certain circumstances.

3.7 **Mileage and daily Allowance** – A Government servant is entitled under clauses- (a) and (b) of rules 3.6 to:-

In the case of journey by modes other than rail-

- (a) Mileage allowance and daily allowance for himself and for each member of his family at the rates to which he is entitled while on tour;

Provided that only half the daily allowance will be admissible for a child less than twelve years of age;

Provided further that where mileage is charged for a journey by personal car or by taxi, only a single mileage will be admissible and,

- (b) two extra mileage allowances, as for himself to cover miscellaneous expenses of the journey and the cost of transportation of dependent other than the members of him family and servants, if any.

3.8 A Government servant is entitled under clause (c) of rule 3.6. to-

- (i) Subject to the provisions of rules 3.10, to 3.17, the cost of transportation of his personal effects not exceeding the following maxima:-

| Grade of the Government servant | Maximum weight permissible | Married | Un-Married |
|---------------------------------|----------------------------|---------|------------|
| First | 80 maunds. | 4500 KG | 2240 KG |
| Second | 60 maunds | 3000 KG | 1500 KG |
| Third | 30 maunds | 1500 KG | 760 KG |
| Fourth | 20 Maunds | 560 KG | 380 KG |

Provided that competent authority may prescribe lower maxima for any class of Government servants;

- (ii) For packing, crating and handing of his personal effects, the actual expenses subject to the following maxima:-

| Grade of the Government servant | Maximum amount permissible |
|---------------------------------|----------------------------|
| First | Rs. 100 |
| Second | Rs. 06 |
| Third | Rs. 30 |
| Fourth | Rs. 10 |

- 3.9 Subject to the provision of rules 3.19 to 3.21, a Government servant entitled under clause (d) of rule 3.6 to draw, the actual cost of transportation by road or boat at owner's risk, of conveyance at the following scale:-

| Grade of the Government servant | Conveyance which he may transport |
|---------------------------------|--|
| Second | A horse, and in addition a carriage or a motor cycle or and ordinary cycle |
| Third | A horse or a motorcycle or an ordinary cycle |
| Fourth | An ordinary cycle |

- 3.10 When a Government servant transports more than the maximum maundage admissible maundage by the prescribed mode of transportation.
- 3.11 Subject to the prescribed maximum number of maundage a Government servant may draw the actual cost of transporting personal effects to his new station from a place in Azad Kashmir other than his old station (e.g. from a place where they are purchased in route, or have been left on the occasion of his pervious transfer) or from his old station to a place in Azad Kashmir other than his new station, provided that the total amount which he may draw for transporting personal effects shall not exceed the amount which would have been admissible had all his personal effects been transported from his old to the new station direct.
- 3.12 For transportation of personal effects within the prescribed limit, between places not connected by rail, Government servant may draw the actual cost of carriage by road limited to the maximum laid down below:-

| | |
|---------------------------------------|----------------------|
| <i>Government of the First Grade</i> | <i>3.00 per mile</i> |
| <i>Government of the Second Grade</i> | <i>2.00 per mile</i> |
| <i>Government of the Third Grade</i> | <i>1.00 per mile</i> |
| <i>Government of the Fourth Grade</i> | <i>1.00 per mile</i> |

- 3.13 In the case of transportation of motor car, the cost of transporting a driver or cleaner and in the case of transportation of horses cost of transportation of cycle may be drawn.
- 3.14 The allowance to cover cost of transportation of a motor cycle would be admissible only if the distance travelled exceeds 100 miles.
- 3.15 When a Government servant transports his motor car, motor cycle, horse, or horse and carriage by road under its own power between stations connected by rail, he may draw an allowance of Rs. 0.256 a mile in respect of a motor car, Rs. 0.9 a mile in respect of a motor cycle or horse, and 0.19 a mile for a horse and carriage.

Provided that if the Government servant or a member of his family travels by the conveyance, he may draw mileage allowance as for journeys on tour and no additional allowance under this rule will be admissible.

- 3.16 **Procedural matters-** A Government servant who claims higher travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members.
- 3.17 A Government servant claiming packing, crating and handling charges and the cost of transporting personal effects, conveyance or a horse, under this chapter must support his claim by a certificate that the actual expense incurred was not less than the sum claimed. Such a certificate must give details of the conveyance or horses transported and in respect of freight charges for the carriage by road; or steamer of personal effects, horses etc. receipts from the railway, road transport or steamer companies, should, ordinarily be presented. Where receipts are not forthcoming, the audit officer may, at his discretion, accept a certificate of payment from the preferring officer, when such a course appears to him advisable.
- 3.18 **Government servant taking over charge or handing over charge at a place other than his headquarter-** A Government servant transferred from one post to another who is permitted to hand-over charge of his post or to take-over the charge of the new post at a place other than the headquarters is entitled to-
- (i) travelling allowance as on tour for the journey to the place of taking over or handing over and also for the journey from such a place to his new headquarters;
 - (ii) travelling allowance as on transfer, except his own mileage and daily allowance for the journeys from his old headquarters to the new headquarters.
- 3.19 **Deputation for training** – A Government servant who, in consequence his transfer or deputation on a course of training, in which travelling allowance on transfer is admissible, is obliged to send his family to a station other than his new headquarters or place of training may draw travelling allowance for his family to that station, subject to the condition that it does not exceed the travelling allowance which would have been admissible if the family had accompanied him to his new headquarters or place of training.
- 3.20 **Government Servant appointed to a new post while in transit-** A Government servant appointed to a new post while in transit from one post to another, is entitled to draw travelling allowance as in transfer for so much of the journey as he has accomplished when he receives the fresh orders and for the journeys from the place at which he receives such orders to his new station.

- 3.21 **Government Servant transferred after enjoying leave-** A Government servant who goes on leave after he has handed over charge of his old post and before he has taken charge of his new post, is entitled, whether the order of transfer is received before or after the commencement of his leave, to travelling allowance as on transfer from his old to his new post.
- 3.22 When a Government servant under the administrative control of the Government of Azad Kashmir is transferred to the control of another Government his travelling allowance for the journey to join his post under that Government, and for the journey on reversion to a post under the Government of Azad Kashmir will be governed by the rules regulation travelling allowance on transfer of that Government.

NOTE- The Controlling Officer for the purposes at travelling allowance for the journeys of Government servant to join his post under another Government as well as for the journey on revision to a post under the Government of Azad Kashmir shall be the Controlling Officer in regard to his post under that Government.

- 3.23 The travelling allowance of a Government servant both when proceeding on transfer to a foreign service and when reverting to duty under Government shall be borne by the foreign employer.

NOTE- The above rule applies even in which a Government servant in Foreign Service takes leave before returning to duty under Government

- 3.24 A local body employee transferred to officiate in a post under Government is entitled to travelling allowance for the journey, to join his post under Government and also for the return journey under these rules.

CHAPTER-IV

TRAVELLING ALLOWANCE FOR JOURNEYS OTHER THAN THOSE ON TOUR OR TRANSFER.

SECTION-I

- 4.1 (1) Unless a Competent authority by special or general order so permits travelling allowance is not admissible to any person appointed to a post in Government service, who is not at the time holding any appointment under Government, for the journey to join his post.
- (2) Travelling allowance is not admissible for a journey undertaken to procure medical certificate required on first appointment to Government service.

- 4.2 A Person holding a permanent post substantively under another Government, may be granted travelling allowance to join a post under the Government of Azad Kashmir and while riveting to his parent Government.

Provided that no such allowance will be admissible on reversion, if the reversion is at the request of such person.

- 4.3 Unless a competent authority so permits, no person is entitled to any travelling allowance for a journey made after dismissal from Government service or after termination of his service under Government:.

Provided that:

- (i) a Government servant retiring from service may draw travelling allowance as on transfer from his last headquarters to the place where the Controlling Office certifies he is due to settle, and
 - (ii) the family of Government who dies while in service shall be entitled to-
 - (a) mileage allowance for such each member of the family from his headquarters to the place where the Controlling Authority certifies that the family is due to settle;
 - (b) daily allowance for each member of the family at tour rates if the journey is performed by means other than by rail;
 - (c) two extra mileage allowance to cover incidental charges;
 - (d) the cost of transportation of personal effects, not exceeding the maundage prescribed on the transfer rate;
 - (e) for packing crating and handling of personal effects, the actual expenses subject to the prescribed maxima as on transfer; and
 - (f) the actual cost of transportation of conveyance.
- 4.3-A Travelling allowance under the rule 4.3 will be admissible in respect of all items of expenditure provided that the journey and transportation took place either during leave preparatory to retirement or one month before the date of actual retirement but not late than six months of the date of actual retirement from Government service.
- 4.4 Except as otherwise provided travelling allowance under this section should be calculated as for a journey on tour, but no daily allowance may be drawn for halts. The rate admissible in case of a new recruit is the rate prescribed for the grade to which he will belong after joining his post.

SECTION-II

Journey on a course of Training

- 4.5 When a Government servant is selected to undergo a course of training, a competent authority may be decided the scale, if any, on which he shall draw-
- (a) travelling allowance for the first journey to, and the last journey from, the place of training and for halts at such place;
 - (b) in the case of training at a school, college or similar institution, travelling allowance for similar journey on the occasion of holidays and vacation;
 - (c) travelling allowance for a journey during the course training. Provided that the scale so fixed shall not exceed that admissible to Government servants of similar status on duty at the place of training.

SECTION-III

Journey to give evidence in a Court, to attend an inquiry or conference

- 4.6 (1) A Government servant permitted at his request to attend a meeting or conference held in Pakistan or in Azad Kashmir and if any Government interest is served thereby, may be paid a single return railway fare for the journey without any road mileage or daily allowance, if the meeting or conference is held in West Pakistan, and tourist class air fare between Lahore/Karachi and Dacca in addition to railway fare for the rest of journey, if the meeting or conference is held in East Pakistan.
- (2) Mileage and daily allowance, etc. as for a journey on tour, are, however, admissible when an officer is officially deputed to attend a meeting.
- 4.7 (a) A Government servant appointed as a member of a Committee, Commission or Board constituted by Government, may draw travelling allowance as for journeys on tour.
- (b) A Government servant appointed to assist at a departmental enquiry or at a preliminary investigation into charges of corruption or misconduct on the part of an official and undertakes any journey in connection with such enquiry or investigation is entitled to travelling allowance as for a journey on tour
- 4.8 (1) A Government servant summoned give evidence-
- (a) in a civil or criminal case, a case before a court martial or a departmental enquiry held by a properly constituted authority in Azad Kashmir or Pakistan:
- Provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties; or
- (b) before a committee appointed by a Government;
- my draw travelling allowance as for a journey on tour attending to his bill a certificate of attendance given by the Court or other authority which summoned him:
- Provided that if the Court by which he is summoned is situated within five miles of his headquarters or within municipal limits of the town where his headquarters are located, whichever may be farther, he may if not receipt of any permanent travelling allowance or conveyance allowance, accept such payment of actual travelling expenses as the Court may make.
- (2) When a Government servant draws travelling allowance under sub-rule (1)-
- (i) if any Court or authority by which he was summoned be in Azad Kashmir or Pakistan, he may not accept any payment of his expenses in connection with the journey from such Court or authority, and any fees which may be deposited in the Court or with the authority for the travelling and subsistence allowance of the witness must be credited to Government.

NOTE-1 The Court in which he gives evidence is situated within five miles of his headquarters or within municipal limits, whichever may be farther, and no travelling allowance is, therefore, admissible for the journey, he may, if he be not in receipt of permanent traveling allowance or conveyance allowance, accept such payment of actual travelling expenses as the Court may make.

NOTE-2 A Government servant summoned to give evidence while on leave or on vacations is entitled to travelling allowance under this rule from and to the place from which he is summonsed if he were on duty.

NOTE-3 When a Government servant summoned as a witness in a criminal case, or a civil case claims travelling allowance under this rule, a certificate from the court should be attached to the bill showing the amount of travelling or subsistence allowance which he has been paid under the rules of the Court.

NOTE-4 This rule applies also to a Government servant in foreign service:

Provided the facts to which he is to give evidence have come to his knowledge in the discharge of his duties while in the service of Government.

- 4.9 **Other cases-** A Government servant summoned to give evidence in circumstances other than those specified in rule 4.8 or attend a Court of law as assessor, or juror is not entitled, by reason of his position as a Government servant, to any payment other than that admissible by the rules of the Court. If the Court pays him any sum as subsistence allowance or compensation apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.
- 4.10 A competent authority may sanction travelling allowance as for a journey on tour in a case in which a Government servant has to undertake journey to answer a criminal or civil case brought against him in respect, of an act done by him in the discharge of his official duty and in which Government has decided to undertake his defense at public cost.
- 4.11 Travelling allowance as for a journey on tour is admissible to a government servant proceeding in his official capacity to a police station to lodge a complaint or give information or an offence but no allowance is admissible to a government servant summoned by a police officer to give evidence before him.
- 4.12 **Persons attending Commissions of enquiry etc.-** Non-official may be allowed by a competent authority travelling allowance (including daily allowance and conveyance) allowance according to their status for helping Government in its various activities.

SECTION-IV

Journeys to give or obtain Medical Advice.

- 4.13 (1) When the place at which a Government servant falls ill is not the headquarters of the authorized medical attendant.
- (a) the patient shall be entitled to travelling allowance for the journey to and from such headquarters; or
- (b) If the patient is too ill to travel and under the rules applicable to him is in such circumstances entitled to the attendance of the authorized medical attendant at his residence, the authorized medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient is..
- (2) A claim for travelling allowance under sub-clause (a) of clause (1) of this rule shall be accompanied by a certificate from the authorized medical attendant stating that medical attendance was necessary, and where the claim is under sub-clause (b) of that clause, that the patient was too ill to travel.
- 4.14 (1) If the authorized medical attendant is of the opinion that the case of a patient entitled to treatment under the rules relating to medical attendance on Government servants and their families is of such a serious or special nature as to require medical attendance by some person other than himself, or that the patient requires anti-rabic treatment, he may with the approval of the Director Health Services (which shall be obtained before-hand unless the delay involved entails danger to the health of the patient) send the patient to the nearest specialist or other medical officer in Azad Kashmir, West Pakistan by whom, in his opinion medical attendance is required for the patient.¹¹
- (2) A patient sent to a specialist under clause (1) of this rule shall, on production of a certificate from the authorized medical attendant in this behalf, be entitled to travelling allowance for the journey to and from the headquarters of the specialist or other medical officer or as the case may be.
- 4.15 When a Government is required under the orders of the Head of his Officer to obtain the countersignature of a medical board or a medical officer upon a certificate pronouncing him fit to return to duty from leave granted on medical certificate, he may draw travelling allowance for the journey undertaken to appear before such Board or Medical Officer.
- 4.16 If a Government servant, being stationed at a place where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support an application for an initial grant of leave, he may draw travelling allowance for the journey undertaken to obtain that certificate.

¹¹ For complete text of this rule as in force in the Punjab may be seen in the West Pakistan Travelling Allowances Rules 1969.

NOTE. Travelling allowance is not admissible for a journey to obtain a medical certificate in support of an application for an extension of leave.

- 4.17 If a Government servant, having obtained a medical certificate in support of an application for an initial grant of leave; is required to appear before a medical board, or to appear before a nominated medical board, or to appear before nominated Medical Officer of Government for further opinion as to the necessity for the leave recommended in that certificate, he may draw travelling allowance for the journey undertaken to obtain that opinion.

NOTE: Travelling allowance is not admissible for a journey to obtain a further medical opinion in support of an application for an extension of leave.

- 4.18 A Government servant directed by his official superior, in the interests of the public service, to apply for an invalid pension may, if he be required to undertake a journey in order to appear before a medical board, draw travelling allowance as on tour;

Provided that his travelling allowance bill is supported by a certificate that he was directed to apply for an invalid pension in the interests of the public service. .

- 4.19 A Government servant who has been directed to apply for or is in receipt of a wound or disability pension from Government, may draw travelling allowance for journeys to obtain a certificate from a Medical Board for the grant of or the continuance of such pension.

- 4.20 A competent authority may allow travelling allowance to a Government servant who voluntarily applies for an invalid pension;

Provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

- 4.21 (1) When a Government servant suspected to be suffering from tuberculosis is required, after examination by the District Health Officer of the District in which he is serving, or if he is too ill to go to the District Headquarters, by the Medical Officer-in-Charge of the local or nearest hospital or dispensary , to proceed for x-ray laboratory or other examination to the nearest station where such facilities are available, he may, on production of a certificate from the District Health Officer or the Medical Officer, as the case may be, draw travelling allowance for the journey performed by him to and from the place of examination as on tour.

(2) The journey under this rule should not be undertaken without the previous permission of the Controlling Officer, if such permission can be obtained without risk to the Government servant.

- 4.22 Travelling allowance under rule 4.13, 2.14, 4.19 should be calculated as for a journey on tour provided that no allowance shall be drawn for halts on the journeys, while travelling allowance under other rules of this section may be allowed as for journeys on tour.

- 4.23 (1) A Medical Officer of Government who considers that a Government servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that it is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for and attendant to do so; and the attendant:-
- (a) if a Government servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour, and
- (b) if not a Government servant may draw actual expenses.
- (2) When the Medical Officer's opinion as to the necessity for the journey and for an attendant during it cannot be obtained before its commencement, a certificate from him that the journey with an attendant was necessary is sufficient for the purpose of this rule.

SECTION-V

JOURNEYS TO ATTEND CEREMONIAL FUNCTIONS, ETC.

- 4.24 A Government servant who is required to attend an investiture ceremony elsewhere than at his headquarters may draw travelling allowance for the journey as for journey on tour.

4.25 **Journeys in connection with Local Fund-**

- (a) Except as provided in clause (b), the travelling allowance to Government servants for journeys performed in connection with the affairs of a Local Authority is governed by the rules of the Local Funds, and is payable from the Local Fund.
- (b) When a Government servant, who is an ex-officio member of a local body, travels to attend meetings of the local body or when a Government servant travels for purposes of supervision or control of the affairs of a local body as a part of his regular duties, his travelling allowance shall be paid by Government shall be governed by these rules.

NOTE. The instructions contained in rule 1.11 should be carefully observed when preparing travelling allowance bills under this rule.

CHAPTER-V

TRAVELLING ALLOWANCE WHEN THE MEANS OF TRANSPORT ARE PROVIDED WHOLLY OR PARTLY FREE OF COST

- 5.1 When a Government servant travels by road in a staff car or other conveyance provided by Government or a local authority he is not entitled to any mileage for the journey.
- 5.2 When a Government Servant in receipt of permanent travelling allowance travels by road in a free conveyance, the amount of the mileage allowance to which he would have been entitled if he had not travelled free, shall be deducted from his permanent travelling allowance for the month during which he uses a free pass or a free conveyance.

REVISION OF RULES OF TRAVELLING ALLOWANCE AND RATES OF DAILY ALLOWANCE

No. FD/R-I(118)/92-Part-II
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 17.02.1992

From: **Khurshed Ahmed Khan,**
 Secretary Finance,
 Azad Government of the State
 of Jammu & Kashmir Muzaffarabad.

To: 1. The Additional Chief Secretaries,
 2. All Secretaries to the Government,
 3. All Heads of the Attached Departments,
 Azad Government of the State of Jammu & Kashmir,
 Muzaffarabad.

Subject: **REVISION OF RULES OF TRAVELLING ALLOWANCE AND RATES OF DAILY ALLOWANCE.**

Sir,

I am directed to state that the President, Azad Jammu & Kashmir has been pleased to decide that the rates of transfer grant, transportation of motor care/motor cycle/scooter by road, mileage allowance and daily allowance shall be revised as under with effect from August 21, 1991 with the condition that those Civil Servant who have already drawn TA/DA on old rates will not be entitled to claim any difference.

(I) TRANSFER GRANT

| Category of Employees | Existing Rates | Revised Rates |
|---|--|---|
| a) (i) Employees having family | One month's pay subject to a maximum of Rs. 4000/- | No change in the existing rules but the condition of maximum of Rs. 4000/- & Rs. 2000/- has been removed. |
| (ii) In cases where a Govt. servant possessing family moves to the new station alone may draw transfer grant at the rate at least equal to the amount admissible to a Government servant not possessing family provided he finally opts to do so on transfer. | | |
| b) Employees not having family | Half month's pay subject to maximum of Rs. 2000/- | |

(II) TRANSPORTATION OF MOTOR CAR/MOTOR CYCLE OR SCOOTER BY ROAD.

| | Existing rates per kilometer | Revised rates per kilometer |
|----------------------------|------------------------------|-----------------------------|
| i) Motor Car | 60 paise | Rs. 1.20 |
| ii) Motor Cycle or Scooter | 20 paise | Rs. 0.40 |

(III) MILEGAGE ALLOWANCE

| | Existing rates per kilometer | Revised rates per kilometer |
|--|------------------------------|-----------------------------|
| a) Personal Car or by engaging a full taxi. | Rs. 2.00 | Rs. 3/- |
| b) Motor Cycle or Scooter | Rs. 0.65 | Rs. 1/- |
| c) Bicycle, animal back or foot. | Rs. 0.50 | Rs. 0.75 |
| d) Public transport plying for hire on single seat basis:- | | |
| i) For Govt: servants in BPS-7 & above | Rs. 0.32 | Rs. 0.50 |
| ii) For Govt: servants BPS-6 & below. | Rs. 0.20 | Rs. 0.30 |

(IV) TRAVEL BY AIR

Government servants in BPS-17 and above and those in receipt of pay exceeding Rs. 4000/- P.M shall be allowed to travel by air.

(V) RATES OF DAILY ALLOWANCE

| Pay Limit | Spl: Rates per day | Ordinary Rates per day |
|----------------|--------------------|------------------------|
| Rs. | Rs. | Rs. |
| Up to 1000 | 60 | 40 |
| 1001 to 2000 | 80 | 65 |
| 2001 to 3000 | 100 | 85 |
| 3001 to 4000 | 120 | 100 |
| 4001 to 5000 | 145 | 120 |
| 5001 to 6000 | 175 | 150 |
| 6001 to 7000 | 215 | 180 |
| 7001 & above | 260 | 225 |
| BPS-21 & above | 300 | 260 |

Note: Daily allowance will be admissible only for the actual night (s) at the out-station for which Daily allowance claimed which night stop is not involved and if absence from headquarters exceeds four hours half daily allowance will be allowed. Further clarification is given as under:

Explanation

- i) Daily allowance on domestic tours where stay for a night or more is involved will be admissible only for the night(s) spent at out stations.
 - ii) Half Daily Allowance will be admissible only in those cases where the absence from headquarters does not involve stay for the night and no daily allowance is drawn for any night stay. It cannot be drawn in addition to any daily allowance drawn for night stay.
2. Government servants up to BPS 1-19 may stay in Government Guest House, Public Sector Corporations Rest Houses and Motels/Hotels (minus five star hotels). They can claim actual room

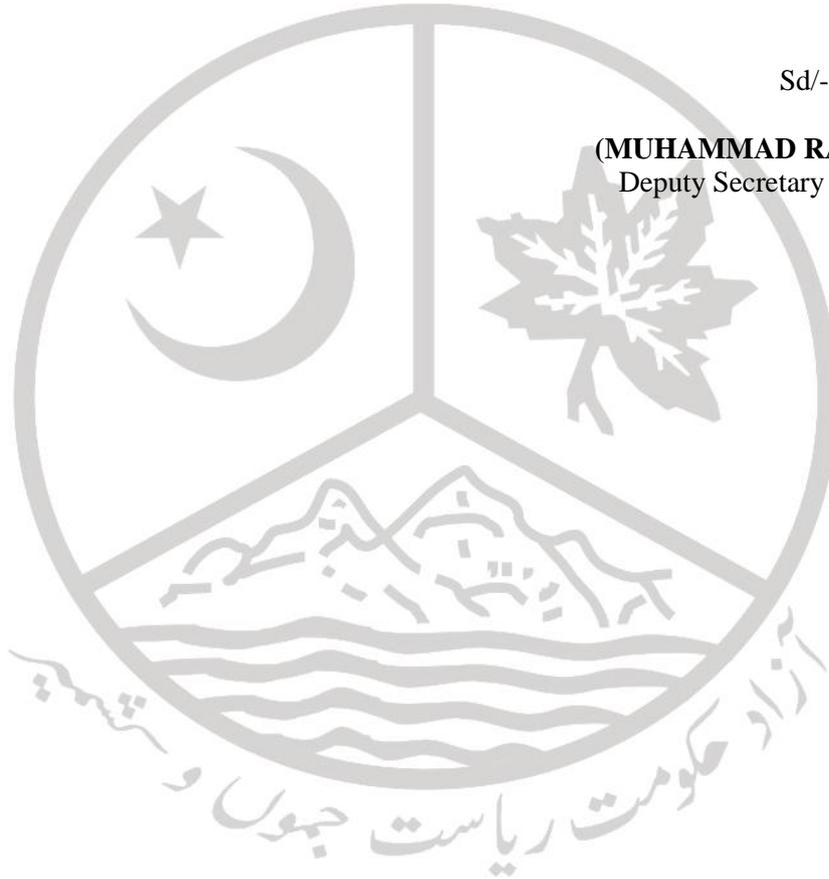
rent charges on production of receipts subject to a maximum of three D.A in specified stations and one and a half D.A at non-specified stations.

3. Government servants in BPS-20 and above may stay in hotels and claim room rent charges on production of receipts subject to a maximum of three D.A for specified stations and 1½ D.A at non-specified stations. If however, the room rent charges are in excess of the maximum ceiling aforementioned, fifty percent of the additional amount will be paid by the Government.

This supersedes all previous orders instructions etc. issued in this behalf up to the extent mentioned above.

Sd/--

(MUHAMMAD RASHID KHAN)
Deputy Secretary Finance (Reg)



NO. FD/R/(319)/2005
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 12.07.2005

OFFICE MEMORANDUM

Subject: **REVISION OF BASIC PAY SCALES’ ALLOWANCES AND PENSION OF CIVIL EMPLOYEES OF AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR (2005).**

The President of Azad Jammu & Kashmir has been pleased to sanction the revision of Basic Pay Scales, Allowances and Pension w.e.f. 1st July, 2005, for the civil employees of the Azad Government of the State of Jammu & Kashmir, paid from the civil estimates as detailed in the following paragraphs:-

PART, I-BASIC PAY SCALES

2. Revised Basic Pay Scales

The revised Basic Pay Scales, 2005 shall replace the existing Basic Pay Scales 2001 as shown in Annex to this O.M.

3. Fixation of Pay of the existing employees

- (i) The basic pay of an employee in service on 30.06.2005 shall be fixed in the Revised Basic Pay Scale on point-to-point basis i.e. at the stage corresponding to that occupied by him above the minimum of 2001 Basic Pay Scales.
- (ii) The corresponding stage for fixation of basic pay in the aforesaid manner in respect of an employee whose pay was fixed beyond the maximum of the relevant scale as a result of discontinuation of move over policy under the 2001 Basic Pay Scales scheme shall be determined on national extension basis i.e. by treating the amount of personal pay drawn by him on 30th June, 2005, as part of his basic pay scale and the amount beyond the maximum of the prescribed stage in the revised Basic Scales shall be allowed as personal pay.

4. Annual increment

Annual increment shall continue to be admissible subject to the existing conditions, on 1st of December each year.

PART, II-ALLOWANCES

5. Special Additional Allowance

Special Additional Allowance shall continue to be admissible at frozen level on existing conditions.

6. Special Relief Allowance and Adhoc Relief

Special Relief Allowance and Adhoc Relief sanctioned w.e.f. 01.07.2003 and 01.07.2004 respectively shall stand frozen at the level of their admissibility as on 30.06.2005 and the amount shall continue to be admissible to the entitled recipients until further orders but it will cease to be admissible to new entrants joining Government Service on or after 01.07.2005 as well as to those employees to whom it was ceased to be admissible under the existing conditions.

7. House Rent Allowance

House Rent Allowance shall be admissible with reference to the Revised Basic Pay Scales, 2005 subject to the existing conditions.

8. Medical Allowance

Medical Allowance shall be admissible @ Rs. 425/- p.m. subject to the existing conditions.

9. Conveyance Allowance

a) Conveyance Allowance shall be admissible on revised rates as follows:

| BPS | Rates (Rs. PM) |
|-----------|----------------|
| BPS 1-4 | 340/- |
| BPS 5-10 | 460/- |
| BPS 11-15 | 680/- |
| BPS 16-20 | 1240/- |

b) Conveyance Allowance @ Rs. 1240/- per month shall also be admissible to those BPS-21 & 22 officers who are not sanctioned official vehicle.

10. Other Special Pays/Special Allowances

The rates of Special Pays and Special Allowances shall be revised as detailed below:

i) Entertainment Allowance

| | Existing | Revised |
|--------|----------|------------|
| BPS-19 | Nil | 500/- p.m. |
| BPS-20 | 480/- | 600/- p.m. |
| BPS-21 | 525/- | 700/- p.m. |
| BPS-22 | 650/- | 975/- p.m. |

ii) Daily Allowance

| | Existing | | Revised | |
|-----------|----------|---------|----------|---------|
| | Ordinary | Special | Ordinary | Special |
| BPS-1-4 | 80/- | 110/- | 125/- | 200/- |
| BPS-5-11 | 100/- | 120/- | 155/- | 220/- |
| BPS-12-16 | 180/- | 200/- | 280/- | 365/- |
| BPS-17-18 | 320/- | 350/- | 500/- | 640/- |
| BPS-19-20 | 400/- | 450/- | 625/- | 825/- |
| BPS-21-22 | 450/- | 550/- | 700/- | 1000/- |

iii) **Transportation/Mileage Allowance**

| Transportation | Existing | Revised |
|--|--|-------------------------------------|
| i) Motor Car | Rs. 1.20 per k.m. | Rs. 2/- per k.m. |
| ii) Motor Cycle/Scooter | Rs. 0.40 per k.m. | Rs. 1/- per k.m. |
| Mileage Allowance | | |
| i) Personal Car/Taxi | Rs. 3/- per k.m. | Rs. 5/- per k.m. |
| ii) Motor Cycle/Scooter | Rs. 1/- per k.m. | Rs. 2/- per k.m. |
| iii) Bicycle/Animal back/foot | Rs. 0.75 per k.m. | Rs. 1/- per k.m. |
| iv) Public Transport | i) Rs. 0.30 per k.m. (BPS-6 and below). ii) Rs. 0.50 per k.m. (BPS-7 and above) | Rs. 1/- per k.m. |
| Travel by Air | Govt. Servant in BPS-17 and those in receipts of pay of Rs. 5400/- and above. | Govt. servants in BPS-17 and above. |
| Carriage of personal effects on Transfer/ Retirement | Paisa 0.148/- per k.m. per k.g. (or 2.96 paisa per k.m. per unit of 20 k.gs) | Rs. 0.008 per k.m. per k.g. |

iv) **Qualification Pay**

| | Existing | Revised |
|-------------------------|----------------|----------------|
| SAS Accountant | Rs. 200/- p.m. | Rs. 400/- p.m. |
| Staff College/NDC | Rs. 750/- p.m. | Rs. 1000/- |
| Advanced Course in NIPA | Rs. 200/- p.m. | Rs. 500/- p.m. |

v) **Senior Post Allowance**

| | Existing | Revised |
|--------|----------------|-----------------|
| BPS-20 | Rs. 850/- p.m. | Rs. 1100/- p.m. |
| BPS-21 | Rs. 925/- p.m. | Rs. 1200/- p.m. |

vi) **Deputation Allowance/Addl. Charge Allowance/Special Allowance on Current Charge basis against higher posts.**

| | Existing | Revised |
|--|--|--|
| Deputation Allowance/Addl. Charge Allowance/ Special Allowance on Current Charge | @ 20% of the Basic Pay subject to a maximum of Rs. 2000/- p.m. | @ 20% of the Basic Pay subject to a maximum of Rs. 6000/- p.m. |

vii) **Uniform Allowance**

| | Existing | Revised |
|---------------------|----------------|----------------|
| Nurses up to BPS-16 | Rs. 150/- p.m. | Rs. 300/- p.m. |

viii) **Police Uniform Allowance**

| Existing | Revised |
|----------------|-----------|
| Rs. 250/- p.m. | Rs. 600/- |

ix) **Special Pay to PSs/PAs**

| | Existing | Revised |
|---|-------------------|----------------|
| i) PS to President/Prime Minister/Minister/ Chief | i) Rs. 300/- p.m. | Rs. 500/- p.m. |

| | | |
|---|--------------------|-----------|
| Secretary/ Additional Chief Secretaries/SMBR/ Judges of Supreme Court/High Court. | | |
| ii) From other source in BPS-17 | ii) Rs. 375/- p.m. | |
| PS to Secretaries | Rs. 225/- p.m. | Rs. 400/- |
| i) PA to Minister/ Additional Chief Secretaries/ Secretaries | i) Rs. 150/- p.m. | Rs. 200/- |
| ii) Additional Secretaries | ii) Rs. 120/- p.m. | |

x) **Instructional Allowance**

| Existing | Revised |
|--|---|
| 20% of the Minimum Pay Scales subject to a maximum Rs. 2000/- p.m. | i) 20% of the Basic Pay subject to the maximum of Rs. 5000/- p.m. to those instructors imparting in service training to BPS-17 and above Officers. ii) 20% of the Basic Pay subject to the maximum of Rs. 3000/- p.m. to those instructors imparting in service training to employees up to BPS-16 |

xi) **Washing Allowance for Police Force**

| Existing | Revised |
|---------------|----------------|
| Rs. 50/- p.m. | Rs. 100/- p.m. |

xii) **Contingent Allowance**

The following contingent allowances admissible to Naib Qasids, Qasids and Daftaries shall stand discontinued and in lieu thereof such entitled categories shall be allowed a new allowance called as Integrated Allowance @ Rs. 1.50/- p.m. w.e.f. 01.07.2005.

| | Existing | Revised as Integrated Allowance |
|-------------------------------|---------------|---------------------------------|
| i) Washing Allowance | Rs. 30/- p.m. | Rs. 150/- p.m. |
| ii) Dusting Allowance | - | |
| iii) Drinking Water Allowance | - | |
| iv) Dress Allowance | Rs. 40/- p.m. | |

11. The following 6 Allowance in respect of Civil Government employees shall stand abolished under this scheme.

| S.# | Name of Allowance | Present Rate |
|-----|----------------------------|---------------|
| 1. | Cash Handling Allowance | Rs. 75/- p.m. |
| 2. | Copier/Photostat Allowance | Rs. 50/- p.m. |
| 3. | Bigglechee Allowance | |
| | Nike Allowance | |
| | Working Plan Allowance | |
| | Land Management Allowance | |

PART, III PENSION

12. Commutation shall be admissible up to a maximum of 35% of Gross Pension, at the option of the pensioner. Admissibility of monthly pension shall be increased from the existing 60% to 65% of Gross Pension.
13. An increase @ 10% shall be allowed on the amount of pension being drawn by the existing pensioners as well as to those Government servants who would draw pension under the Revised Basic Pay Scales, 2005.
14. The increases allowed on pension @ 15% and 8% w.e.f. 01.07.2003 and 01.07.2004 respectively shall not be admissible to the Government servants who would draw pension under the revised Basic Pay Scales, 2005.
15. **Option:**
- (a) The Ministry/Division/Department/Office to which an employee belongs and/or on whose pay roll he is borne shall obtain an option in writing from such employee within 60 days commencing from the date of issue of this office Memorandum and communicate it to concerned Accounts Office/DDO, as the case may be, either to continue to draw salary in the existing Basic Pay Scales in which he is already drawing or in the revised Basic Pay Scales and pension/commutation scheme, 2005 as specified in this O.M Option once exercised shall be final.
- (b) An existing employee as aforesaid, who does not exercise and communicate such an option within the specified time limit, shall be deemed to have opted to continue to draw salary in the Basic Pay Scales and Pension/Commutation scheme applicable to him as on 30.06.2005.
16. All existing rules/orders on the subject shall be deemed to have been modified to the extent indicated above. All existing rules/orders not so modified shall continue to be in force under this scheme.
17. **Anomalies:**
- An Anomaly committee shall be set up in the Finance Department (Regulations wing) to resolve the anomalies if any, arising in the implementation of this Office Memorandum.

Sd/--

(RIAZ AHMAD MALIK)
Deputy Secretary Finance (R)

ANNEX TO FINANCE DEPARTMENT'S O.M. NO. FD/R/(319)/2005 DATED 12 JULY, 2005

| EXISTING BASIC PAY SCALES, 2001 | | | | | REVISED BASIC PAY SCALES, 2005 | | | |
|---------------------------------|-------|------|-------|--------|--------------------------------|------|-------|--------|
| BPS | MIN | INCR | MAX | STAGES | MIN | INCR | MAX | STAGES |
| 1 | 1870 | 55 | 3520 | 30 | 2150 | 65 | 4100 | 30 |
| 2 | 1915 | 65 | 3865 | 30 | 2200 | 75 | 4450 | 30 |
| 3 | 1980 | 75 | 4230 | 30 | 2275 | 85 | 4825 | 30 |
| 4 | 2040 | 85 | 4590 | 30 | 2345 | 100 | 5345 | 30 |
| 5 | 2100 | 100 | 5100 | 30 | 2415 | 115 | 5865 | 30 |
| 6 | 2160 | 110 | 5460 | 30 | 2485 | 125 | 6235 | 30 |
| 7 | 2220 | 120 | 5820 | 30 | 2555 | 140 | 6755 | 30 |
| 8 | 2310 | 130 | 6210 | 30 | 2655 | 150 | 7155 | 30 |
| 9 | 2410 | 145 | 6760 | 30 | 2770 | 165 | 7720 | 30 |
| 10 | 2490 | 160 | 7290 | 30 | 2865 | 185 | 8415 | 30 |
| 11 | 2590 | 175 | 7840 | 30 | 2980 | 200 | 8980 | 30 |
| 12 | 2745 | 195 | 8595 | 30 | 3155 | 225 | 9905 | 30 |
| 13 | 2925 | 215 | 9375 | 30 | 3365 | 245 | 10715 | 30 |
| 14 | 3100 | 240 | 10300 | 30 | 3565 | 275 | 11815 | 30 |
| 15 | 3285 | 265 | 11235 | 30 | 3780 | 305 | 12930 | 30 |
| 16 | 3805 | 295 | 12655 | 30 | 4375 | 340 | 14575 | 30 |
| 17 | 6210 | 295 | 12655 | 20 | 7140 | 535 | 17840 | 20 |
| 18 | 8135 | 585 | 19835 | 20 | 9355 | 675 | 22855 | 20 |
| 19 | 12400 | 615 | 24700 | 20 | 14260 | 705 | 28360 | 20 |
| 20 | 14710 | 950 | 28010 | 14 | 16915 | 1095 | 32245 | 14 |
| 21 | 16305 | 1070 | 31285 | 14 | 18750 | 1230 | 35970 | 14 |
| 22 | 17440 | 1250 | 34940 | 14 | 20055 | 1440 | 40215 | 14 |

NO. FD/R/31569-21668/2012
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: September 24, 2012

OFFICE MEMORANDUM

Subject: **REVISION OF DAILY ALLOWANCE ON OFFICIAL DUTY WITHIN COUNTRY**

The President Azad Jammu & Kashmir has been pleased to revise the existing rates of Daily Allowance admissible to Government officers/officials while on official duty within the country w.e.f. 01.08.2012 as follows:

| BPS | Existing | | Revised | |
|-------|----------------|---------------|----------------|---------------|
| | Ordinary Rates | Special Rates | Ordinary Rates | Special Rates |
| 1-4 | 200 | 400 | 310 | 500 |
| 5-11 | 310 | 440 | 390 | 550 |
| 12-16 | 500 | 600 | 700 | 900 |
| 17-18 | 500 | 640 | 1250 | 1600 |
| 19-20 | 625 | 825 | 1550 | 2050 |
| 21 | 700 | 1000 | 1750 | 2500 |
| 22 | 700 | 1000 | 1750 | 3000 |

- (i) Specified stations for Special Rates as notified from time to time are Hyderabad, Karachi, Sukkur, Bahawalpur, DG Khan, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, Northern Areas, and Muzaffarabad & Mirpur AJ&K.
- (ii) Actual Hotel Accommodation charges within the prescribed limit shall be admissible only on production of receipts as per existing rules.
- (iii) The proposed rates shall not apply where 20 fixed DA's for operational duties are being paid with salary which will be admissible on existing rates.
- (iv) Rate of accommodation charges will be admissible @ 2 times of the daily allowance where no hotel accommodation receipt is produced.
- (v) The other terms and conditions of admissibility of DA will continue according to existing policy.
- (vi) Daily Allowance in case of BPS 17-22 was last revised July, 2005 vide Office Memorandum No. FD/R/(319)/2005 dated 12.07.2005 and that of BPS 1-16 in August, 2010 vide office Memorandum No. FD/R/165/2010 dated 09.08.2010.

Sd/--
(SYED MOHSIN ALI GILLANI)
Section Officer (Reg.I)

No. FD/R/ 26889-988/2012

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”

Dated: 3rd December, 2012

OFFICE MEMORANDUM

Subject: **REVISION OF DAILY ALLOWANCE ON OFFICIAL DUTY WITHIN COUNTRY**

After issuance of this Department’s Office Memorandum No. FD/R/21569-21668/2012 dated 24.09.2012, some quarters have been seeking clarifications.

2. It is clarified that accommodation charges @ 2 times of Daily Allowance without production of hotel receipt will be admissible at specified stations only.

Sd/--

(SYED MOHSIN ALI GILLANI)
Section Officer (Reg.I)

Copy to the:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Principal Secretary to the Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. PS to the Speaker/ Deputy Speaker, Azad Government of the State of Jammu & Kashmir.
4. PS to all the Ministers/ Advisor/ Special Assistant, Azad Government of the State of Jammu & Kashmir.
5. The Chief Secretary.
6. The Additional Chef Secretary (Dev.)
7. The Additional Chef Secretary (Gen.)
8. The Senior Member Board of Revenue.
9. PS to the Chairman Prime Minister’s Inspection & Implementation Commission, Azad Government of the State of Jammu & Kashmir.
10. All Administrative Secretaries.
11. The Registrar Supreme Court/ High Court and Shariat Court Appellate Bench, Azad Jammu & Kashmir.
12. The Registrar Service Tribunal.
13. The Accountant General Azad Jammu & Kashmir.
14. The Director General Audit, Azad Jammu & Kashmir.
15. All Heads of the Attached Departments.
16. The Director Local Fund Audit.
17. All Officers of Finance Department.
18. Controller Govt. Printing Press.
19. Master File.

No. FD/R/7964-8063/ 2020
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
FINANCE DEPARTMENT

“Muzaffarabad”
Dated: June 5, 2020

OFFICE MEMORANDUM

SUBJECT: REVISION OF RATES OF DAILY ALLOWANCE ON OFFICIAL DUTY WITHIN THE COUNTRY.

The President Azad Jammu & Kashmir has been pleased to accord approval with immediate effect for revision of rates of daily allowance admissible to Government officers/officials, while on official duty within the country as under:

| BPS | Existing (Rs.) | | Revised (Rs.) | |
|-------|----------------|---------------|----------------|---------------|
| | Ordinary Rates | Special Rates | Ordinary Rates | Special Rates |
| 01-04 | 310 | 500 | 496 | 800 |
| 05-11 | 390 | 550 | 624 | 880 |
| 12-16 | 700 | 900 | 1120 | 1440 |
| 17-18 | 1250 | 1600 | 2000 | 2560 |
| 19-20 | 1550 | 2050 | 2480 | 3280 |
| 21 | 1750 | 2500 | 2800 | 4000 |
| 22 | 1750 | 3000 | 2800 | 4800 |

2. Specified stations for special rates as notified from time to time are Hyderabad, Karachi, Sukkur, Bahawalpur, DG Khan, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, Northern Areas, Muzaffarabad, Mirpur & Rawalakot AJ&K.
3. Daily allowance will be admissible only for the actual night(s) at the out-station for which daily allowance is claimed, where night stop is not involved and if absence from Headquarters exceeds four hours, half daily allowance will be allowed.
4. The revised rates shall not apply where 20 fixed DAs for operational duties are being paid with salary which will be admissible on existing rates.
5. Government servants up to BPS 1-19 may stay in Government Guest Houses, Public Sector Corporation's Rest Houses and Motels/Hotels (minus Five Star Hotels). They can claim actual room rent charges on production of receipts subject to maximum of three DAs in specified stations and one and half DA at non-specified stations. Where no hotel accommodation receipt is produced, the rate of accommodation charges will be admissible equivalent to two DAs in specified stations and one DA at non-specified stations.
6. Government servants in BPS-20 and above may stay in hotels and claim room rent charges on production of receipts, subject to a maximum of three DAs for specified stations and $1\frac{1}{2}$ DAs on non-specified stations. Where no hotel accommodation receipt is produced, the rate of accommodation charges will be admissible equivalent to two DAs in specified stations and one DA at non-specified stations. If, however, the room rent charges are in excess of the maximum ceiling aforementioned, the Government will pay fifty percent of the additional amount.
7. The earlier instructions issued by the Finance Department shall stand superseded and replaced by this Office Memorandum to the above extent.

Sd/--
(Inayat Ali Qazi)
 Additional Secretary (Regs.)

AZAD JAMMU & KASHMIR REVISED LEAVE RULES, 1983

“Muzaffarabad”

Dated: 12th April, 1983

NOTIFICATION:

No. FD/R/ 68/ 82. In exercise of the powers conferred by Section 23 of the Civil Servants Act, 1976, the President Azad Jammu and Kashmir is pleased to make the following rules, namely:-

1. **Short Title, Application and Commencement:-** (1) These rules may be called the Revised Leave Rules, 1983.
(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not to be governed by the Revision of Leave Rules issued under the Finance Department, Azad Government of the State of Jammu & Kashmir Circular No. FD/ 13631-13731/78, dated 24.12.1978.
(3) They shall come into force at once.
2. **When Leave Earned:-** (1) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.
(2) Any period spent by a civil servant in Foreign Service qualifies him to earn leave provided that contribution towards leave salary is paid to the Government on account of such period.
3. **Earning and Accumulation of Leave:-** (1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of duty rendered and credited to the leave account as “Leave on full pay”.
(2) Duty period of fifteen days or less in a calendar month shall be ignored and that of more than fifteen days shall be treated as full calendar month for the purpose of calculation of earned leave.
(3) If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than fifteen days, the leave to be credited for both the incomplete months shall be restricted to that admissible for one full calendar month only.
(4) There shall be no maximum limit on the accumulation of such leave.
4. **Civil Servants in Vacation Department:-** (1) A civil servant in Vacation Department may earn leave on full pay: -
 - (a) When he avails himself of full vacation in a calendar year at the rate of one day for every calendar month of duty rendered;
 - (b) When during any year he is prevented from availing himself of the full vacation as for a civil servant in a non-vacation department for that year; and
 - (c) When he avails himself of only a part of the vacation-- as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

(2) The provisions under rule 3 (2-4) shall also be applicable in the case of civil servants of a Vacation Department.

5. **Leave on Full Pay:-** The maximum period of leave on full pay that may be granted at one time shall be as follows:-

- | | |
|---|----------|
| (a) Without medical certificate | 120 days |
| (b) With medical certificate | 180 days |
| plus | |
| (c) On medical certificate from leave account in entire service | 365 days |

Note: Under Leave Rules, leave on half average pay could be converted into leave on full pay on the strength of Medical Certificate up to a maximum of twelve months in terms of leave on full pay in the whole service. The account of this kind of leave was separately maintained in the leave account under the said Rules. Such leave availed of by the civil servants before the introduction of these rules, shall be debited against the maximum limit of 365 days fixed under this rule.

6. **Leave on Half Pay:-** (1) Leave on full pay may, at the option of the civil servant, be converted into leave on half pay, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as one full day leave on full pay.

(2) The request for conversion of leave referred in sub-rule (1) shall be specified by the civil servant in application for the grant of leave.

(3) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

7. **Leave to be Applied etc.:-** In terms of days-- Leave shall be applied for, expressed, and sanctioned, in terms of days.

8. **Carry Forward of Existing Leave:-** All leave at credit in the account of a civil servant on the first day of July, 1978, shall be carried forward and expressed in terms of leave on full pay and the leave account in such cases shall, with effect from the first day of July, 1978, or in the case of a civil servant who was on leave on that date, with effect from the date of his return from leave, be recast as under: -

- | | | |
|--------------------------------|--|---------|
| (i) Leave on full pay: | | |
| (a) 1 month | | 30 days |
| (b) 1 day | | 1 day |
| (ii) Leave on half pay: | | |
| (a) 1 month | | 15 days |
| (b) 2 days | | 1 day |

Note: Fractions, if any shall be ignored.

9. **Extraordinary Leave (leave without pay):-** (1) Extraordinary leave without pay may be granted on any ground up to a maximum period of five years at a time, provided that the civil servant to whom such leave is granted, has been in continuous service for a period of not less than ten years, and, in case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the head of his office.

Provided that the maximum period of five years shall be reduced by the period of leave on full pay or half pay, if granted in combination with the extraordinary leave.

(2) Extraordinary leave up to a maximum period prescribed under sub-rule (1) may be granted, subject to the conditions stated therein, irrespective of the fact whether a civil servant is a permanent or a temporary employee.

¹⁶⁴[The Competent Authority, Finance Department, in consultation with the Administrative Department, may in case in which it is satisfied that extra ordinary leave was taken for on account of illness/higher studies and that the course of study will be useful for the department, or any cause beyond the Government servant's control, direct that Extra Ordinary leave shall be counted for increments and also decided that where a female Government Servants accompanies or joins her husband on official duty abroad by availing on extra ordinary leave shall be counted towards annual increments.]

10. **Recreation Leave**:- Recreation leave may be granted for fifteen days once in a financial year, the debit to the leave account may, however, be for ten days leave on full pay.

Provided that such leave shall not be admissible to a civil servant in a vacation department.

Note: Casual leave (as Recreation leave) shall however continue to be granted for 10 days only subject to other conditions under the Government instructions.

11. **Leave not Due**:- (1) Leave not due may be granted on full pay, to be off-set against leave to be earned in future, for a maximum period of three hundred and sixty five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the civil servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to temporary civil servants.

12. **Special Leave**:- (1) A female civil servant, on the death of her husband, may be granted special leave on full pay, when applied for a period not exceeding one hundred and thirty days.

(2) Such leave shall not be debited to her leave account.

(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

13. **Maternity Leave**:- (1) Maternity leave may be granted on full pay outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement (as specified in the application for leave) or forty-five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinements beyond the third one, the female civil servants (in a non-Vacation Department) would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

¹⁶⁴ Added vide Circular No. FD/R/1-(68)/89 Part-III/97 dated 26.12.1997.

- (5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extra-ordinary leave as may be due and admissible to a female civil servant.
- (6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the existing instructions of the Government.
- (7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if an increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave, in the event of resumption of duty by such female civil servant.
14. **Disability Leave**:- (1) Disability leave may be granted, outside the leave account on each occasion, up to a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than a civil servant in part-time service etc. disabled by injury, ailment or disease contracted in course or in consequence of duty or official position.
- (2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.
15. **Leave ex-Pakistan**:- (1) Leave ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad, and makes a specified request to that effect.
- (2) The leave pay to be drawn abroad (in foreign currency) shall be restricted to a maximum of three thousand rupees per month.
- (3) The leave pay shall be payable in Sterling if such leave is spent in Asia other than Pakistan and India.
- (4) Such leave pay (in foreign currency) shall be payable for the actual period of leave spent abroad subject to a maximum of one hundred and twenty days at a time.
- (5) The civil servants appointed after the 17th May, 1958, shall draw their leave salary in rupees in Pakistan irrespective of the country where they happen to spend their leave.
- (6) Grant of leave ex-Pakistan will be regulated and subjected to the same limits and conditions as prescribed in rules 5, 6 and 9.
16. **Leave Preparatory to Retirement**:- (1) The maximum period up to which a civil servant may be granted, leave preparatory to retirement shall be three hundred and sixty five days.
- (2) Such leave may be taken, subject to availability, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the civil servant.
17. **Encashment of Refused Leave Preparatory to Retirement**:- (1) If, in case of retirement on superannuation ¹⁶⁵[or voluntary retirement on completion of thirty years qualifying service] a civil servant cannot, for reasons of public service, be granted leave preparatory to retirement duly applied for in sufficient time, he will in lieu thereof, be granted lump sum leave pay for the leave refused to him subject to a maximum of ¹⁶⁶[three hundred and sixty five days] leave on full pay.
- (2) Such leave can be refused partly and sanctioned partly but the cash compensation shall be admissible for the actual period of such leave so refused not exceeding [three hundred and sixty five days].

¹⁶⁵ Inserted vide Notification No. F.D/R115124-15224/88 dated 14.09.1988.

¹⁶⁶ Substituted vide Notification No. FD/R/17898-17970/2013 dated 31.10.2013.

(3) The payment of leave pay in lieu of such refused LPR may be made to the civil servant either in lump sum at the time of retirement or may, at his option be drawn by him month wise for the period of leave so refused.

(4) For the purpose of lump-sum payment in lieu of such refused leave, only the “Senior Post Allowance” will be included in “Leave Pay” so admissible.

(5) In case a civil servant preparatory to retirement dies before completing [three hundred and sixty five days] of such leave, his family shall be entitled to lump sum payment equal to the period falling short of [three hundred and sixty five days].

¹⁶⁷[(6) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of September, 2013 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the cases may be, retiring on or after the first day of September, 2013, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(6-A) The encashment of LPR shall also be applicable to employees of the autonomous and semi-autonomous bodies under Administrative control of the AJ&K Govt. which have adopted basic pay scales schemes and these rules in to.

(6-B) If at any time during such period, leave is granted on account of ill health supported by Medical Certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted.

(6-C) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.]

18. Power to Refuse Leave Preparatory to Retirement, etc.:- (1) Ordinarily, leave preparatory to retirement on superannuation shall not be refused.

(2) All orders refusing leave preparatory to retirement to a civil servant and recalling a civil servant from leave preparatory to retirement shall be passed only by the authorities specified below:-

| | | |
|------|---|---|
| (i) | For civil servants of Grade 17 and above. | Chief Secretary personally. |
| (ii) | For civil servants of Grade 16 and below | Secretary of the Administrative Department concerned personally |

(3) The authorities specified in sub rule (2) shall not delegate these powers to any other authority.

(4) All proposals regarding refusal of such leave to an officer of Grade 17 and above shall be referred to the Chief Secretary, with detailed justification at least three months before an officer is due to proceed on such leave.

19. In-Service Death:- ¹⁶⁸[(1) In case a civil servant dies, or declared permanently incapacitated for further service while in service by a medical board, a lump sum payment equal to leave pay up to ¹⁶⁹[three hundred and sixty] days out of the leave to his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump sum payment under sub rule (1), only the “Senior Post Allowance” will be included in the “leave Pay” so admissible.]

¹⁶⁷ Inserted vide Notification No. FD/R/17898-17970/2013 dated 31.10.2013.

¹⁶⁸ Amended vide Notification No. FD/R/15225-15325/88 dated 14.09.1988.

¹⁶⁹ Substituted vide Notification No. FD/R/21005-21204 /2014 dated 10.11.2014.

20. Reasons Need not be Specified, etc.:- (1) It shall not be necessary to specify the reason for which leave has been applied so long as that leave is due and admissible to a civil servant.

(2) Leave applied for on medical certificate shall not be refused:

Provided that the authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or Medical Board, as the case may be, to have applicant medically examined.

21. Leave When Starts and Ends:- Instead of indicating whether leave starts or ends in the forenoon or afternoon, leave may commence from the day following that on which a civil servant hands over the charge of his post and may end on the day preceding that on which he resumes duty.

22. Re-call from Leave, etc.:- (1) If a civil servant is recalled to duty compulsorily with the personal approval of the head of his office from leave of any kind that he is spending away from his headquarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty.

(2) In case, the civil servant is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

(3) If the return from leave is optional, the civil servant is entitled to no concession.

23. Overstay after Sanctioned Leave etc.:- (1) Unless the leave of a civil servant is extended by the head of his office, a civil servant who remains absent after the end of his leave shall not be entitled to any remuneration for the period of such absence, and without prejudice to any disciplinary action that may be taken against him, double the period of such absence shall be debited against his leave account.

(2) Such debit shall, if there is insufficient credit in the leave account, be adjusted against future earnings.

24. Any Type of Leave may be Applied for:- A civil servant may apply for any type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances, for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to pay him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than that on full pay, half pay and without pay.

25. Combination of Different Types of Leave etc.:- One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that the preparatory to retirement shall not be combined with any other kind of leave.

¹⁷⁰**[25-A. Combination of Vacations with Leave:-** In case of Government servants serving in vacation departments, vacation may be prefixed or affixed to leave, or both prefixed and affixed or allowed to intervene between two periods of leave, subject to the conditions mentioned in rule 101, 102, 103, 105, 106, 110, 112, (a, b & c), 114, 123, 124, 125, 126, 133-A, 133-B, 141, 142, 143, 153, 153-A, 153-B, (a,b), 153-C, 154, 155, 156, 157, (b,c) of K.S.R Volume-1.

Previous approval of the Finance Department should be obtained in cases where such combinations of vacation with the leave involve extra expense to Government.

¹⁷⁰ Inserted vide Notification No. FD/R/I(362)/90 dated 13.05.1990.

Note: Unless contrary appears from the context vacation counts as a duty and not as leave.]

26. **Civil Servant on Leave not to Join Duty without Permission Before its Expiry:-** Unless he is permitted to do so by the authority which sanctioned his leave, a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.
27. **Leave Due may be Granted on Abolition of Post, etc.:-** (1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.
- (2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation, be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.
28. **Manner of Handing Over Charge when Proceeding on Leave etc.:-** (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in grade 16 and above, he shall while handing over charge of the post, sign the charge relinquishment report.
- (2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him a copy of the medical statement of his case.
29. **Assumption of Charge to Return from Leave etc.:-** (1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post to which he is directed by that authority unless such direction has been given to him in advance.
- (2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave travel expenses as on transfer shall be payable to him.
30. **Account Officer to Maintain Leave Account:-** (1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.
- (2) The Accounts Officers shall maintain the leave accounts of civil servant of whom they were maintaining the accounts immediately before the coming into force of these rules.
31. **Leave to Lapse when Civil Servant Quits Service:-** All Leave at the credit of a civil servant shall lapse when he quits service.
32. **Pay During Leave:-** (1) Leave pay admissible during leave on full pay shall be the greater of;
- (a) The average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins, and
- (b) The pay drawn on the day immediately before the beginning of the leave.
- (2) When leave on half pay is taken, the amounts calculated under clauses (a) and (b) of sub rule (1) shall be halved to determine the greater of the two rates.
- (3) ¹⁷¹[A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servant takes place or an annual increment occurs during the period of leave of the civil servant.]
33. **Leave Earned by Civil Servant Employed in Non Continuous Establishment:-** (1) A civil servant employed in a non-continuous establishment may be granted only earned leave and disability leave as admissible to, and subject to the conditions laid down for, a civil servant employed in a continuous establishment and no other kind of leave shall be admissible to such civil servant.

¹⁷¹ Added vide notification No. FD/R/I(68)/94 dated 01.12.1994.

(2) A civil servant who is transferred from a non-continuous establishment to a continuous establishment and vice-versa shall carry forward the balance of earned leave at his credit on the date of his transfer.

Explanation: In this rule, “non-continuous establishment” means an establishment, which does not function throughout the year, and “continuous establishment” means an establishment which functions throughout the year.

34. Quarantine Leave:- (1) Quarantine leave is in the nature of extra causal leave and a substitute shall normally not be employed during the absence of a civil servant on such leave;

Provided that where exigencies of service are compelling, the Head of the Office may employ a substitute for reasons to be recorded in writing.

(2) A civil servant may be granted quarantine leave outside his leave account to the extent that his authorized medical attendant recommends and the period of such leave shall be treated as duty with full pay and allowances of the post held by him at the time of proceeding on leave.

35. Leave Application, its Sanctions, etc.:- (1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the Head of Office where a civil servant is employed and, in the case of the Head of Office, to the next above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be, by an authorized medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the Head of Administrative Department, Attached Department, Office or any other officer authorized by him to do so and, when so required, leave shall be notified in the Official Gazette.

(5) In cases where all the applications for leave cannot, in the interest of public service be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications, consider:

- (i) Whether and how many applicants can, for the time being, best be spared;
- (ii) Whether any applicants were last re-called compulsorily from leave; and
- (iii) Whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

36. Hospital Leave and Study Leave:- Subject to these rules, the provisions regarding Hospital Leave and Study Leave continue in the K.S.R (Azad Kashmir) shall continue to apply to the Civil Servant.

Sd/--

(ABDUL RASHID BAIG)
Under Secretary Finance
(Regulations)

FORM-I
FORM OF MEDICAL CERTIFICATE

Signature of applicant _____

**MEDICAL CERTIFICATE FOR CIVIL SERVANTS
RECOMMENDED FOR LEAVE OR EXTENSION**

I, _____ after care full personal examination of the case, hereby certify that whose signature is given above, is suffering from _____ and I consider that a period of absence from duty of _____ with effect from _____ is absolutely necessary for the restoration of his health.

Dated: the _____.

Government Medical Attendant

APPLICATION FOR LEAVE

Notes: Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of Grade 16 and above.

1. Name of Applicant : _____
2. Leave Rules applicable : _____
3. Post held : _____
4. Department or Office : _____
5. Pay : _____
6. House Rent Allowance, Conveyance Allowance or other Compensatory Allowance drawn in the present post. : _____
7. (a) Nature of leave applied for : _____
(b) Period of leave in days : _____
(c) Date of commencement : _____
8. Particular Rule/ Rules under which leave is admissible: _____
9. (a) Date of return from last leave : _____
(b) Nature of leave : _____
(c) Period of leave in days : _____

Dated: _____

Signature of Applicant: _____

10. Remarks and recommendation of the Controlling Officer
11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Dated: _____ Signature _____
Designation _____

12. Report of Audit Officer.

Dated: _____ Signature _____
Designation _____

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post carrying the compensatory allowances being drawn by him.

Dated: _____ Signature _____
Designation _____

FORM OF LEAVE ACCOUNT UNDER REVISED RULES, 1983

Leave account of Mr./Miss/Mrs: _____

Date of commencement of service: _____

Date of attaining the age of superannuation: _____

| | | | | |
|----|--|---|--|------|
| 1 | Period of duty | | From | |
| 2 | | | To | |
| 3 | | | Y.M.D | |
| 4 | | | Full Calendar Month | |
| 5 | Leave earned on full pay 4 days for each calendar month | | | Days |
| 6 | Leave at credit (Column 21+6) | | | Days |
| 7 | Period | | | From |
| 8 | | | | To |
| 9 | Leave on full pay without Medical Certificate subject to maximum 120 days & 365 days in case L.P.R | | | Days |
| 10 | Leave on full pay on Medical Certificate subject to maximum of 180 days | | | Days |
| 11 | Leave on full pay on Medical subject to maximum of 365 days in entire service. | | | Days |
| 12 | Leave Taken | Leave on half pay | In terms of half pay In terms of full pay | Days |
| | | Recreations leave of 15 days but 10 days to be debited. |  |  | Days |
| | Leaves not due | In terms of half pay | | Days |
| | | In terms of full pay | | Days |
| | Absence | Actual No. of days | | Days |
| | | No. of days debited (double the actual no.) | | Days |
| | Total Leave (Column 10+11+12+14+15+17+19) | | | Days |
| 13 | Balance on 1-7-1978/ Return from leave (Column 7-20) | | | |
| 14 | Remarks | | | |
| 15 | Attestation | | | |

EXPLANATORY INSTRUCTIONS FOR FILLING UP -THE LEAVE ACCOUNT FORM

1. This leave account will be maintained for all civil servants of the Azad Government of the State of Jammu and Kashmir who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rules and all others who entered service on or after 1st July, 1978.

2. All leave at credit in the account of a Civil Servant who was in service on the 1st July, 1978, shall be converted in terms of leave on full pay at the following rates: -

| | | | |
|------|--------------|---------|---------|
| (i) | L.F.P | | |
| | (a) | 1 month | 30 days |
| | (b) | 1 day | 1 day |
| (ii) | L.H.P | | |
| | (a) | 1 month | 15 days |
| | (b) | 2 days | 1 day |

(Fractions if any to be ignored)

3. The leave account shall commence with an opening entry “due on 1st July, 1978” or in the case a civil servant, who was on leave on 1st July, 1978, with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service up to 30th June, 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in column No. 21.

4. (1) In calculating the leave earned on full pay the rate of 4days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on account of accumulation of this leave.

(2) (i) The provision (1) above will not apply to a vacation department. In its case, a civil servant may earn leave on full pay.

(a) When he avails himself of full vacation in a calendar year at the rate of one day for every calendar month of duty rendered.

(b) When during any year he is prevented from availing himself of full vacation as for civil servant in a non-vacation department for that year, and

(ii) When he avails himself of only a part of the vacation as in (a) above, plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

5. (a) Leave on full pay may be converted into leave on half pay at the option of the civil servant, the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one half counting as one full days leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(b) There shall no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. LPR on full pay will be noted in column No. 10 while that on half pay in columns No. 13 and 14.

7. Leave not due may be granted on full pay to be off-set against leave to be earned in future for a maximum period of 365 days in the entire period of service subject to the conditions that during the five

years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of special leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused LPR up to maximum of 180 days lump-sum payment equal to full pay up to 180 days out of leave at credit made to the family of a Government servant whose death occurs while in service, Seaman sick leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in column No. 22. Maternity Leave other than three times in entire service shall however be debited to the relevant column of the leave account.

9. When a Government servant applies for leave column 2 to 7 shall be filled in showing the period of duty up to the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

10. When a Government servant returns from leave, column 8 to 23 shall be filled in according to the nature of leave. If leave not due is availed of the minus balance to be shown in column No. 21 should be written in red ink.



NO. FD/8748-8808/83

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
FINANCE DEPARTMENT**

“Muzaffarabad”

Dated: the 29th August, 1983

From: Mr. M. Farogh Naveed,
Secretary to Government of
Azad Jammu & Kashmir,
Finance Department.

To: 1. All Secretaries to Government
2. All Heads of Attached Departments,
Azad Government of the State of J&K,
Muzaffarabad.

Subject: **Revision of Pay Scales Scheme of Basic Pay Scales and Fringe Benefits of the Azad Jammu & Kashmir Government Employees (1983)**

Sir,

I am directed to state that the President Azad Jammu & Kashmir has been pleased to sanction, with effect from 1st July, 1983, a Scheme, as detailed below, of the Basic Pay Scales, allowances and other Fringe Benefits 1983, for the employees of the Azad Government of the State of Jammu & Kashmir.

PART I: BASIC SCALES AND ALLIED MATTERS

2. Basic Scales of Pay: The Basic Scales of Pay, 1983, as shown in annexure I to this letter shall replace the existing Revised National Pay Scales.

3. Fixation of pay in Basic Scales: The initial pay of an existing Government servant, i.e. an employee who has been in government service since before the 1st July, 1983 shall be fixed at the stage in the relevant Basic Pay Scales (i.e. the Basic Scale in annexure corresponds to the Existing Revised National Pay Scale in annexure I) which is as many stages above the minimum as the stage occupied by him above the minimum of the existing Revised National Pay Scale. Provided that where the pay so determined does not give the employee concerned a minimum advantage of 10 per cent of his existing basic pay plus Dearness Allowance over and above the present emoluments drawn by him, his pay shall be fixed at the lowest stage in the Basic Scale that gives him that advantage; provided further that the maximum of the relevant Basic Scale shall not be exceeded in any case. In this fixation formula, “emoluments” would mean the sum of pay, Dearness Allowance and Local Compensatory Allowance, if any.

20. (a) Cost of blood Transfusion: The cost of blood transfusion shall henceforth be reimbursable to the Government employees and their families in accordance with the procedure laid down for reimbursement of cost of medicines, etc.

(b) Definition of “family” the word “family” for the purpose of medical treatment shall also include parents of the Government servant residing with and dependent on him.

21. Encashment of Leave preparatory to Retirement: At present encashment of Leave preparatory to Retirement up to six months is permissible to Government Servants. Provided the leave Preparatory to Retirement is refused by Government in Public interest. Henceforth, the option for encashment of Leave Preparatory to Retirement shall rest with the Government servant concerned. In case of Government servant opts to not take Lave preparatory to Retirement he shall be allowed leave salary for the period for which leave Preparatory to Recruitment is admissible subject to a maximum of six months.

22. General: All existing rules and orders on the subject shall be deemed to have been modified to the extent indicated above, all existing rules and orders not so modified shall continue to be in force under this scheme. Amendments in the relevant rules, incorporating the above provisions and new rules regarding revision of pay scales shall be issued later.

23. The additional amount required in this behalf shall be provided in Revised Estimates 1983-84. Financial implication in the enclosed proforma (Annexure III) may kindly be furnished to this department before 1st October, 1983 positively.

Yours obedient servant

Sd/--

(Raja Muhammad Farooq Niaz)
Deputy Secretary (Regulations)
for Secretary Finance.

Copy to:-

1. The Accountant General Azad Jammu and Kashmir.
2. All Deputy Commissioners.
3. All District Accounts Officers.
4. Registrar Supreme Court Azad Jammu and Kashmir Muzaffarabad.
5. Register High Court Azad Jammu and Kashmir Muzaffarabad.
6. Chairman AKMIDC Muzaffarabad.
7. Chairman, Mirpur Development Authority Mirpur.
8. Secretary, Public Service Commission.
9. Chairman Board of Intermediate and Secondary Education Mirpur.
10. Managing Director AKLASC Muzaffarabad.
11. Registrar, Azad Jammu & Kashmir University.
12. Secretary Azad Jammu & Kashmir Legislative Assembly.
13. Superintendent, Government Printing Press for Publication in the Government Gazette.

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR,
FINANCE DEPARTMENT**

“Muzaffarabad”
Dated: 04.01.1984

To,

1. All Secretaries to Government,
2. All Heads of Attached Departments,
Azad Govt. of the State of J&K,
Muzaffarabad.

Subject: **Revision of pay Scales, Scheme of Basic Pay Scales and Fringe Benefits of the Azad Jammu & Kashmir Government Employees 1983**

Sir,

I am directed to refer to this department's letter No .FD/8748-8808/83 dated the 29th August, 1983 on the subject noted above and to say that some doubts have been expressed about the application of certain provision of the letter in question. Relevant provisions of the letter under reference are clarified in the following paragraphs in order to put the matter beyond any doubt.

I. Paragraph 5: Move-Over

2. The technical and professional categories of government servants, e.g. Doctors, Engineers, Educationists, Economists, Management Accountants, Scientists, Archaeologists, Geologists, Meteorologists, experts of Agriculture, Animal Husbandry and forestry, etc have been allowed to move over upto basic pay scale 20 without the condition of staying at the maximum for 3 years.
3. Since the more-over does not constitute actual promotion to a higher post carrying higher basic pay scale, the incidence of move-over should not be notified. The government servants concerned shall be allowed to move-over to the next higher basic scale with effect from 1st December of the year following the year in which he reaches the maximum of his basic pay scale as laid down in rule 8 (1) of the Azad Jammu and Kashmir civil servants pay revision rules, 1977 in the case of move-over of employees in pay scales 1 to 15.

II. Paragraphs 13 Charge Allowance

4. Charge allowance is admissible at the rate of Rs.200/- per month to the heads of all the institutions, which award degrees or diplomas equivalent to a bachelor's degree and at the rate of Rs.100/- per month to the heads of institutions that award diplomas or certificate equivalent to an intermediate certificate.

III –paragraphs 15: Advance Increments to School Teachers on Attaining Higher Qualification.

5. A number teacher in different categories were drawing pay at the maximum of their pay scales on 1st July, 1983 and their pay has also been fixed at the maximum of their respective basic pay scales. Such teachers would deprived of the benefit of advance increments sanctioned in the scheme of basic pay scales even if they possessed the higher qualification for which advance increments have been allowed , it has been decided that such teachers , who could not get the full benefit of advance increments provided for in the scheme of basic pay scales , shall be allowed the benefit of advance increments, if any, which they could not get on 1st July , 1983 in the next higher pay scale after their move-over to that pay scale with effects from the date of move-over to that pay scale with effect from the date of mover-over under paragraph 5 of this department’s letter No. FD/8748-8803/83 dated the 29th August, 1983 read with paragraph 3 of this letter.

6. For the purpose of grant of advance increments for higher qualifications to the teachers, B.com and other academic qualifications equivalent to B.A/ B.SC shall be treated at par with B.A/B.SC and B.Com /other qualification equivalent to M.A/M.SC shall be treated at par with M.A/MS .

7. Government servants belonging to the cadre of headmasters / headmistresses of high schools would also be entitled to advance increment as admissible to other high school teachers for possessing higher qualification provided that they were not appointed to the cadre by initial recruitment on the basic of qualifications for which advance increments have been sanctioned.

IV. Paragraph 16: Advance Increments to Technical and Professional Categories on possessing/ acquiring Higher Qualification.

8. Advance increments are admissible only to the professional and technical employees drawing pay in scale B-17.

9. A number of technical and professional employees were drawing pay at the maximum of BS.17 on 1st July 1983 and their pay has also been fixed at the maximum of basic pay scale -17 .such Government servants would be deprived of the benefit of advance increments sanctioned in the scheme of basic pay scales even if they possessed the higher qualifications for which advance increments have been allowed. It has been decides that such technical and professional employees, who could not at the full benefit of advance increments provided for in the scheme of basic scales, shall be allowed the benefit of advance increments, if any, which they could not get on 1st July 1983, in scale B-18 after their move-over to that pay scale with effect from the date of move-over under paragraph 5 of this department’s letter NO.

FD/8748-8808/83 dated the 29th August, 1983 and No. FD/9003-9060/83 dated the 31st August, 1983 read with paragraph 3 of this letter.

V. Paragraph 21: Encashment of Leave Preparatory to Retirement

10. A government servant who desires to get the benefit of encashment of LPR up to a period of six months must (a) submit his written option to do so at least three months before the date of commencement of his leave preparatory to retirement, and (b) surrender the whole leave preparatory to retirement due to him.

11. The condition mentioned at (a) in para 10 above is not applicable to the Government servants who were due to proceed on LPR before the 29th August 1983 or whose LPR is due to commence within a period of three months from the date of issue of this letter. The following provisions would govern the cases of such government servants:-

- (d) A person whose LPR was due to commence on or before the 29th August 1983 but he did not proceed on LPR would be deemed to have exercised his option of leave for the purpose of encashment will be counted from 1st July, 1983.
- (e) A Government servants who proceeded on LPR on or before the 19th August, 1983 would be deemed to have exercised his option to proceed on LPR. Thus he is not entitled to claim encashment of LPR by getting the un-expired LPR cancelled.
- (f) The Government servants whose LPR is due to commence within a period of three months from the date of issue of this letter may exercise their option any time before the commencement of LPR.

VI – Serial No.4 Under the Heading Police Department in Annexure-II Basic Pay Scale of Sub-Inspector.

12. The minimum qualification of graduation laid down for admissibility of scale B-11 is applicable to the sub-inspector who are appointed by initial recruitment. The sub-inspector of police appointed by promotion are entitled to scale B-11 irrespective of whether they are graduates or not.

VII S#4&5 under the heading ‘All Govt. Deptt. in Annexure-II: Selection Grade of Stenographers.

13. The existing entries in the last column against serial Nos. 4 and 5 under the heading all Government department's shall be substituted by the following:-

“B-15 Rs. 900-55-2000 With selection grade in B-16 (Rs.1050-80-2250).

The posts of senior scale stenographs are merged with the posts of Personal Assistants. The number of selection grade posts will be 25% of their combined strength minus the number of posts of private secretaries in scale B-16”

Your obedient servant,

(Raja Muhammad Farooq Niaz)
Deputy Secretary Finance (Regulations)

Copy to:-

1. The Accountant General Azad Jammu and Kashmir.
2. All Deputy Commissioners.
3. All District Accounts Officers.
4. Registrar Supreme Court Azad Jammu and Kashmir Muzaffarabad.
5. Register High Court Azad Jammu and Kashmir Muzaffarabad.
6. Chairman AKMIDC Muzaffarabad.
7. Chairman, Mirpur Development Authority Mirpur.
8. Secretary, Public Service Commission.
9. Chairman Board of Intermediate and Secondary Education Mirpur.
10. Managing Director AKLASC Muzaffarabad.
11. Registrar, Azad Jammu & Kashmir University.
12. Secretary Azad Jammu & Kashmir Legislative Assembly.
13. Superintendent, Government Printing Press for Publication in the Government Gazette.

Sd/--
(Abdul Rauf Khan)
Section Officer Finance (Regulations)

No: FD/R/4-(68)/82(P-III)

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR,
FINANCE DEPARTMENT**

“Muzaffarabad”
Dated: 29.04.1986

From: Mr. Khursheed Ahmed Khan,
Secretary Finance, Azad Govt. of the State of J&K,
To: 1. Additional Chief Secretary (Dev),
2. All Secretaries to Government,
3. All Heads of Attached Department's,
Azad Govt. of the State of J&K, Muzaffarabad.

Subject: **ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT,**

Sir,

I am directed to refer to letter No. FD/8748-8808/ dated 29.08.1983 and subsequent modifications of the instructions contained in this department letter Nos. FD /7070-7169/85 dated 20.05.1985 and FD/7170-7269/85 dated 20.05.1985 and to state that the competent authority may, where it is satisfied that the leave applied for by a Civil Servant (during period of leave surrendered for encashment) is unavoidable or is fully justified, e.g. in cases of illness, supported by medical certificate or for performance of Haj, etc., grant leave to an employee during this period. In such a case, however, the amount of cash compensation shall be reduced by an amount equal to the leave pay for half of the period of leave taken. For example if an employee who has opted for encashment of LP, takes 60 days of such leave, this cash compensation equal to 30 days leave pay will be fore-fieted.

2. A civil servant who wishes to forego his LPR, in favour of cash compensation shall exercise his option to this effect in writing and submit it to the authority competent to sanction LPR, who will accept the option an disuse formal sanction for the payment of cash compensation.

3. Unless a civil servant opts to proceed on leave preparatory to retirement and submits an application for LPR, he may be deemed to have opted for encashment of LPR, according to the rules, an don receipt of a request from a Civil servant deemed to have opted for encashment of LPR, the authority competent to sanction LPR, will issue formal sanction for the payment of cash compensation.

4. All pending or previously, decided cases where a civil servant has failed to exercise option for encashment for LPR, may be decided in the light of these instructions.

Yours obedient servant

Sd/--

(Ch. Mohammad Latif)

Joint Secretary Finance, (Regulations).

No. FD/R/I-3/85(P-II)
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 15th May, 1989

Subject: Recovery of Leave Salary and Pension Contribution in Respect of Provincial Government Employees on Deputation to Foreign Service within Pakistan as Well as Abroad.

I am directed to state that in supersession of all the existing instructions relating to Leave, Leave Salary Contributions and Pension Contributions in respect of Azad Jammu and Kashmir Government Servants on deputation within Pakistan (& Azad Jammu and Kashmir) as well as abroad, it has been decided as follows:-

(1) **LEAVE /LEAVE SALARY CONTRIBUTIONS.**

The Leave Accounts of Government Servants proceeding on deputation within Azad Jammu and Kashmir and Pakistan or abroad shall remain closed for the period of such deputation. No Leave Salary contributions shall be recovered from the Foreign Employers, and the deputationists will be granted leave and paid leave salary by the Foreign Employers. The period of service with the Foreign Employers shall not count towards earning Leave under the Government.

(2) **PENSION CONTRIBUTIONS.**

(a) **Rate of Pension Contributions.**

There shall be a uniform rate of pension Contributions at 33% the mean of minimum and maximum of the Pay Scale of the Government Servant concerned at the time of his proceeding on deputation, plus other emoluments reckonable for pension, which would have been admissible to him had he not been deputed on Foreign Service.

(b) **Who to Pay in Cases of Deputation within Pakistan/Azad Jammu and Kashmir.**

- i) In case the Foreign Employer is an autonomous/ semi-autonomous body, it shall be required to pay to the Government Pension Contributions at the rate mentioned above.
- ii) In case the foreign employer is the Federal Govt. of Pakistan or any Provincial Govt. of the Federation of Pakistan, the Pensionary charges shall be apportioned between the two Governments under the existing rules.

(c) **Who to Pay in Case of Deputation Abroad.**

Government Servant concerned himself shall, during the period of his Foreign Service, pay to the Government through the Pakistan mission in the borrowing country, in Foreign currency in which he receives his Salary from the Foreign Employers, Pension Contribution at the rate mentioned above. In cases where a part of the Foreign Service Pay is drawable in Pak Rupees, a percentage of the monthly amount of pension contribution may be paid in Pakistan Rupees equal to the percentage of the Foreign Service pay which is draw able in Pakistan Rupees. Failure to pay pension contribution shall result in the period of Foreign Service not being counted towards pension.

2. Government may, as a special case, allow any individual, with the prior concurrence of the Finance Department, to pay pension contribution etc. in local currency.

3. The relevant rules shall be deemed to have been amended to the extent indicated above.

Sd/--

(KH. MUHAMMAD SADIQ DAR)
Deputy Secretary Finance (Regulations)

No. FD/R/1-(68)/89 PART-III/97
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 26th December, 1997

Subject: Counting of Extra Ordinary Leave Towards Increment

I am directed to refer to this department letter No. FD/ R/ 68/ 82 dated 12-04-1983 (leave rules 1983) and to say, that President of Azad Jammu & Kashmir has been pleased to sanction the following addition after the para 9 sub rule 2 in the above mentioned Notification.

The Competent Authority, Finance Department, in consultation with the Administrative Department, may in case in which it is satisfied that extra ordinary leave was taken for on account of illness/ higher studies and that the course of study will be useful for the department, or any cause beyond the Government servant's control, direct that Extra Ordinary leave shall be counted for increment and also decided that where female Government Servants accompanies or joins her husband on official duty abroad by availing on extra ordinary leave shall be counted towards annual increments.

Sd/--
DEPUTY SECRETARY FINANCE
(Regulations)

CASUAL LEAVE RULES, 1983

Dated 17-7-1983.

NOTIFICATION:

No. **S&GAD/H-6(55)/Sec-I/83**. In exercise of the powers conferred by section 23 of the Civil Servants Act, 1976, the President Azad Jammu and Kashmir is pleased to following Rules, namely:-

The Casual Leave may be granted to Government Servants for short periods subject to the following rules:-

1. Casual Leave should not ordinarily exceed 10 days at a time and 25 days during any one Calendar year.
2. The sanctioning authority may, however, grant casual leave up to 15 days at a time in special circumstances.
3. It may be granted in conjunction with Fridays or public holidays, but not with any other kind of leave or joining time. In case casual leave is combined with holidays the total period should not exceed 15 days at a time. The public holidays which are sandwiched between the casual leave shall be debited to the Casual Leave Account.
4. No Government Servant may leave his headquarters during casual leave or holidays except with the permission of the sanctioning authority.
5. Subject to the delegation of powers which has been or may be made by Government from time to time in this behalf, casual leave may be sanctioned to a Government servant by his immediate officer.
6. Casual Leave shall not be granted to Government servant in conjunction with training period spent abroad.
7. The record of the casual leave should be kept in the following manner:-
 - (a) Casual Leave Account of each Government servant should be maintained properly on the prescribed form (Annex "A");
 - (b) It should always remain in the custody of the sanctioning authority;
 - (c) Casual leave should not be granted unless the Casual Leave Account is seen by the sanctioning authority to ensure that;
 - (i) the leave applied for is due; and
 - (ii) it is not excessive viz-a-viz the period of service during the year; and
 - (d) Casual Leave Account should be closed on the transfer of a Government servant from the department/office or from one section/branch to another in the same department, signed by the sanctioning authority and transferred immediately to the department/office or section/branch to which the officer is transferred.
8. **Repeal.** Article 133-, K.S.R. Vol: I, is hereby repealed.

Annex 'A'

CASUAL LEAVE ACCOUNT

Department/Office Section/Branch.....
 Casual Leave Account of (*name and designation*).....
for the year

| Leave granted days | Period From to | Total leave taken up-to date (days(=)) | Leave Due | Initials with date of the sanctioning authority |
|--------------------|-------------------|--|-----------|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Note:- This Casual Leave Account should be completed and sent to the Department / Office or Section/Branch concerned immediately the official is transferred

MEDICAL LEAVE RULES

(Extract from K.S R)

Art: 126. An Officer on leave on medical certificate or on account of ill health, through technically not on Medical certificate, may be required by the authority who granted the leave to produce before he is permitted to return to duty, a Medical certificate of fitness signed by the Medical Officer.

Art: 130. Privilege leave to the amount due, may be prefixed as such to Furlough, leave on Medical Certificate, leave on Private affairs, and Extraordinary leave without allowances subject to the following conditions:

1. When privilege leave is combined with Furlough, the amount of the combined leave shall not exceed one year.
2. When the privilege leave is combined with leave on private affairs, the combined leave shall not be exceed 6 months.
3. When however Furlong, or leave on private affairs, granted in combination with privilege leave, is extended on Medical certificate, the full period of Furlough or leave on private affairs, ordinarily admissible under rule may be allowed irrespective of the limits prescribed in Clause 1 and 2
4. The periods mentioned in (1) and (2) count from the beginning of the privilege leave to the end (under the "Ordinary Rules" of the leave with which it is combined).

Art: 132: Extraordinary leave without allowances cannot be converted retrospectively into leave on medical certificate; but leave on medical certificate may be given in continuation of extra ordinary leave without allowances.

Art: 160: Leave on Medical Certificate may be granted for three years in all but not for more than 2 years at one time.

Audit interpretation.

Leave on medical certificate can be allowed in combination with and in addition to the amount of privilege leave,

Note: 1 Save as provided in note under Article 158. an Officer who has temporary or officiating appoint only may be allowed, leave under this Article up to 1/11th of the period spent on duty restricted, to three months. If no substitute is required, or if his duties can be provided for without additional expenses.

MEDICAL CERTIFICATE

Art: 272. An application from an officer for leave, or extension or commutation of leave, on medical certificate, must be accompanied by a certificate from the Medical Officer specifying the nature of the illness and the reasons why leave is indispensable.

- (a) Medical Officers are debarred from recommending the grant of sick leave in any case in which there appears to be no reasonable prospects that that the officer concerned will ever be fit to return to duty. In such a case, the opinion that the officer is permanently unfit for service under the State should be recorded in the Medical Certificate.
- (b) All certificates of the medical officer should contain proviso that no recommendation in them shall be evidence of a claim to any leave which may not be admissible to an officer under the terms of his contract or the rules to which he is subject.

STUDY LEAVE RULES, 1991

Dated: 14-1-1991,

NOTIFICATION:

No. FD/R/127/1/91. In exercise of powers conferred by Section 23 of the Civil Servants Act, 1976 and in partial modification of Rule 36 of Leave Rules issued vide Notification No. FDR/68/82 dated 12.4.1983, the President Azad Jammu and Kashmir has been pleased to prescribe the following Study Leave Rules:-

1. Study Leave may be granted as additional leave to Government servants for study of scientific, technical or similar problems, or in order to undertake special courses of instructions.
2. These rules are not intended to meet the cases of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their duties. Such case will continue to be dealt with on their merit under the existing policy.
3. The rules shall apply to the Departments of Health, Forestry and Wildlife, Agriculture, Education, Communication and Works, Industries and Mineral Development, Irrigation and Power, Livestock and Dairy Development, Housing Physical, Environment Planning Development and Labour Department.
4. The rules may be extended by the authorities empowered to sanction study leave to any Government servant, including Government Servant of a Federal Service, not belonging to any of the department mentioned above, in whose case if the sanctioning authority is of the opinion that leave should be granted in the Public interest to pursue a special course of study or investigation of scientific or technical nature.
5. The power granted by these rules to the Government may be delegated to any other authority subject to any condition they may think fit to impose.
6. Extra leave on half pay for the purpose of study may be taken either in or outside Pakistan. It may be granted to a government servant of any of the Department named above provided that when a government servant borne permanently on the cadre of one Department is serving temporarily in another Department the grant of leave will be subject to the conditions:-
 - a. that the sanctioning authority can make local arrangements to carry on his absence, and
 - b. that the sanction of the parent Department to which he is permanently attached is obtained before leave is given.
7. Study leave should not ordinarily be granted to Government servants who have less than five years' service. Such leave shall not be granted to Government servants within three years of the date of superannuation or the date of which they have the option of retiring.
8. Administrative Departments may grant study leave to Government servants under their administrative control subject to such restrictions as may be applicable.
9. The study leave should be granted with due regard to the exigencies of the public service, In no case should the grant of this leave in combination with leave other than extra-ordinary leave or leave on medical certificate, involve an absence of a Government servant for more than 28 months from regular duties, or exceed two years in the entire service of a Government servant; nor should it be granted with such frequency as to remove him from contract with his regular

work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum and should not be exceeded save for exceptional reasons.

NOTE-1. The period of two years may be extended to three years on the merit of each case for obtaining a Doctorate, subject to the condition that the extension should not be available for scholars who fail to complete the courses within the prescribed time limit.

NOTE-2. The limits of absence from regular duties prescribed above include the period of vacation if any, with which study leave and other leave may be combined.

NOTE-3. Extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed above.

10. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

11. When a Government servant has been granted to definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in Pakistan to his taking it as ordinary leave.

12. Except as provided in paragraph 13 all applications for study leave should be submitted with the Accountant General's certificate to the Head of the Department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is outside Pakistan the Head of the Department should also forward to the Embassy of Pakistan a copy of the approved programme of study. If it is not possible for the Government servant to give full details as above, in his original application, or if after leaving Pakistan he wishes to make any changes in the programme which has been approved in Pakistan, he should submit particulars as soon as possible to the Embassy of Pakistan. In such cases, he should not unless prepared to do so at his own risk, commence the course of study, nor incurring any expenses in connection there with until he receives approval to the course through the Embassy of Pakistan.

13. Government servants on leave outside Pakistan who wish to convert part of their leave into study leave or to undertake a course of study during leave, should before commencing study and before incurring any expenses in connection therewith, submit a program of their proposed course of study to the Embassy of Pakistan. programme should be accompanied by an official syllabus of the course, if one is available and by any documentary evidence that the particular course or examination has the approval of the competent authority in Pakistan. In the absence of such evidence the programme may if approved by the Embassy of Pakistan, be proceeded with but no study leave allowance will be admissible until the concurrence of the competent authority in Pakistan is received.

14. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose unless it has been approved in at least abroad outline by the competent authority in Pakistan accordance with paragraph 12 and 13 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in AJ&K, it has been approved in detail by the Embassy of Pakistan before its begun.

15. A study allowance will be granted for the period spent in pursuing a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates are 25 shillings per diem in the United Kingdom, and \$ 4.20 per diem in the other countries. These rates are liable to revision. During

study leave in Pakistan or AJ&K a Government servant shall be allowed study allowance of Rs. 300/- P.M. in addition to half average pay or 75% of full pay, whichever is more beneficial. In no case will subsistence allowance be granted in addition to study allowance, and ordinary travelling expenses will not be paid but in exceptional cases, claims may be considered on their merits by the competent authority.

16. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance will be given at the discretion of the competent authority for any period up to fourteen days at one time, during which the Government servant is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from service without returning to duty after a period of study leave the study allowance will be forfeited and the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit on the date of retirement. Any balance of the period of study leave mentioned which cannot be so converted will be excluded in reckoning service for pension.

Note: A Government servant of vacation department can draw study allowance during vacation if he prosecute his studies during the period. The period of such a vacation will be taken in to account in calculating the maximum period of two year or three years as the case may be for which study allowance is admissible.

17. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the competent authority may waive this condition.

18. On completion of a course of study, a certificate on the proper form (which may be obtained from the Embassy of Pakistan), together with certificates of examinations passed or of special study shall when the study leave has been taken outside Pakistan, be forwarded to the Embassy of Pakistan. In the case of a definite course of study at a recognized institution the study allowance will be paid in such manner as may be prescribed by the Government on claims submitted by the Government servant from time to time supported by proper certificates of attendance.

19. **Study leave will count as service for promotion and pension, but not for leave.** It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay but will not be taken into account in reckoning the leave on half average pay taken by the Government servant towards the maximum period admissible under the Revised Leave Rules, 1983.

20. On an application for study leave outside Pakistan being sanctioned by the competent authority, it shall inform the Embassy of Pakistan of the particulars of the case. It will be necessary for each Government servant concerned to place himself in communication with the Embassy, who will arrange any details and issue any letters of introduction that may be required.

Sd---

(Abdul Rauf Khan)

Deputy Secretary Finance (Regs.)

HAJJ LEAVE RULES

HAJ LEAVE & DUES THEREOF

(APPENDIX)

COUNCIL ORDER NO. 48/53

Dated: 25.01.1953

1. Government servants proceeding on Haj may be granted Hajj leave for period not exceeding 3 months provided:
 - such servants held permanent appointments
 - and their qualifying service is not less than seven years including in Dogra regime.
2. This leave can be granted by the officer competent to sanction the appointment.
3. Leave salary at full pay for the period of Hajj may be paid in advance by the authority sanctioning the leave.
4. If a Government Servant who has been allowed this concession cannot proceed for Haj, he must immediately refund the advance drawn by him and have that part of the Haj leave availed of by him converted into leave of any kind that may be admissible to him.
5. The Officer proceeding on Haj shall have to produce letter of the Haj authorities at Macca to the effect that he actually performed the *Haj Fariza*.

-Sd-

(FINANCE MINISTER)
Azad Kashmir

HOSPITAL LEAVE RULES, 1991

HOSPITAL LEAVE

Dated: 14-1-1991

NOTIFICATION.

No. FD/R/127/I/90. In exercise of powers conferred by Section 23 of the Civil Servants 1976 and in partial modification of rule 36 of leave rules issued vide Notification No. FDR/68/82, dated 12-4-1983, the President Azad Jammu and Kashmir has been pleased to prescribe the following leave rules:-

1. The competent authority under the existing rules may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, caused by irregular or intemperate habits:-
 - (a) All police officers of and below the rank of Head Constable.
 - (b) Forest subordinates, other than clerks, in receipt of pay not exceeding Rs. 1000/-
 - (c) Head warders, warders and orderlies, male and female and matrons of the Jail Deptt. whose pay does not exceed Rs. 1000/- *per mensem*.
 - (d) The following staff of Mental Hospital:-
 - i) Head attendants, and
 - ii) Attendants.
2. Hospital leave shall in no case exceed six months in any one term of three years, whether such leave is taken at one time or by installments, full average pay being allowed for the first three months and half average pay thereafter.
3. Hospital Leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed 28 months.
4. Hospital Leave shall in no case exceed six months in any one term of three years) whether such leave is taken at one time or by installments, full pay being allowed for first three months and half pay thereafter.

Sd/---
(ABDUL RAUF KHAN)
Deputy Secretary Finance.

**EXTRACT FROM K.S.R.
REGARDING COMBINATION OF VACATIONS WITH LEAVE
(See rule 25-A of revised leave Rules, 1983)**

101. (1) (When an officer, after giving over charge of his office at one station, on transfer or reversion to another office takes Privilege or Examination leave before joining the office to which he has been transferred, or to which he has reverted) or (2) when an officer, while privilege or Examination leave is transferred to a station to an other than that from which he took leave, he is entitled to joining Time in addition to his Privilege or Examination leave. The joining Time of an officer transferred during Privilege or Examination leave will be counted from his old station, or from the place where he receives the order of transfer, whichever calculation would entitle him to the less joining Time.

Audit interpretation.

1. *In case of No. 1 of the above rule joining time precedes leave while in that of (2) it follows leave.*
2. *An officer transferred to a vacation Department during vacations may join his new post after expiry of the vacation without prejudice to Traveling Allowance admissible otherwise under the rules. From the date of relief to the date of taking over on the re-opening of the Vacation Department he will however be treated as on vacation.*

See also Audit Interpretation under Art. 361.

102. If an officer, during transit from one appointment to another, obtains Furlough on Medical certificate (with or without privilege leave prefixed) he may be allowed only the Joining Time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

103. The joining time of an officer whose appointment is changed while he is in transit from one appointment to another, being on the day following that on which he receives his order.

Audit Interpretation.

A second period of 6 days for preparation should not be included in calculating joining Time of an officer whose appointment is changed during joining time.

105. When, under Article 101, an officer combines Privileges or Examination leave and joining Time, his allowances during joining Time ---that I to say for the period, not exceeding the Joining Time admissible by rule, in excess of his Privilege or Examination leave during which he is absent from duty must be calculated at the rate at which his joining Time Allowance would have been calculated if he had joined the office which he is transferred directly.

EXCEEDING JOINING TIME

106. An officer, who does not join his new appointment within his Joining Time, is entitled to no allowances after the end of his Joining Time, and after a week, ceases to have a lien on any appointment. But if, the Government considers, that his default was due circumstances beyond his control, It may exempt him from the loss of his appointment.

Note 1: *The expression "allowances" in this Article does not include traveling allowances.*

Note 2: *Whenever a Government servant is detained on the road, owing to it being blocked by land slip, snow, etc. he should be treated as on duty during the period of unavailable detention.*

LEAVE WHILE UNDER SUSPENSION

110. Leave of absence for a definite period is not admissible to the officer who has been suspended from duty.

DISCRETION OF GOVERNMENT

- 112.**
- a) Leave of absence can never be claimed absolutely as of right.
 - b) A competent authority may refuse to grant the full amount of leave applied for in any case and exercise this power so to regulate the date of an officer's return from leave, as to cause as little change as possible, in administrative arrangements.

- c) All officers on leave including leave preparatory to retirement intending to serve in Pakistan or elsewhere, should in the first instance apply for and obtain sanction of a competent authority. Officers infringing this rule will sacrifice all their title to leave. Proper addresses of the officers should be furnished for purposes or reference

RECALL FROM LEAVE

114. An officer, recalled to duty before the expiry of leave of any kind is entitled to take the balance of his leave, together with any leave subsequently earned, as soon as he can be spared from duty.

123. Ordinarily leave begins on the day of which transfer of charge is effected, or if charge is transferred in the afternoon on the following day. Similarly such leave ordinarily ends on the day preceding that on which charge is resumed or if charge is resumed in the afternoon on that day. But if a Sunday or one or more gazette holidays fall on the day immediately preceding that on which the leave begins or on the day on which the leave or the joining time between two appointments ends, an officer may with the specific sanction of the authority competent to sanction the leave, leave his station at the close of the day before, or return to it at the end of such holidays provided his departure or return does not involve:-

- i) *the immediate transfer of an officer from or to another station or the loss of his appointment by an officer appointed temporarily to the service, or*
- ii) *the taking over of money unless subject to the condition, that the departing officer remains responsible for the money in his in charge and the authority competent to sanction the leave specially allows transfer of charge to take place before or after the holidays.*

Note 1: *For the purpose of this Article, the office is regarded as closed for business only on Sunday and Gazetted holidays.*

Note 2: *[x x x x x x x x]*

124. If holidays are as above prefixed to leave, the leave and consequent re-arrangement of allowances, if any take effect from the first day after the holidays on which the office is opened for business and if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on and the re-arrangement of allowance, if any takes effect from the day on which the officer would have resumed charge had holidays not followed the leave or joining.

Government Ruling:

There is nothing Article 123 & 124 above or in any other rule or order to prevent an officer from taking over or making over charge of an office during Gazetted holidays when it is necessary to do so.

PERMISSION TO RETURN

125. An officer may not without the permission of the authority, which granted him leave, return to duty more than 14 days before the end of Long Leave. In case of "Short leave" an officer may return to duty with the permission of his immediate superior or head of his office; sanction of the authority which granted him leave is not necessary for the cancellation of unexpired portion of leave (Chief Minister's Office No. 223, dated 2nd June 1919)

126. An officer on leave on Medical Certificate, or on account of ill health, though, technically not on Medical certificate, may be required, by the authority who granted the leave, to produce, before he is permitted to return to duty, a Medical certificate of fitness signed by the Medical Officer.

Audit Interpretation:

It is discretional with the officer competent to sanction leave to require an officer on leave to produce medical certificate of fitness.

CASUAL LEAVE

133- A (a) Casual leave may be granted to all Government servants who are on the permanent establishment or not by the immediate head of the office concerned for short period not exceeding 20 days in a year in aggregate. A Government servant on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave however, must not be given so as to cause evasion of the rules regarding:

1. Date of reckoning pay and allowance.
2. Charge of office.
3. Commencement and end of leave.

4. Return to duty.
- (b) The amount of casual leave sanctioned at any one time should not exceed 10 days and in combination with holidays the total period of absence should not exceed 12 days.
- (c) Casual leave should not ordinarily be combined with Move days, but in exceptional cases and on the sanctioning authority being satisfied that the officer is unable owing to illness to proceed to the office headquarters or to attend to work, casual leave may be sanctioned in combination with the Move days. The limits mentioned in clause (b) above will apply in this also.

Audit Interpretation:

1. *Casual leave can be prefixed or suffixed with holidays but when holidays intervene they will count as part of casual leave.*
2. *Casual leave pertaining to two years cannot be combined i.e. it cannot be availed of at the close of the year and then join to without returning to duty with another 20 days of casual leave at the beginning of the following year i.e. 11th January to end and from 1st to 20th February.*

QUARANTINE LEAVE

133- B Quarantine leave is leave of absence from duty necessitated by orders not to attend office in consequences of the presence of infectious disease in the family or household of a Government servant. Such leave may be granted by the officer Competent to grant other kinds of leave on the certificate of a Medical officer for period not exceeding 21 days. Any leave necessary for quarantine purpose in excess of this period shall be treated as ordinary leave. Quarantine leave may be granted when necessary in continuation of other leave or vacation subject to the above maximum. No substitute should be appointed in place of a Government servant absent on Quarantine leave. A Government servant on Quarantine leave is not treated as absent on duty and his pay is not intermitted.

Audit Interpretation:

Government servant is included in the term "Household" and the leave is admissible when he himself is in trouble.

Note:- *A register showing the grant of all casual and quarantine leave should be carefully maintained in every office.*

INTERRUPTION OF DUTY CAUSED BY ABSENCE OR SUSPENSION

141. If an officer remains absent after the end of Privilege or examination leave or of joining Time his duty is interrupted within the meaning of articles 135 to 144, nor does the period of overstayed count as duty in the latter case. But if the Minister-in-Charge of a Department and in the case of Non-Gazetted officers the immediate Head of the Department or office, considers that his default was due to circumstances beyond his control, he may remit the penalty.

142. Suspension from office as a penalty for misconduct is an interruption of duty, within the meaning of Articles 135 to 144.

143. The suspension of an officer from office, pending inquiry into his conduct, interrupts his duty or not as may be decided in each case by the authority having powers, to pass final orders in the case. Time passed under such suspension does not qualify for Privilege leave unless in any case such authority expressly orders that it should so qualify. Such orders should be communicated to the Accountant General, but in the case of a Non-Gazetted officer it will suffice to note the orders in service book of the person concerned.

- a) *Art, 142 refers to case where an officer has been suspended as a punishment finally settled to be awarded to him on his guilt being proved*
- b) *Art, 143 has reference to cases where the officer has been suspended pending inquiry into his conduct.*

In case falling under (a) the suspension is a break for purpose of privilege leave previously earned while in the case of that falling under (b) the officer will not forfeit claim to privilege leave previously earned if competent officer decides so.

153. An officer who is, by competent authority, debarred from enjoying a part only of a periodical vacation, may, during Privilege leave subsequently taken draw his full salary for a period bearing the same proportion, if

the vacation be annual, to a month, or if it be half yearly, to half a month, as the time spent on duty during the vacation bears to the whole vacation.

153-A An officer transferred from a non-vacation to a vacation department, can take the privilege leave which was at his credit at the time of such transfer provided that the allowances during such privilege leave shall not exceed the allowances which would have been admissible if he had taken the leave immediately before being transferred.

Note:- When an officer who has accumulated privilege leave in a non-vacation department is transferred to vacation department he loses his right to claim privilege leave and becomes subject to the rule that privilege leave can only be granted in cases of urgent necessity.

153- B (a) An officer transferred from a vacation to non-vacation department counts his services for privilege leave under the ordinary rules from the date which the last vacation in the former department ended.

(b) If however, he had at his credit at the time of his transfer any privilege leave on full salary admissible to him under Articles 151 to 153-A the amount of such privilege leave shall be added to the privilege leaves calculated under clause (a) above.

153- C The reckoning under Article 153-A and 153-B shall not in any case extend backwards over an interruption of days.

Note I: An officer who if transferred from a vacation department to a non-vacation department after enjoying the vacation, carries with him title to privilege leave on full pay calculated only on that part of enjoyed in that department but if he is transferred before enjoying the vacation the vacation he counts for his privilege leave on full pay his service from the date on which the last vacation ended.

Note II: Privilege leave on full pay earned by an officer in the vacation department may be added to privilege leave earned in the non-vacation department (council Order No. 567 dated 31st July, 1935)

154 Officers to whom Privilege leave under the ordinary rules and conditions is not admissible (Article 150) may combine vacation with long leave (either at the beginning or end thereof) , on the same conditions as those on which other officers are allowed to combine Privilege leave under Article 130.

EXAMINATION LEAVE (DEPARTMENTAL EXAMINATION)

155 An officer while absent from his office or from his station to attend an obligatory Departmental Examination, is considered to be on duty.

156 Leave may not be given under this Article to an officer to prepare for examination or for recreation after examination. A reasonable time including the day or days of examination, should be allowed for the journey to and from the place of examination, and nothing more.

157-B Leave of any kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

157-C Maternity leave may be combined with vacation or holidays if circumstances make such a course unavoidable.

- ⁵[(i) not more than one advance shall be made for the same house and no Government servant may receive a second advance while any portion of previous advance with interest accrued thereon is outstanding against him.
- (ii) A second house building advance should not be granted for building a second house at the same station. Such applications for second house building advance at the same station should be submitted for orders of the competent authority.]
3. All such advances must be bonafide required for the purpose of building suitable houses for the personal residence of the Government servants concerned, and if more is advanced than shall be actually expended for the purpose the surplus shall be refunded to Government vide Para 5 below.
4. In all cases where the grant is in accordance with the rules, advances may, subject to verification of funds by the Accountant General, be sanctioned by the ⁶[Secretaries of the Department concerned and in the case of secretaries, the Secretary General] in the case of Gazetted officers and Superintendents and by Heads of Departments in case of other Government servants, for building of houses in favour of the Government servants who are permanent incumbents and otherwise competent to acquire house property in the Azad Kashmir Territory or in Pakistan.
5. The applicant for the advance shall submit with his application a plan of the proposed building and state the estimated cost of the same and the value of the materials, if any, collected by him on the site. He shall also state in his application whether the site on which he proposes to build his house belongs to him. The applicant must certify that the sum is to be expended in building, only, and pledge himself that, should there be any surplus funds after the house is completed that will be at once refunded to Government.

The applicant must satisfy the sanctioning authority regarding his title to the land upon which the house is proposed to be built.

Note: This rule does not preclude the grant of an advance to a person who does not possess full proprietary rights on the land upon which he intends to build, provided the sanctioning authority is satisfied that the applicant has a lease of which the unexpired portion is of a term and value sufficient to justify the grant of the advance and that there is no danger of the lease lapsing or of Government being unable to dispose of it, should it become necessary to foreclose the mortgage. In examining the mortgagor's title care should be taken to see that the lease does not prevent any sub-demise by the lessee (the mortgagor). The mortgage bond in such cases will be prepared in the attached form G.F.R.25.

In case in which ground rent, municipal taxes and similar dues are payable to local authorities on account of land taken on lease, the sanctioning authority may, at its discretion ask the Government servant taking the advance to produce for inspection receipts for these payments within fifteen days of their falling due. If the sanctioning authority finds that such dues have not been paid by the borrower steps may be taken to recover the said dues including interest thereon, if any, from the pay of the Government Servant concerned for payment to the parties concerned.

6. The applicant's title to the property should be examined by the sanctioning authority before the advance is actually paid, and in cases where there is any doubt as to the validity of that title, the Revenue and Registration authorities or if technical legal advice is necessary, the Law officers of Government, should be consulted. It should be seen that he has undisputed title to the land on which it is proposed to build the house and that there will be no legal obstacle to the property being

⁵ Inserted vide Notification No. A-1 (Admin)/117/3051-4000/SS/67 dated 17.04.1967, issued by the Admin & Establishment Secretariat, Muzaffarabad.

⁶ Substituted vide Government order No. 69/60, dated 11.02.1960

mortgaged to Government and Government will have the right or foreclosing on the conditions mentioned in the mortgage bond.

7. The application shall be forwarded in the normal manner e.g. through the immediate superior to the Head of the Department in which the applicant is employed. The Head of the Department after satisfying himself that it contains necessary particulars and is complete and in order in every respect will obtain an audit report from Accountant General showing:-

- (a) the amount admissible as advance; and
- (b) Whether the funds are available.

On receipt back of the application with the connected papers and the audit record his final recommendation as to:-

- (i) Whether the advance is necessary required for the purpose stated in the application i.e. whether the application for the advance is a bonafide and the applicant's title to the land is correct and the house required to be built is for his personal residence.
- (ii) The desirability or otherwise of the grant.
The case will then be shown to the Finance Department for remarks before it is put up to the competent authority for sanction of the total advance.

8. The Head of the Department shall see to the due execution of the bond in each case and shall intimate the facts of such advance having been sanctioned in favour of an incumbent to the Account General, Azad Kashmir.

9. The Advance should be drawn by installments; the amount of each installment being such as is likely to be required for expenditure in the next three months. Satisfactory evidence should be produced to show that the amount of the installment has been actually utilized for the purpose for which it was drawn before the next installment is paid. The repayment shall commence from the fourth issue of pay after the first installment is taken and be completed in 10 years in the case of Government servants who at the time of repayment of the first installment are not over 45 years of age. (i.e. recovery shall be made by the Accountant General, Azad Kashmir/ Disbursing Officer by deducting monthly installments equal to one hundred and twentieth part of the advance from the salary bill of the Government servant concerned.

The authority sanctioning an advance may permit recovery to be made in a smaller number of installments, if the officer receiving the advance so desires. The amount of interest calculated will be recovered in one or more installments, each such installment being not appreciably greater than the installments by which the principal was recovered. The recovery of interest will commence from the month following that in which the whole of the principal has been repaid.

Note 1: The amount of the advance to be recovered monthly should be fixed in whole rupees except in the case of the last installment when the remaining balance, including and fraction of rupee, should be recovered.

Note 2: The installments should be recovered in cash during the periods of leave without pay. If the Government servant fails to pay any such installments in cash, the arrears of installments falling due during period of leave without pay should be recovered in lump-sum from the first payment of pay or allowances which may become due to the Government servant at the end of that leave.

Note 3: The bills for the drawl of the advances when presented to audit should be accompanied by a certificate in the following form, ⁷[****]

CERTIFICATE

Certified that the amount (Rs-----) being the----- installment towards the house building advance granted to Mr.----- is likely to be required for expenditure in the next three months and that I am satisfied that the amount previously advanced has actually been utilized for the purpose for which it was drawn.

Signatures

10. In order to secure Government from loss consequent on a government servant dying or quitting the service before complete repayment of the advance with interest accrued thereon the house so built together with the land it stands upon must be mortgaged to Government, by whom the mortgage will be released on liquidation of the full amount due.

Note: The mortgage bond will be prepared in the attached form G.F.R.23 and recovery made in the attached form G.F.R.24.

11. An official quitting service and his legal heirs in the case of his death before the whole amount of advance and its interest have been liquidated shall continue to be liable to the payment of his monthly installment until the advance with interest has been repaid (vide also para 21), but with the special sanction of the Government they may be allowed to dispose of the house, provided they are thereby enabled to clear off at once the whole amount due or to transfer it to any official of his own or higher rank who is willing to take it and to agree to the future deductions to be made from his salary the whole debt is paid off.
12. The Head of the Department in the case of a non-gazatted Government servant and the ⁸[Secretary of the Department concerned] in the case of authority for payment send to the Accountant General a certificate either in the bill in which the advance is drawn, or separately, to the effect that the mortgage bonds in form G.F.R 23 & 25 have been executed by the Government servant taking the advance and that it has been duly registered.
13. Advances (within 18 months pay) or lesser amount vide para 2 ante) on account of development charges will be allowed when eh housing societies properly registered as such demand these charges from the Government servant concerned (i.e. where land is sold by these societies in a

⁷ Phrases “from the Minister in the case of gazette officers and Superintendents and in respect of others i.e non-gazatted Government servants”, deleted vide Govt. Order 586/59 dated 16-12-1959.

⁸ Substituted vide Government Order No. 69/60, dated 11-02-1960

advance condition). At the time of the drawl of such advances, the Government servants must sign an agreement in the attached form G.F.R.27. He should be required, as soon as it is possible for the societies to allot the land to him, to produce original documents showing that the land has actually been allotted to him. When he has been allotted land and wishes to draw further advances for the construction of a house, advances will be allowed up to a maximum of 25% of the total house building advance sanctioned in his case. At the time of drawl of this installment he must be called upon to execute an agreement in the attached form G.F.R.30. This installment is intended to enable him to start building the house and to complete at least the plinth. As soon as practicable as and in any case not later than three months from the date of the drawl of this installment he must produce a certificate to the effect that the plinth has been finished. Thereafter he should be asked to execute a mortgage deed in Form G.F.R.25. Further installments, based on the progress of the work, will be allowed on the fulfillment of the above conditions.

14. Advances may also be given where considered necessary for the purchase of land or for leasing land on which to construct a house, if the other conditions laid down are satisfied and the total amount of the advance for the purchase or leasing of the land and construction of the house does not exceed 18 months, pay or smaller amount as admissible to the Government Servant concerned under the above rules.
15. The Government servant should sign an agreement in the attached form G.F.R.28 at the time of taking an advance for the purchase of land and the amount should not exceed what is required for the purpose. A mortgage deed in the attached form G.F.R.29 should be executed before any further advance is drawn for the purpose of constructing the house. The mortgage deed must be registered within 4 months of its exaction.
16. The Government servant who acquires land on lease should sign an agreement in form G.F.R.27 at the time of taking an advance for the leasing of the land and the amount should not exceed what is required for the purpose. A mortgage deed in form G.F.R.25 should be executed before any further advance is drawn for the purpose of constructing the house. The mortgage deed must be registered within four months of its execution.
17. The bond after execution shall remain in the custody of the Accountant General who shall:-
 - (i) look for them i.e. where prescribed in these rules before making payment on account of advances and will also look for a certificate in due course that the construction of the house has been completed in every respect; and
 - (ii) shall see that the bonds will be returned after the advances have been completely repaid with interest.
18. The last pay certificate granted to Government servants under advances must specify the original amount of such advance, the amount repaid and the balance together with interest accrued remaining due. In order to save government from loss the applicant's title to property should be carefully examined by the sanctioning authority.
19. In official quits or it removed from Government service or dies, before the whole amount of the house building advance including interest is liquidated the arrears will be recovered from any dues payable to him. If no dues are payable then as arrears of land revenue from his property through the Revenue Agency.
20. Inserts at the rates fixed from time to time as in force in the Central Government of Pakistan will be charged on house building advances. The interest will be calculated in balance outstanding on

the last day of each month. Advances recovered from salary shall be treated as if paid in the first of the month succeeding that in which the salary from which the deduction is made falls due in accordance with para 251, G.F.R Vol.1 of the Central Government of Pakistan. The amount of interest calculated as above will be recovered in one or more installments, each such installment being not appreciable larger than the installments by which the principal is recovered.

21. Advances may also be granted to temporary Government servants, who have has at least 4 years continuous government service, subject to the provisions of the above paragraphs and the following conditions:
 - (i) The applicant must produce:-
 - (a) A certificate from the Head of his Department that he is employed against a regular post (likely to continue till beyond the period of repayment of the advance with interest due) and not against a post sanctioned for a specified period and that he has been declared fit for permanent retention in the post.
 - (b) A certificate from the Head of the Department that he is eligible for permanent retention in the post in accordance with orders of government applicable to his post.
 - (c) Security of two permanent servants where pay in each case should not be less than half the pay of borrower) who can be released when the house has been built and mortgaged to Government. The sureties should be such as would not retie from service before the house is built and mortgaged. The surety bond should be furnished in attached form G.F.R.30. The bond should be stamped as required under Stamps Act in force.
 - (ii) The land for the house should be acquired and mortgaged to Government before the first installment of eh advance is paid to him.
22. Vide para 19, the process applicable to the principal (repayment of the advance) for recovery of the advance and interest thereon will also apply to sureties.
23. As an exception, as a special case, advance may also be given by the competent authority for construction of house on an evacuee property (i.e. Baitulmal land) on the production of a certificate from the Deputy Commissioner to the effect that the land specified therein on which the house is to be constructed has been allotted to the applicant by the proper authority to the above Government employees who are refugees under the preceding rules. In such cases security of two permanent Government servants (where pay in each case should not be less than half the pay of the borrower) will be produced by the applicant. The sureties will be released when the advance plus the interest due thereon has been fully repaid to the Government. The surety bond will be furnished in the attached form G.F.R.30and should be stamped as required under Stamp Act in force.

⁹FORM G.F.R.23

(See note under Rule 10 of H.B.A Rules 1957)
(See note 1 under Rules VI of paragraph 253A)

¹⁰FORM OF MORTGAGE

THIS INDENTURE made the _____ day of _____ one thousand mine hundred (hereinafter referred to as the mortgagor which terms shall where the context so admits include his heirs, executors, administrators and assigns) **of the one part and the [PRESIDENT OF PAKISTAN]**¹¹ (hereinafter referred to as the mortgagee which term shall where the context so admits include his successors and assigns) of the other part.

WHEREAS the mortgagor is absolutely seized and possessed of or otherwise well entitled to the land hereditament and premises hereafter described and expressed to be hereby conveyed, transferred and assured (hereinafter referred to as the said hereditament).

AND WHEREAS the mortgagor has applied to the mortgagee for an advance of the sum of Rs. _____ for the purpose of enabling him to defray the expenses of building a house on the said hereditament as a suitable residence for his own use.

AND WHEREAS under the provisions contained in para 253-A of the General Financial Rules (hereinafter referred to as the said Rules which expression shall where the context so admits include any amendment thereof or addition there to for the time being in force) the mortgagee has agreed to advance to mortgagor the said sum of Rs. _____ payable as follows that is to say the sum of Rs. _____ on or before the execution of these presents and the balance (unless and until the power of sale applicable here to shall have become exercisable) by equal installments payable quarterly, the first of such installments to be payable on the _____ day of _____.

NOW THIS INDENTURE WITNESSETH that in pursuance of said agreement and in consideration of sum of Rs. _____ paid on or before the execution of these presents to the mortgagor by the mortgagee (the receipt whereof the mortgagor doth hereby acknowledge) for the purpose of enabling the mortgagor to defray the hereinbefore recited expenses the mortgagor hereby covenants with the mortgagee to repay to the mortgagee the said sum of Rs. _____ and such further sums as shall hereafter be paid by him to the mortgagor pursuant to the hereinbefore recited agreement in that behalf)¹² and interest thereon calculated

⁹ The words "General Financial Rules (G.F.R)" occurring in these forms shall mean to refer to the AJ&K House Building advances Rules, 1957.

¹⁰ G.F.R Forms 23, 24, 25, 27, 28, 29 and 30 extracted from "General financial Rules of the federal Government"

¹¹ The word "**PRESIDENT OF PAKISTAN**" OR "**PAKISTAN**" wherever occurring in these forms, shall mean to refer to "the President of AJ&K or AJ&K territories" respectively.

¹² Delete words in brackets if advance is to be by installments.

according to the rules on the _____ day of _____ next¹³ and if the loan shall not be repaid on that date will pay interest in accordance with the said rules.

AND THIS INDENTURE ALSO WITNESSETH that for the consideration, aforesaid, the mortgagor doth hereby conveys transfers and assures unto the mortgagee. All that piece of land situated in the _____ district _____ a registration district of _____ sub registration district of _____ containing the north by _____ on the south by _____ on the east by _____ and on the west by _____ together with the dwelling house and the out offices, stables cock rooms and out building now erected on the said piece of land together with all rights, easements and appurtenances to the said hereditaments or any of them belonging **TO HOLD** the said hereditaments with their appurtenance including all erections and buildings hereafter erected and built on the said piece of land unto and to use of the mortgagee absolutely subject to the proviso for redemption hereinafter contained **PROVIDED ALWAYS** that if and as soon as the said advance of Rs. _____¹⁴ (and of such further sums as may have been paid as aforesaid) made upon the security of these presents shall have been repaid and interest thereon calculated according to the said rules by the deduction of monthly installments of the salary of the mortgagor as in the said rules mentioned or by any other means whatsoever then and such case the mortgagee will upon the request and at the cost of the mortgagor recovery, retransfer or reassure the said hereditaments unto and to the use of the mortgagor as he may direct AND it is hereby agreed and declared that if there shall be any breach by the mortgagor covenants on his part herein contained or if he shall die or quit the service before the said sum of Rs. _____ (and any further sum as may have been paid as aforesaid and interest thereon calculated according to the said rules shall have been fully paid off them and in any of such cases it shall be lawful for the mortgagee to sell the said hereditaments or any part thereof either together or in parcels and either by public auction or by private contract with power to buy in or in rescind any contract for sale and to resell without being responsible for any loss which may be occasioned thereby AND to do and execute all such acts and assurances for effectuating any such sale as the mortgagee shall think fit and it is hereby declared that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom AND it is hereby declared that the mortgagee shall hold the moneys to arise from any sale in pursuance of the aforesaid power UPON TRUST and the first place there out to pay all the expenses incurred on such sale and in the next place to apply such moneys in or towards satisfaction of the moneys for the time being owing on the security of these presents and then to pay the surplus (if any) to the

¹³ Insert a date to or for years as the case may from the date of commencement of repayment of loan. Where possible, the land should also be described by reference to Govt. map or survey.

¹⁴ Delete words in brackets if the advance is not to be by installments.

mortgagor AND is hereby agreed and declared that the said rules shall be deemed and taken to be part of these presents.

The mortgagor hereby covenants with the mortgagee that he (the mortgagor) will during the continuance of the this security observe and perform all the provisions and conditions of the said rules on his part to be observed and performed in respect of these presents and the said hereditaments.

IN WITNESS whereof the mortgagor hath hereunto set his hand the day and year first above written.

Signed by the said mortgagor in the presence of:

WITNESS

| | | | |
|------------|-------|------------|-------|
| First | _____ | Second | _____ |
| Address | _____ | Address | _____ |
| Occupation | _____ | Occupation | _____ |

(The deed should be registered)

Note: There must be two witnesses to a mortgage.



FORM G.F.R. 24

(See Note 1 under Rule VI of paragraph 253-A)

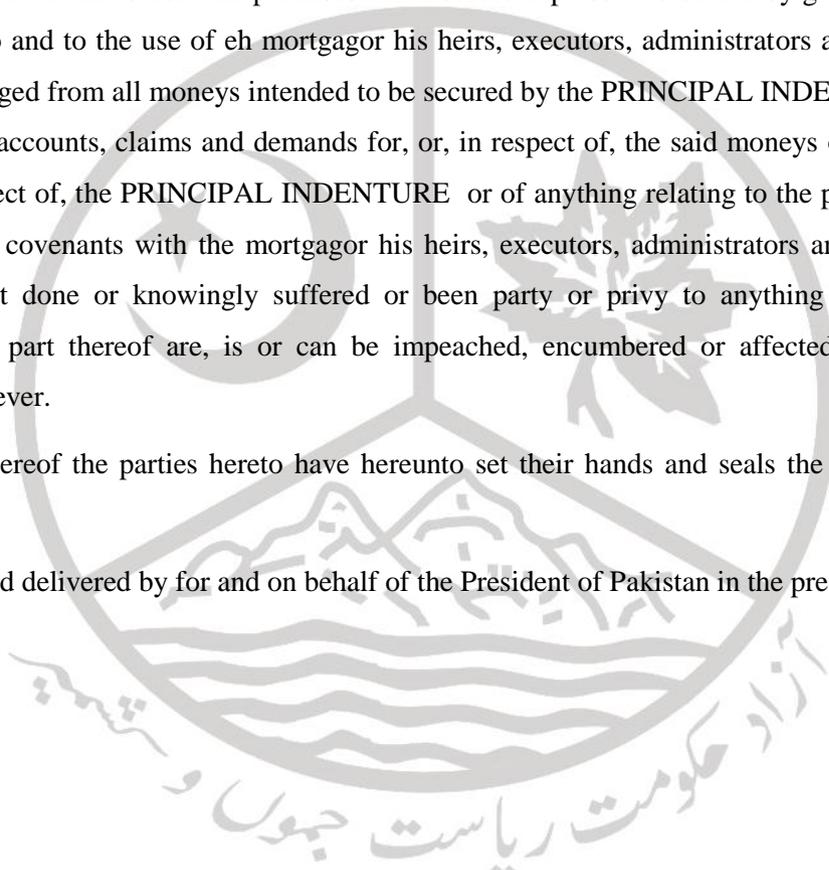
FORM OF RE-CONVEYANCE FOR HOUSE BUILDING ADVANCES

THIS INDENTURE made the _____ day of _____ 19 _____ BETWEEN THE PRESIDENT OF PAKISTAN (hereinafter called the Governor-General) of the one part and _____ a civil officer of _____ (hereinafter called the mortgagor) of the other part is supplemental to an indenture of mortgage dated the _____ day of _____ 19 _____ and made BETWEEN the mortgage of the _____ volume _____ PAGES _____ TO _____ AS No _____ for _____ (hereinafter called the PRINCIPAL INDENTURE) WHEREAS all moneys due and owing on the security of the PRINCIPAL INDENTURE have been fully paid and satisfied and the president has accordingly at the request of the mortgagor agreed to execute such re-conveyance of the mortgaged premises in the with in written INDENTURE comprised as is hereinafter contained NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the premises the President doth here grant assign and recovery unto the mortgagor, his heirs, executors, administrators and assign ALL THAT the piece of land situate in the _____ containing _____ more

or less bounded on the North by _____ and the West by _____ an the East by _____ and on the West by _____ together with dwelling house and out-offices, stables, cook rooms and out-buildings thereon AND ALL and singular other the premises in the PRINCIPAL INSENTURE comprised or expressed to be thereby assured on which now are by any means vested in the president subject to redemption under or by virtue of the PRINCIPAL with their rights easements and appurtenances as in the PRINCIPAL INDENTURE expressed and all the estates right title interest property claim and demand whatsoever of the President into out of or upon them same premises by virtue of the PRINCIPAL INDENTURE to have and to hold the premises hereinbefore expressed to be hereby granted assigned and re-conveyed unto and to the use of eh mortgagor his heirs, executors, administrators and assigns forever freed and discharged from all moneys intended to be secured by the PRINCIPAL INDENTURE and from all actions, suits accounts, claims and demands for, or, in respect of, the said moneys or any part thereof or, for or in respect of, the PRINCIPAL INDENTURE or of anything relating to the premises AND the President hereby covenants with the mortgagor his heirs, executors, administrators and assigns that the president has not done or knowingly suffered or been party or privy to anything whereby the said premises or any part thereof are, is or can be impeached, encumbered or affected in title estate or otherwise howsoever.

INWITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by for and on behalf of the President of Pakistan in the presence of parties.



FORM G.F.R. 25

(See Note under Rule 5 of H.B.A Rules 1957)

(See Note 1, 4, 5 and 6 under Rule VII of Paragraph 253-A)

FORM OF MORTGAGE

For House Building Advances granted to Government servants who do not possess full proprietary rights in the land upon which they intend to build a house.

THIS INDENTURE made the _____ day of _____ of _____ a Pakistan Federal Government employee of _____ (hereinafter referred to as the mortgagor which term shall where the context so admits include his heirs, executors, administrators and assigns) of the one part and the President of Pakistan (hereinafter referred to as the mortgagee which term shall where the context so admits include his successors and assigns) of the other part.

WHEREAS the mortgagor is absolutely seized and possessed of or otherwise well entitled to leasehold rights in the land to be hereby conveyed transferred and assured (hereinafter referred to as the said hereditament).

AND WHEREAS the mortgagor has applied to the mortgagee for an advance of the sum of Rs. _____ for the purpose of enabling him to defray the expenses of he (the lease and development of the said hereditament and building thereon) as a suitable residence for his own use.

AND WHEREAS under the provisions contained in paragraph 153-A of the General Financial Rules (hereinafter referred to as the said rules which expression shall where the context so admits include any amendment thereof or addition thereto from time to time in force) the mortgagee has agreed to advance to the mortgagor the said sum of Rs. _____¹⁵(out of which the mortgagor hereby acknowledges the receipt of Rs. _____ which have already been paid to the mortgagor in pursuance of an agreement executed on _____ 19 _____ between the mortgagor as borrower and the mortgagee and the remainder viz. Rupees _____) being payable as follows or as entered and receipted from time to time in the schedule hereto.

NOW THIS INDENTURE WITNESSEH that in pursuance of the said agreement and in consideration of the sum of Rs. _____ paid or to paid accordingly for the purpose of enabling he mortgagor to defray the hereinbefore recited expenses the mortgagor hereby covenants with the mortgagee to repay to

¹⁵ Delete the words and figures in brackets if not applicable

the mortgagee the said sum of Rs. _____ (and such further sums as shall hereafter be paid by him to the mortgagor pursuant to the hereinbefore recited agreement in that behalf) and interest thereon calculated according to the said Rules on the _____ day of _____ next and if the loan shall not be repaid on that date will pay interest in accordance with the said Rules AND THIS INDENTURE ALSO WITNESSETH that for the consideration aforesaid the mortgagor doth hereby demise convey transfer and assure unto the mortgagee. All that registration district of _____ Sub registration district of _____ containing _____ more or less now in the occupation of the mortgagor and bounded on the North by _____ and the West by _____ an the East by _____ and on the West by _____ together with dwelling house and out-offices, stables, cook rooms and out-buildings now erected of hereafter to be erected and the said piece of land together with all rights easements and appurtenances to the said hereditament or any of them belonging To Hold the said hereditaments with their appurtenances including all erections and building hereafter erected and built in on the said piece of land up to and to the use of the mortgagee absolutely subject to the provision for redemption hereinafter contained PROVIDED ALWAYS that if and as soon as the said advance of Rs. _____ (and of such further sums as may have been paid as aforesaid) made upon the security of these presents shall have been repaid and interest thereon calculated according to the said Rules by the deduction of monthly installments of the salary of mortgagor as in the said Rules mentioned or by any other means whatsoever then and in such case the mortgagee will upon the request and at the cost of the mortgagor or as he may direct AND it is hereby agreed and declared that if there shall be any breach by the mortgagor of the covenants on his part herein contained or if he shall die quite the service before the said sum of Rs. _____ (and any further sum as may have been paid as aforesaid) and interest thereon calculated according to rules shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said hereditament or any part thereof either together or in parcels and either by public auction or by private contract with power to buy in or rescind any contract for sale and to resell without being responsible for any loss which may be occasioned thereby or to let the same for any term of period AND it is hereby declared that the receipt of eh mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom AND it is hereby declared that the mortgagee shall hold the moneys to arise from any sale or letting in pursuance of the aforesaid power UPON TRUST in the first place there out to pay all the expenses incurred on such sale and in the next place to apply such moneys in or towards satisfaction of the moneys for the time being owing on the security to these presents and then to pay the surplus (if any) to the

mortgagor AND it is hereby agreed and declared that the said Rules shall be deemed and taken to be part of these presents.

The mortgagor hereby covenants with the mortgagee that he (the mortgagor) will during the continuance of this security observe and perform all the provisions and conditions of he said rules on his part to be observed and perform in respect these presents and the said hereditaments.

IN WITNESS whereof the mortgagor hath hereunto set his hand the day of year first above written.

Signed by the said Mortgagor in the presence of:-

| | | | |
|------------|-------|------------|-------|
| First | _____ | Second | _____ |
| Address | _____ | Address | _____ |
| Occupation | _____ | Occupation | _____ |

(The deed should be registered)

Schedule

Date: _____ Received the sum of _____ Signature



FORM G.F.R. 27

(See Rule 12 of H.B.A Rules 1957)

(See Note 5 under Rule VII of paragraph 253-A)

Form of Agreement to be executed by Members of Co-operative House Building Societies in Karachi at the time of drawing an Advance for Acquiring Land on Lease on which to Construct a House.

AN AGREEMENT MADE _____ day of _____ one thousand nine hundred _____ **BETWEEN** _____ of _____ (hereinafter called the Borrower, which expression shall include his legal representative and assignees) of the one part and **THE PRESIDENT OF PAKISTAN** (hereinafter called the President which expression shall include his successors in office and assigns) of the other part, **WHEREAS** the Borrower is a member of the _____ co-operative House Society Ltd. Karachi (hereinafter called the society) and has applied to the society for obtaining on lease for him a piece of land for the purpose of erecting a house thereon and whereas the society is actively planning and taking action to do so and has called upon the borrower to deposit the first installment towards the payment for the said piece of land and cost of construction etc.

AND WHERE AS the Borrower has under the provision of the ¹⁶[General Financial Rules] (hereinafter referred to as the said Rules which expression shall include any amendments thereof for the time being in force) applied to the President for a loan of Rupees _____ to enable him to obtain on lease the

¹⁶ The words "General Financial Rules (G.F.R) occurring in these forms shall mean to refer to the AJ&K House Building Advances Rules, 1957.

said piece of land and the president has agreed to lend the said sum of Rs. _____ to the borrower on the terms, conditions and in the manner hereinafter contained.

NOW IT IS HEREBY AGREED between the parties that in consideration of the sum of Rs. _____ paid by the President to the borrower, (in full the receipt of which the Borrower hereby acknowledges) by installments as entered and receipted (from time to time in the schedule hereto) the Borrower shall:

- (1) Repay the president amount due together with interest calculated according to the said Rules by monthly deductions from his salary as provided by the said Rules and hereby authorizes the president to make deduction accordingly.
- (2) expend the (full amount) (installment of the loan) towards payment for obtaining the lease of the said piece of land and erection of building thereon at the earliest possible opportunity for such expenditure and if the actual amount paid or expended is less than the loan, to repay the difference to the President forthwith, and
- (3) execute a document mortgaging the said piece of land and the house to be erected thereon to the President as security for the amount lent to the Borrower as aforesaid together with interest in the form provided by the said rules.

AND IT IS HEREBY FURTHER AGREED that the Borrower shall immediately he has obtained the lease of the said piece of land commence and erect thereon a suitable residence for this own use:

AND IT IS HEREBY LASTLY AGREED AND DECLARED that if the said piece of land has not been obtained on lease and mortgaged as aforesaid within -----months from the date of these presents or if the Borrower within that period becomes insolvent or quits the service of Government or dies the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

IN WITNESS whereof the Borrower has hereto set his hand the day and year first above written.

SIGNED by the said borrower

In the presence of _____

SCHEDULE

| S.No | Date | Amount of installment (in words and figures) | Signature of Borrower | |
|------|------|--|-----------------------|--|
|------|------|--|-----------------------|--|

FORM G.F.R.28

(See Rule 12 of H.B.A Rules 1957)

(See Note 6 under Rule VII of paragraph 253-A)

Form of Agreement to be Executed at the time of Drawing and advance for the Purchase of Land on which to Construct a House

AGREEMENT MADE _____ one thousand nine hundred and _____ **BETWEEN** _____ of _____ (hereinafter called the borrower, which expression shall include his legal representative and assigns) of the one part and the **PRESIDENT OF PAKISTAN** (hereinafter called the President which expression shall include his successors in office and assigns) of the other part. **WHEREAS** the borrower has agreed to purchase for the purpose of erecting a house thereon the piece of land situated in _____ in the registration district of _____ sub-district _____ than a _____ containing _____ more or less and bounded on the North by _____ on South by _____ on the East by _____ and on the West by _____ for the sum of Rupees _____ and whereas the Borrower has under the provision of the General Financial Rules (hereinafter referred to as the said rules which expression shall include any amendment thereof for the time being in force) applied to the president for a loan of Rupees _____ to enable him to purchase the said piece of land and the President has agreed to lend the said sum of Rupees _____ to the Borrower on the terms and conditions hereinafter contained.

NOW IT IS HEREBY AGREED between the parties hereto that in consideration of the sum of Rupees _____ paid by the President to the Borrower (the receipt of which the borrower hereby acknowledges) the Borrower hereby agrees with the President.

- (1) to repay the president the said amount with interest calculated according to the said Rules by monthly deduction from his salary as provided for by the said Rules and hereby authorizes the President to make such deduction; and
- (2) within one month from the date of these presents to expend the full amount of the said loan in the purchase of the said piece of land and if the actual price paid is less than the loan to repay, the difference to the President forthwith and,
- (3) to execute a document mortgaging the said piece of land and the house to be erected thereon to the president as security for the amount lent to the Borrower as aforesaid interest in the form provided by the said rules.

AND IT IS HEREBY FURTHER AGREED that the Borrower shall immediately before he has purchased the said piece of land commence and erect thereon a suitable residence for his own use.

AND IT IS HEREBY LASTLY AGREED AND DECLARED that if he said piece of land has not been purchased and mortgaged within one month from the date of these presents or if the Borrower within that period becomes insolvent or quits the service of Government or dies the whole amount of the loan and interest accrued thereon shall immediately become due and payable.

IN WITNESS whereof the Borrower has hereto set his hand the day and year first above written.

Signed by the said

In the presence of _____

FORM G.F.R. 29

(See Rule 15 of H.B.A Rules 1957)

(See Note 6 under Rule VII of paragraph 253-A)

Form of Mortgage to be executed in connection with an advance for the purchase of land on which to construct a house)

THIS INDENTURE made the day of _____ one thousand nine hundred and _____
BETWEEN _____ a civil officer _____ (hereinafter called the mortgagor which term shall where not repugnant to the context include his heirs, executors and administrators and assigns) of the one part and THE PRESIDENT OF PAKISTAN (hereinafter referred to as the mortgagee which term shall where not repugnant to the context include his successors and assigns) of the other part,

WHEREAS BY AN Agreement dated the _____ days of 200 _____ and made between the mortgagor of the one part and the mortgagee of the other part the mortgagee advanced and lent to the mortgagor the sum of rupees _____ for the purpose of purchasing the piece of land hereinafter described and intended to be hereby transferred and assured and as security for such loan the mortgagor agreed to execute a mortgage in favour of the mortgagee in the forms of these presents AND WHEREAS the mortgagor on the _____ day of _____ 200 _____ duly purchased the said piece of land and is now absolutely seized and possessed of or otherwise well entitled to the said piece of land AND WHEREAS the mortgagor has applied to the mortgagee for a further advance of the sum of Rs. _____ for the purpose of enabling him to defray the expenses of erecting on he said land a suitable residence for his own use AND WHEREAS under the provisions contained in para 253-A of the General Financial Rules (hereinafter referred to as the said Rules which expression shall where the context so admits include any amendment thereof or addition thereto for the time being in force and shall be deemed to form par to these presents) the mortgagee has agreed to advance to the mortgagor the said further sum of Rupees _____ (payable as follows that is to say the sum of Rupees _____ on or before the execution of these presents) and the balance (unless and until the power of sale applicable hereto shall have become exercisable) by _____ equal _____ installments payable quarterly the first of such installment to be payable on the _____ day of _____.

NOW THIS INDENTURE WITNESSETH that in consideration of the said advances of Rupees _____ and Rupees _____ making a total of Rupees _____ so advanced as aforesaid and in pursuance of the said agreement the mortgagor doth hereby covenant with the mortgagee to pay to the mortgagee the said sum of Rupees _____ (and such further sums as shall hereafter be paid by him to mortgagor pursuant to the hereinbefore recited agreement in the behalf) and interest thereon calculated according to the said Rules on the _____ day of _____ next and if the loan shall not be repaid on the date will pay interest in accordance with the said Rules.

AND THE INDENTURE ALSO WITNESSETH that for consideration aforesaid the mortgagor doth hereby transfer assign and assure unto the mortgagee ALL THAT PIECE of land situate in _____ in the registration District of _____ sub-district _____ than _____ containing _____ more or less bounded on the North by _____ on the South by _____ on the East by _____ and on the West by _____ together with the dwelling house and the out offices stables, cook-rooms and out buildings and all kinds used or intended to be used with the said dwelling-house (erected or hereafter to be erected on the said piece of land together with all rights easements and appurtenances to the same or any of them belonging **TO HOLD** the said premises including all erections and buildings hereafter executed on the said land (hereinafter referred to as the said premises) unto and to the use of the mortgagee absolutely subject to the proviso for redemption hereinafter contained **PROVIDED ALWAYS** that if and as soon as the said advance of Rupees _____ (and of such further sums as may have been paid as aforesaid) made upon the security of these presents and interest thereon calculated according to the said Rules shall have been repaid by the deduction of monthly installment of the salary of the mortgagor as in the said Rules mentioned or by any other means whatsoever then and in such case the mortgagor will upon the request and at the cost of the mortgagor recover, re-transfer or re-assure the said premises unto and to the use of the mortgagee and the mortgagor hereby covenants with the mortgagee, that mortgagor now hath good right to transfer the said premises unto the mortgagee free from encumbrance **AND FURTHER** that the mortgagor and all other persons having or lawfully claiming any estate or interest in the said premises or any part thereof shall and will from time to time and at all times hereafter at his or their own cost do and execute or cause to be done and executed all such acts deeds and thing for further and more perfectly assuring he said premises unto the mortgagee in manner aforesaid as shall or may be required **PROVIDED ALWAYS** and it is hereby agreed and declared that if there shall be any breach, the mortgagor of the covenant on his part herein contained by or if he shall die or quit the service at any time before all same sums due or payable to the mortgagee on the security of these presents shall have been fully paid off then and in any of such cases it shall be lawful for the mortgagee to sell the said premises or buildings standing thereon or any part thereof either together or in parcels and either by public auction or by private contract with power to buy in or to rescind any contract for sale and to re-sell without being responsible for any loss which may be occasioned thereby or to let the same for any term or period and to do and execute all such acts and assurances for effectuating any such sale of letting as the mortgagee shall think fit **AND IT IS HEREBY DECLARD** that the receipt of the mortgagee for the purchase money of the premises sold or any part thereof shall effectually discharge the purchaser or purchasers therefrom **AND IT IS HEEBY**

DECLARD that the mortgagee shall hold and rents, profits, premiums, claim or moneys arising from the premises or from any such letting or sale as aforesaid **UPON** trust in the first place there out to pay all expenses attending such sale or otherwise incurred in relation to this security and in next place to apply such moneys in or towards satisfaction of the moneys for the time being on the security to these presents and then to pay the surplus if any to the mortgagor, **AND IT IS HEREBY DECLARED** that of lease made by the mortgagor of the said premises or any part thereof during the continuance of this security shall have effect unless the mortgagee shall consent thereto in writing.

IN WITNESS whereof the mortgagor, hath hereunto set his hand the day and year first above written.

SIGNED by the said (mortgagor) In the presence of _____
First _____ Second _____
Address _____ Address _____
Occupation _____ Occupation _____

(The deed should be registered



FORM G.F.R. 30

(See Rule 13 of H.B.A Rules 1957)

(See Rule XI of paragraph 253-A)

SURETY BOND

Know All Men by these presents that we (1) _____ son of _____ a resident of _____ in the district of _____ and (2) _____ son of _____ a resident of _____ in the district of _____ at present employed as (1) _____ in the _____ and (2) _____ (hereinafter called "sureties" are firmly bound unto the President of Pakistan (hereinafter called "the President" which expression shall include his successors in office and assigns) in the sum of Rs. _____ (Rupees _____ together with interest thereon on for such payment to be well and truly made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators and representatives by these presents sealed with our seals this _____ day of _____ 200 _____.

2. **WHEREAS** _____ son of _____ at present employed as a temporary _____ in the _____ (hereinafter called "the borrower") has been granted by the president a loan of Rs. _____ (Rupees _____) for building a house for his own use and that the said borrower has undertaken to repay the said amount in _____ equal monthly installments of Rs. _____ each with

interest at the rate from time to time fixed for the purpose by the President. **NOW** the condition of this obligation is such that if the said borrower shall, while employed in the said office duly and regularly pay or cause to be paid to president the amount of the aforesaid loan by installments, with interest on the whole or such amount as shall from time to time remain owing on the first day of each calendar month, the first payment to be made on the first day of _____ 200 _____, until the said amount of Rs. _____ together with interest thereon shall be full paid or until the house built with the said amount has been mortgaged to the President until the Borrower has been confirmed in the service, then this bond shall be void, otherwise the same shall be and remain in force. But if the borrower shall die or become insolvent, or at any time cease to be in service of the President, the whole or so much of the said principal sum of Rs. _____ as shall then remain unpaid, together with interest which shall accrued due thereon, shall immediately become due and payable to eh president and may be recoverable from the Sureties in one installment or as may be directed by the president by virtue of this bond.

Signed by Sureties

| | | | |
|---------|-------|---------|-------|
| First | _____ | Second | _____ |
| Address | _____ | Address | _____ |
| Place | _____ | Place | _____ |

(The deed should be registered

MODIFICATIONS/ADDITIONS IN HOUSE BUILDING ADVANCE RULES, 1972
OFFICE OF THE SECRETARY
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

ORDER:

The president, Azad Government of the State of Jammu and Kashmir is pleased to accord sanction to the following amendments/additions in the Rules regulating grant of House Building Advance:-

- (i) Restriction of sanctioning the advance for constructing residential houses in certain specified places/stations is removed. Government servants otherwise eligible for grant of advance, shall be granted advance for constructing their residential houses anywhere in Azad Kashmir Territory;
- (ii) A second advance equal to actual requirements not exceeding 2 years pay may be granted for repairing or extension purposes for the house constructed with the help of the first advance provided the Head of the department concerned and a representative of the Public Works Department certify that such repair or extension is unavoidable and that the advance previously drawn has been re-paid in full by the Government servant concerned.

Sd/--
(AZIZ-UR-REHMAN QURESHI)
Section Officer (S&GAD)

NO. S&GAD/7912-62/CS/72

Dated: 18.05.1972

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated 23.06.1987

NOTIFICATION

No.FD/R/18180-18280/87. The President Azad Jammu and Kashmir is pleased to direct that the following amendments shall be made in the Rules governing grant of House Building Advance issued vide circular No. 36/57 dated 12.01.1957 and subsequently amended, i.e.:-

- (i) As admissible to the employees in Pakistan, the maximum limit of House Building Advance be raised equal to 30 months pay instead of 30 months w.e.f. year 1986-87.
- (ii) The advance for construction of house may be drawn in two equal installments each equal to 18 months pay.
- (iii) Advance for repair and extension equal to 24 months pay may be granted preferably to those who have not drawn advance for the construction of house. It may also be allowed to those who have taken H.B.A from Government, but the gap between the two must at least 12 years.
- (iv) Limit of the advance for purchase of land will be equal to 18 months pay. Advance for construction of house when granted in continuation of the advance for purchase of land, total amount will not exceed 36 months pay of the borrower.

- (v) Rate of the pay for the purposes of grant of advance will be equal to pay admissible to Government servant at the time of sanction of the advance, and no increase of subsequent change in the pay will be accepted.
- (vi) Advance for purchase of house may be drawn in two installments. First installment equal to 24 months pay and the 2nd equal to 12 months pay.
- (vii) Advance for the construction of a 2nd house may be granted only to those who construct such houses at Muzaffarabad or other District Headquarters provided they do not possess any house on such stations. Second advance will be payable after 12 years of the grant of first advance.

Sd/--

(Raja Muhammad Farooq Niazi)
Deputy Secretary Finance (Reg.)



AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated 26.06.1988

NOTIFICATION

No.FD/R/11004-11104/88. In partial modification of Notification FD/R/18180-18280/87, dated 23.06.1987, the President Azad Jammu and Kashmir has been pleased to direct as under:-

1. The gap between H.B.A and advance for repair and extension shall stand reduced to 8 years instead of 12 years. However, grant of first H.B.A shall be considered on priority basis.
2. Advance for the construction of a 2nd house shall be admissible at all stations within Azad Kashmir.
3. Rules shall be deemed to have been amended to the extent indicated above.

Sd/-

(Mir Abdul Hamid)
Deputy Secretary Finance (R)

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد
(محکمہ مالیات)

"مظفر آباد"

مورخہ: 13 مئی 1991

نوٹیفکیشن

- نمبر مالیات / 23/91، جناب صدر آزاد جموں و کشمیر نے ایسے ملازمین جو دوران سروس وفات پا جاتے ہیں اور انکے ڈمہ سرکاری واجبات از قسم قرضہ تعمیر مکان / کار ایڈوانس / سکوٹرایڈوانس قابل وصول ہوتے ہیں کے بارہ میں بذیل پالیسی کی منظوری صادر فرمائی ہے۔
- 1- جو ملازم دوران ملازمت فوت ہو جائے اور اس کے ذمہ -/45000 روپے تک قرضہ قابل وصول ہو، یہ رقم ڈپٹی کمشنر کی تصدیق / سفارش پر قلمزدگی کی جاسکتی ہے۔
 - 2- جس سرکاری ملازم کے ذمہ کم از کم -/45000 روپے اور زیادہ سے زیادہ -/75000 روپے قابل وصول ہوں تو صرف -/45000 روپے کی قلمزدگی ہوگی اور بقایا رقم پنشن و دیگر ذرائع سے وصول کرنا ہوگی۔
 - 3- ایسا سرکاری ملازم جس کے ذمہ کم از کم -/75000 روپے اور زیادہ سے زیادہ -/15000 روپے کی رقم قابل وصول ہوگی اس کو صرف -/50000 روپے معاف کیے جائیں گے۔ اور بقیہ رقم اس کی پنشن اور دیگر ذرائع سے وصول کی جائے گی۔

دستخط / --

عبدالروف خان

ڈپٹی سیکرٹری مالیات (قواعد)

نقل بالا بخدمت۔

- 1- سیکرٹری صاحب برائے جناب صدر۔
- 2- سیکرٹری صاحب ہمراہ جناب وزیر اعظم۔
- 3- پرائیویٹ سیکرٹری صاحبان ہمراہ مشیران کرام۔
- 4- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری۔
- 5- جناب ایڈیشنل چیف سیکرٹری جنرل / ترقیات۔
- 6- جملہ سیکرٹری صاحبان حکومت / جملہ سربراہان محکمہ جات۔

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد
(محکمہ مالیات)

"مظفر آباد"

مورخہ: 26 اگست 1997ء

نوٹیفکیشن

جناب صدر آزاد جموں و کشمیر نے نوٹیفکیشن نمبر مالیات / 23 / 91 / 13 محرمہ 13 مئی 1991ء کے جزی (3) میں بذیل الفاظ لکھے اور پڑھے جانے کی منظوری صادر فرمائی ہے۔

"جس سرکاری ملازم کے ذمہ کم از کم - / 75000 روپے یا اس سے زیادہ کی رقم قابل وصولی ہوگی تو صرف - / 75000 روپے معاف کیے جائیں گے۔ اور بقیہ رقم اس کی پنشن اور دیگر ذرائع سے وصول کی جائے گی"

دستخط / --
(افتخار احمد)
ڈپٹی سیکرٹری مالیات (قواعد)

نقل بالا بحکمہ مت۔

- 1- جناب سیکرٹری برائے جناب صدر آزاد جموں و کشمیر۔
- 2- جناب پرنسپل سیکرٹری برائے جناب وزیر اعظم آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹری صاحب ہمراہ جناب وزراء کرام / مشیران حکومت۔
- 4- پرائیویٹ سیکرٹری صاحب ہمراہ جناب چیف سیکرٹری۔
- 5- پرائیویٹ سیکرٹری صاحب ہمراہ جناب ایڈیشنل چیف سیکرٹری ترقیات۔
- 6- جملہ سیکرٹری صاحبان حکومت۔
- 7- جملہ سربراہان منسلکہ محکمہ جات۔
- 8- جناب ناظم اعلیٰ حسابات آزاد جموں و کشمیر مظفر آباد۔
- 9- جناب کنٹرولر سرکاری چھاپہ خانہ در اشاعت گزٹ
- 10- ماسٹر فائل۔

دستخط / --
(قاضی عبدالوحید)
سیکشن آفیسر مالیات (قواعد)

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد
(محکمہ مالیات)

"مظفر آباد"

مورخہ: 7 جولائی 1999ء

نوٹیفیکیشن

نمبر ایف ڈی / آر / 7851-8652-99، جناب صدر آزاد جموں و کشمیر نے بتسلل نوٹیفیکیشن نمبر مالیات / 23 / 91 محرمہ 13 مئی نوٹیفیکیشن نمبر مالیات / آر / 14493-14324 / 97 مورخہ 26.08.1997 دوران ملازمت فوت ہونے والے سرکاری ملازمین کے ذمہ قرضہ جات کی معافی کے بارہ میں بذیل ترمیمی پالیسی کی منظوری صادر فرمائی ہے:-

- 1- جو ملازم دوران ملازمت فوت ہو جائے اور اس کے ذمہ قرضہ ایک لاکھ روپے یا اس سے زائد ہو میں سے ایک لاکھ روپے کی حد تک قرضہ معاف کیئے جانے اور بقیہ رقم پنشن و دیگر ذرائع سے وصول کیئے جائیں گے۔ یہ رقم ڈپٹی کمشنر متعلقہ کی تصدیق / سفارش پر قلمزد کی جائے گی۔
- 2- آئندہ ایک لاکھ روپے سے زائد قرضہ معاف نہیں کیا جائے گا اور نہ ہی زائد قرضہ کی معافی کا معاملہ کابینہ میں پیش کیا جائے گا۔

دستخط / --

خواجہ شفیق احمد

ڈپٹی سیکرٹری مالیات (قواعد)

نقل بالا بحکمہ

- 1- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر مظفر آباد۔
- 2- سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 3- پرائیویٹ سیکرٹری صاحبان ہمراہ جناب وزراء کرام / مشیران حکومت۔
- 4- پرائیویٹ سیکرٹری صاحب ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 5- پرائیویٹ سیکرٹری صاحب ہمراہ جناب ایڈیشنل چیف سیکرٹری ترقیات، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 6- پرائیویٹ سیکرٹری صاحب ہمراہ جناب ایڈیشنل چیف سیکرٹری جنرل، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 7- جملہ سیکرٹری صاحبان حکومت، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 8- جملہ سربراہان منسلک محکمہ جات، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 9- جناب ناظم اعلیٰ حسابات، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 10- جناب کنٹرولر سرکاری چھاپہ خانہ، آزاد حکومت ریاست جموں و کشمیر مظفر آباد۔
- 11- ماسٹر فائل۔

دستخط / --

قاضی عبدالوحید

سیکشن آفیسر مالیات

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
(FINANCE DEPARTMENT)**

“Muzaffarabad”
March 04, 2006.

Notification

No. 2485-2584/2006, The President, Azad Jammu and Kashmir has been pleased to sanction the following “Relief Package” in favour of Civil & Govt. employees of AJ&K Government, who are affected due to the devastating earthquake of 8th October 2005 and whose houses or vehicles have been damaged.

- I. That the outstanding amount of HBA against the Civil & Govt. employees, whose houses have been damaged during the earthquake, shall be deemed to be written off subject to the conditions that:-
- a) They have received or shall receive compensation of Rs.25, 000/- from the concerned Relief Committee and shall furnish photocopy of the cheque or deposit receipt of the ¹⁷[bank/ Post Office] where the cheque has been deposited, dully attested by Deputy Commissioner ¹⁸[or Head of the Department]concerned. In case of cash payment, concerned employee shall provide a certificate of getting compensation from the concerned Relief Committee, indicating name, IDC No, serial No, and date of payment in the compensation payment list dully countersigned by the Deputy Commissioner of the concerned District ¹⁹[or Head of the Department].
- b) Amount of the advance was obtained before 8th October, 2005.
- II. The outstanding amount of Car & Motorcycle advance against the Civil & Govt. employees, whose Cars/ Motorcycles have been destroyed during the earthquake, shall be written off on production of a certificate regarding the ownership of the Vehicles and destruction of the same during the earthquake from the head of the department (Secretary Concerned). Accountant General Officer shall also confirm that the documents regarding the registration of such Vehicle (Prior to 8 October 2005) gave been provided by the employee and are available in the record.
- III. The outstanding amount of advances (HBA, Car/ Motorcycle) obtained from Govt. Revenue by Civil/ Govt. employees shall also be written off in case of death of such employees during the earthquake upon the production of death certificate dully countersigned by Deputy Commissioner concerned. The employees who have been permanently incapacitated shall also be entitled to get advantage of this provision upon providing a permanently incapacitated certificate from the head of the CMH/ Civil Hospital, duly countersigned by DC concerned.

¹⁷ Substituted vide Corrigendum No. 1076-1175/2006 dated 27 Mar 2006.

¹⁸ Inserted vide ibid.

¹⁹ Inserted vide ibid.

**THE AZAD JAMMU AND KASHMIR
ALLOCATION (ACCOMMODATION) RULES, 1981**

“Muzaffarabad”
Dated: 11th January, 1981

NOTIFICATION:

No. S&GAD/Accom/SO-1(83)/77. The President, Azad Jammu and Kashmir is pleased to make the following Rules for the allocation of residential accommodation to the Government Servants in Azad Jammu and Kashmir.

PART-I GENERAL

1. **Short Title and Commencement:**-(i) These rules may be called the Azad Jammu and Kashmir Allocation (Accommodation) Rules, 1981.
(ii) They shall come into force at once.
2. **Definitions:**-In these rules, unless there is anything repugnant in the subject or context:-
 - i) **‘Government’** means, the Azad Government of the State of Jammu and Kashmir;
 - ii) **‘Estate Officer’** means Estate Officer of Azad Jammu and Kashmir;
 - iii) **‘Government Servant’** means Government Servant eligible for accommodation from the Estate Office Pool;
 - iv) **‘Single Government Servant’** means Government Servant without family;
 - v) **‘Family’** as is defined in annexure ‘A’ to these rules;
 - vi) **‘Emoluments’** (a) for the purpose of determining the entitlement of various classes of accommodation includes pay, technical pay, special pay, deputation pay, expatriation allowance, non practicing allowance, pension as defined under Article 30 KSR Vol. I and any other pay/allowance which Government may decide for counting towards entitlement;
(b) for the purpose of recovery of rent, the rate of deduction will be the same as are prevailing at the present or such, as may be notified by the competent authority from time to time. Pension as defined under Article 30 KSR Vol. I or any other pay/allowances which Government may decide for counting towards realization of rent.
 - vii) **‘Accommodation’** means residential accommodation Government owned, hired or requisitioned and placed in the pool of Estate Office.

PART-II ELIGIBILITY

3. All the Government Servants employed in the Secretariat/ Attached Department/Subordinate Offices of Azad Government of the State of Jammu and Kashmir shall be eligible for the accommodation.
4. A Single Government Servant may be allotted accommodation according to his entitlement only when there is no Govt. Servant on the waiting list of that class with a family.

PART-III CLASSIFICATION AND ENTITLEMENT

5. The Classification and entitlement would be as Notified vide Government Order No. 2642-2742/Works/79 dated 13-12-1979 or notified by Government from time to time, as the case may be.
 6. (a) A Government Servant may be allotted by Government, an accommodation of a class higher than the one he is entitled to, if there is none on the waiting list of that class and if he is prepared to pay the minimum rent payable by a Govt. Servant entitled to that class of accommodation.
(b) A Government Servant may be allotted by Government an accommodation of a class lower to the class to which he is entitled, if he foregoes in writing his claim to the class of accommodation to which he is entitled, permanently.
- ¹ [6-A (1) Allotment of Government Residence will be Made on the Principle of First Come First Served. The priority will be based on the date of receipt of application in the Estate office in the respective category and if the officer/official becomes eligible for a higher category during the time he is on the waiting list, he will be given position on the list of the requisite category, on his application, from the date of his eligibility as such. His name would, however, continue in the previous category also and if a house becomes available in the previous category, it will be allotted to him at his option if his turn comes.
- (2) The allotment of houses falling vacant in various categories shall be made to the Secretariat and Non-Secretariat officers/officials on a cycle system in the fixed ration of 2:1 i.e. out of 3 units falling vacant, first 2 will be allotted to the Secretariat officers/officials and the 3rd one to the Non-secretariat officers/officials in order of their position in the respective waiting list. The Judges of the Supreme Court and High Court, the Secretaries to the Government and the Chairman of the Public Service Commission will be given priority in the category meant for Secretariat officers, in accordance with their date of application/eligibility.
- (3) Notwithstanding anything contained in these rules or any other rules for the time being in force, the Chief Executive shall have the powers to allot a house to a Government servant at his discretion at any time.]

PART-IV PROCEDURE OF ALLOCATION

7. (i) The Estate Office shall maintain a separate waiting list of Government Servants for each class of accommodation in the prescribed form and in bound volumes which shall be available for inspection of Government Servants concerned during office hours on all working days.
(ii) Seniority of a Government Servant on the relevant waiting lists shall be determined from:-
 - (a) the date of entitlement to a class of accommodation provided the Government Servant applies to Estate Officer within one month of his joining at that station or on his becoming entitled to a higher class of accommodation due to increase of his emoluments (Application form at Annexure-B).
 - (b) the date of his application to Estate Officer in case he applies for higher class of accommodation after one month of joining at that station/becoming entitled to higher class of accommodation.

¹ Added vide Notification No. S&GAD/Accom/SO-I(83)/82 dated 30.12.1982

- (c) ²[(Sub-clauses (c), (d) (e) deleted].
- (iii) Receipt of application for accommodation shall be acknowledged by Estate Officer by granting a printed receipt, serially numbered in print, as and when it is received from the applicant. The form of receipt is given in Annexure 'C'.
- (iv) Subject to the provision of rule 9 allotment of accommodation shall be made strictly on the basis of seniority.
8. (i) Allotment Committees shall consist of members as shown in Annexure 'D';
- (ii) The Committees shall meet at least once a month.
- (iii) A Government Servant desiring an out-of-turn allotment shall apply to the Estate Office in the prescribed form given in Annexure 'E'.
- (iv) The Estate Office shall grant a receipt to the applicant, as a token of receipt of the application, in the prescribed form given in Annexure 'C'.
- (v) The concerned Allotment Committee, after consideration of the application, may either reject the application or award categories 'A' or 'B' for out-of-turn allotment.
- Category 'A'** may be given to cases where lack of suitable accommodation constitutes a serious threat to life or is likely to lead to serious deterioration of the health of the applicant or a member of his family who should stay ordinarily with the applicant.
- Category 'B'** may be given to cases where no possible alternative accommodation is available for the family of the applicant, anywhere in Azad Jammu and Kashmir.
- (vi) The Committee shall state the reasons in writing for awarding a particular category or rejecting the application.
- (vii) Application made on ground of health must be accompanied by a certificate from the authorised medical attendant.
- (viii) In coming to a decision either on medical ground or on general ground the Committee shall consider all the facts contained in the application and the medical certificate, if any. In case they desire further information, they may write to the applicant to appear before them to answer such questions as they may like to put to him.
- (ix) A register for applications received for allotment shall be maintained by the Estate officer in the prescribed form Annexure 'F' in which the decision of the committee shall be recorded and signed by its Chairman.
- (x) Estate Officer shall also maintain separate waiting lists for out-of-turn categories 'A' and 'B' granted by the Allotment Committee.
9. The available accommodation shall be allotted to the senior most Government Servants in various waiting lists, as per following cycle:-
- | | |
|------------------|--------------|
| First vacancy.. | General |
| Second vacancy.. | 'A' Category |
| Third vacancy.. | General |
| Fourth vacancy.. | 'A' Category |

² Deleted vide Notification No. S&GAD/Accom/So-1(83)/82 dated 30.12.1982.

| | |
|-----------------|--------------|
| Fifth vacancy.. | General |
| Sixth vacancy.. | 'B' Category |

If the waiting list of one category is exhausted, a house available in its cycle may be allotted to the Government Servant entitled in the general waiting list.

10. The Estate Officer shall allot an available accommodation to one Government Servant only as per cycle maintained in the office, in accordance with the rule 9 above. If a Government Servant does not accept the allotment within 7 days, without any cogent reason, or on acceptance does not occupy it within 10 days from the date of allotment, the allotment shall be cancelled and his name shall be struck off from the waiting list.
11. The Government may reserve a number of houses at a Station for allocation as shared accommodation, to more than one Government Servant who are posted there and are in immediate need of shelter. The accommodation so reserved shall be allocated as below:-
 - (i) The Government Servants, without their families, shall be so grouped together that none gets more than one bed-room.
12. In case there is some sub-standard accommodation available at a particular station and declared as such by Government, the Estate Officer shall maintain a list of Government Servants applying for such accommodation. Allotment of such accommodation shall be made according to the seniority of Government Servants in that list.

PART-V OCCUPATION AND VACATION

13.
 - (i) On receipt of an allotment order from the Estate officer an allottee shall take over possession of the accommodation from the P.W.D (Maintenance Division) within 10 days of allotment and sign a receipt for all fixtures and fittings.
 - (ii) The P.W.D. (Maintenance Division) shall send the occupation report to the Estate Officer in duplicate within 3 days of occupation.
 - (iii) On vacation, the allottee shall hand over possession of the house to the P.W.D (Maintenance Division) and obtain a receipt thereof in duplicate which will include an inventory of the fixtures and fittings available in the house. The allottee shall send a copy of the receipt to the Estate Officer for necessary action. This will, however, not absolve the P.W.D. (Maintenance Division) of their responsibility of sending a vacation report to the Estate officer within 3 days of responsibility of sending a vacation report to the Estate Officer within 3 days of the vacation of the house.
 - (iv) The allottee shall be liable to pay rent for the period up to the date of handing over possession to the Maintenance Division and for any loss of fixtures and fittings and for any damage cause to the building beyond normal wear and tear, the cost of which will be realized from him.

PART-VI CANCELLATION

14. Allotment of a house to a Government Servant is not transferable. If a Government Servant or his family do not ordinarily reside in the accommodation allotted to him and allows other persons to live in the house without prior permission of Estate Officer it may be deemed to have been transferred by the allottee and the allotment shall be liable to cancellation.

15. Exchange of houses between two allottees can be made with the prior permission of the Estate Officer. If any exchange takes place without such permission, allotment will be liable to cancellation.
16. (i) Accommodation shall not be sublet by the allottee nor it shall be used for any business or profession. The Estate Officer, may, however, on a request, permit the Government Servant or a member of his family to carry on medical profession.
(ii) A Government Servant may allow a friend or relative to share accommodation with him without any monetary gain for a period of one month without the permission of Estate Officer and with the permission of Estate officer for a period of 6 months. Any breach of this rule shall lead to cancellation of the allotment.
17. (i) If it is proved that an allottee has sublet the accommodation, the Estate Officer shall cancel the allotment and report the matter to the Head of allottees department, who will take disciplinary action against him under the Govt. Servants, Conduct Rules.
(ii) Estate Officer shall report to Government the names of the Government Servants whose allotments have been cancelled in any one month for subletting, by the first week of the following month.
(iii) A Government Servant found guilty of subletting shall be debarred from allotment of accommodation for 5 years.
18. The first informer of a subletting case shall be rewarded by allotment of accommodation for 5 years.
19. All information regarding subletting cases shall be received by the head of the Estate Office personally, and entered into a special register, forthwith, in his presence and entry initialed by him. The informer shall be given a receipt in the prescribed form annexure 'D' noting date and hour of receipt clearly therein. The information shall be kept confidential.
20. (i) In the event of death of an allottee the accommodation shall be vacated by the widow of the allottee on the expiry of the 'iddat' period. In case there is no widow, by his family after the expiry of 2 months.
(ii) In the event of dismissal, removal, resignation, transfer or retirement, the accommodation shall be vacated within 4 months of the event:
³[Provided that the house specified for particular officer such as Commissioner, Deputy Commissioner, S.P. etc. and declared as such by the competent authority shall be vacated within two weeks by the officer who ceases to hold the specified office.]
(iii) If further retention of the quarter is required for the completion of the education of the children in the event of death, dismissal, removal, resignation, retirement or transfer of an allottee, permission may be granted to retain the accommodation on payment of normal rent up to 6 months, at the discretion of the Government.
(iv) Allotment of accommodation may be transferred to the father/mother/real brother/ real sister/real son/real daughter or wife/husband of the allottee, if he/she is eligible for the same or for a higher class of accommodation at the time of the event or becomes eligible within 2 months of the event and the beneficiary had been ordinarily residing with the allottee.

³ Added vide Notification No S&GAD/R/A-4(345)/98 dated 11.09.1998.

In case he/she is entitled to lower class accommodation, he/she shall be allotted the first available quarter in that class accommodation, and till such time an alternative accommodation is made available, he/she may retain the accommodation in his/her occupation on payment of normal rent.

- (v) When an allottee is transferred for a period not exceeding 6 month and certified as such by the head of his office, he may retain the accommodation during that period on payment of normal rent.
- (vi) When an allottee is transferred outside Azad Jammu and Kashmir, he may retain accommodation as long as he has not been allotted any accommodation at the foreign station or for 6 months, whichever period is less, on payment of normal rent.
- (vii) When an allottee is transferred to an area declared as non family area by Government, he may be allowed to retain accommodation by paying normal rent.
- (viii) When an allottee who is dismissed, removed, or compulsorily retired from service files an appeal, under the relevant rules, to a competent authority against the orders of dismissal, removal or retirement he may retain the accommodation on payment of normal rent as long as his appeal is not disposed of or for a period of 6 months, whichever is less. In case he is subsequently reinstated his original seniority on the waiting list shall be restored.
- (ix) If the allottee surrenders the accommodation, he may on return from leave or training, be provided with the same class of accommodation on a top priority basis.
- (x) A Government Servant transferred to an ineligible Government department at the same station, may be allowed to retain the accommodation at normal rent thereafter till his retirement, death, dismissal, transfer, etc.
- (xi) A Government Servant transferred to an autonomous organization may be allowed to retain accommodation for a period of one year or till such time as the autonomous organization is in a position to provide alternative accommodation to him whichever is less. The recovery of rent in such cases will be made at the standard rate from the organization concerned. The organization will, however, recover rent at the rate of 5% of emoluments from the allottee.
- (xii) Benefit of sub-clause (iv) will not accrue to the father/mother/real sister/real brother/real son, etc., of the allottee mentioned in sub-clause (x) and (xi) after the expiry of one year from the day the allottee is transferred to an ineligible Government Department/ Autonomous and Semi-Government Organization.

21. A Government Servant who is allotted an accommodation, he and his family members shall abstain from all actions which are likely to cause a nuisance. If his behavior or that of any of his family members or any person living with him causes a nuisance or trouble in the locality, the Estate Officer may cancel his allotment or shift him elsewhere. Keeping of pets or cattle in the Government Colonies may be treated as a nuisance in terms of this rule if it causes some offence or harm to the residents of the colony.

22. A Government Servant, who has built or acquired a house at the place of his posting or his wife or one of his dependent children has done so shall not be entitled to Government accommodation;

Provided that in special cases Government, may relax the rule and allot accommodation to such a Govt. servant for a period not exceeding two years from the date of completion of his own house.

⁴[Provided further that this rule shall not apply to Secretaries to Government and Officers of Grade B-20 and above.]

23. If a Government servant, while in occupation of an allotted accommodation builds or acquires a house at the place of his posting or his wife/husband or any one of his dependent children does so he may retain the accommodation for a period of 2 years from the date of its completion on payment of normal rent. The allottee shall surrender accommodation as and when that period expires:

⁵[Provided that this rule shall not apply to the Secretaries to Government and Officers of Grade B-20 and above].

24. (i) In case an accommodation is occupied unauthorisedly or retained unauthorisedly, action may be taken against the defaulter under the Government Servants Conduct Rules and the Estate Officer shall charge and recover penal rent as defined in rule 25 (iii) from the occupants for the period of unauthorized occupation/retention and take step to evict him expeditiously.
- (ii) In order to expedite his evictions, Estate Officer may also take suitable actions.

PART-VII RENT AND PROCEDURE FOR RECOVERY

25. (i) Unless entitled to a free accommodation the rent of accommodation allotted to a Government servant shall be payable at the prescribed rates from time to time, as defined in rule 2 (vi) (b).
- (ii) In case of hutted type accommodation allotted to a Government servant the rate of rent shall be standard rent or 5% of the emoluments, whichever is less.
- (iii) In case of unauthorised occupation/retention of Government accommodation, rent should be charged at the rate of 12% of emoluments or standard rent whichever is more.
- (iv) The Estate Officer shall send rent demand statements in duplicate to the department/Office concerned and one copy to the A.G/District Accounts Office by the 15th of each month, regarding rent to be recovered from Gazetted and non-gazetted staff.
- (v) It shall be the responsibility of the department/Office concerned to recover rent as per the demand statements from the non-gazetted staff and A.G. will be responsible for recovery of rent from the gazetted officers. The Department/Office concerned/A.G. shall report to the Estate Office the factual position of the recovery by posting the amount recovered in the demand statements and return them to Estate Officer by the 15th of the next month.
- (vi) When a Government Servant is in heavy arrears of rent, the Estate Officer shall refer the matter to the A.G. for recovery of the amount under the rules, who shall realize the amount accordingly and shall not defer the realization on any appeal from the Government Servant concerned. If any appeal is made to the Accounts Office that office may refer it to Estate Officer concerned for redress.

⁴ Added vide Notification No. S&GAD/R/A-4(345)/98 dated 11.11.1998.

⁵ Added vide *ibid*.

PART-VIII NO DEMAND CERTIFICATE

26. (i) The Estate Officer shall issue a 'No Demand Certificate' to every allottee of accommodation within 2 months of the expiry of each calendar year.
- (ii) When a Government Servant is transferred/retired/ dismissed and vacates an accommodation allotted to him, Estate Officer shall issue the 'No Demand Certificate' within two months of the demand for such a certificate by the allottee or from the date the event came to the notice of Estate Officer.
- (iii) While allotting an accommodation to a Government Servant the Estate Officer shall ascertain from the Government Servant about the accommodation he was occupying in his former post and if so happens that he occupied an accommodation, Estate Officer shall ask him to file a 'No Demand Certificate' in respect of that accommodation. In case he is unable to do so, Estate Officer shall make a reference to the Estate Office concerned for the Certificate. The allotment to the Government Servant at the place of his new posting shall not be held up on this account.

PART-IX APPEAL

⁶[27(1) The Government shall be the Appellate Authority against the decision of the Allotment Committee.

(2) All appeals against the order of the Allotment Committee shall be submitted to the Appellate Authority within 30 days of the decision of the Committee.

(3) The Appellate Authority may hear and decide the appeal within 30 days, preferred under sub-rule (2) to this rule in such manner as it think fit.]

Sd/--

(SARDAR MUHAMMAD RAFIQUE KHAN)

Deputy Secretary, Services

ANNEXURE-A

EXTRACTS FROM SUPPLEMENTARY RULE 2(8)

DEFINITION OF FAMILY:

'Family' means a Government servant's wife, legitimate Children and step-children residing with and wholly dependent upon him. It includes, in addition, his parents, sisters and minor brothers if residing with and wholly dependent upon him. The term 'legitimate children' however does not include adopted children.

⁶ Added vide Notification No. Admin/I-9-2009 dated 06.01.2011.

(See Rule 7 (ii))

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
ESTATE OFFICE**

(APPLICATION FORM FOR RESIDENTIAL ACCOMMODATION)

1. Full Name (in Block letters)
2. Rank or Designation (Gazetted or non-Gazetted).....
3. Secretariat Department/Attached Department/Subordinate Offices.....
4. Emoluments and scale of pay:-
 - a) Scale of Pay
 - b) Basic pay and date from which basic pay become available
 - c) Allowances
5. Whether married or single-
6. Details of family members:-

| S.No. | Name | Age | Relationship | Remarks |
|-------|------|-----|--------------|---------|
| | | | | |
7. Whether locally recruited/transferred from
8. Date of appointment/Posting at the station.....
9. a) Particulars of the Government accommodation, if any allotted at the Station of posting
- (b) Date of vacation of the Government accommodation at the last Station
10. Place of domicile
11. Present accommodation
12. I certify that the information given above is correct to the best of my knowledge and belief. I agree to abide by the rules framed or which may be framed by Government for allotment of residence. If a Govt. residence is allotted to me, I undertake not to sublet the residence or the out-houses attached there to. For the breach of any rules or conditions of allotment I undertake to abide by any decision given by the competent authority.

Signature or Thumb Print.

No.....

Date.....

Forwarded to Estate Officer, Azad Government of the State of Jammu and Kashmir, I am satisfied that the facts stated in this form are substantially correct.

Signature of Head of the Office

ANNEXURE-C

**AZAD GOVT. OF THE STATE OF AZAD JAMMU AND KASHMIR
ESTATE OFFICE**

No.....

Received from Mr.....(Name) Designation..... of
.....(Department) for allotment of accommodation/against sub-letting house
No..... at a.m/p.m on.....

ESTATE OFFICER

ANNEXURE-D

(See Rule 8 (i))

ALLOTMENT COMMITTEES

FOR MUZAFFARABAD (for A to F Type of Accommodation)

- | | | |
|----|--|--------------------|
| 1. | ⁷ [Additional Chief Secretary (General) | Chairman. |
| 2. | Secretary PP&H. | Member. |
| 3. | Sr. Additional Secretary Finance | Member. |
| 4. | Addl. Secretary S&GAD(General) | Member. |
| 5. | ⁸ {XEN Maintenance Division. | Member. |
| 6. | Section officer S&GAD(CPC) | Secretary/Member.} |

FOR MIRPUR/RAWALAKOT/KOTLI(for A, B, C & D type of Accommodation)

- | | | |
|----|--------------------------------------|------------------|
| 1. | Deputy Commissioner | Chairman. |
| 2. | Xen P.W.D. | Member. |
| 3. | Assistant Director Local Government. | Member. |
| 4. | Assistant Estate Officer P.W.D. | Member/Secretary |

For E, F, G, H type of Accommodation

- | | | |
|----|--------------------------------|-------------------|
| 1. | Assistant Commissioner | Chairman. |
| 2. | Xen P.W.D. | Member. |
| 3. | District Agriculture Officer | Member. |
| 4. | Assistant Estate Officer P.W.D | Member/Secretary. |

⁷ Amended vide Notification No. Admin/I-9-2009 dated 06.01.2011.

⁸ Amended vide Notification No. G-2(13)/2009 dated 01.04.2011

(See Rule 8 (iii))

(APPLICATION FORM FOR OUT-OF-TURN ALLOTMENTS)

1. Full Name (In block letters)
2. Designation and Department (Gazetted or Non-Gazetted)
3. Present basic pay and allowances
4. Income of the Government servant or his wife from
5. Date of arrival/posting at the station
6. Does the Government servant or his wife possess a house, rented accommodation, etc. anywhere in Azad Kashmir? If so give particulars. (If the accommodation is not available for the family of Government Servant full reasons should be stated).
7. Present Accommodation.....
8. Does the father, mother, brother or son of the Government servant possess a house, rented accommodation etc. anywhere in Azad Kashmir? (If the accommodation is not available for the family of Government servant full reasons should be stated.....)
9. Is the Government Servant still retaining or can retain the house where he or his family were living before his transfer to the present station (Please give full particulars of the house)
10. Number of family members of Government Servant ordinarily.....
11. Residing with him, with details
12. Special consideration of health, if any supported by a certificate from the Civil Surgeon in case of Officers in Classes A to C at other stations and classes (F) and above at Muzaffarabad from the authorised Medical attendant in other cases.
13. Any other facts which the Government Servant wishes to put forward.

Signature of Applicant

No.....

Date:.....

Forwarded to Estate Officer..... I am satisfied that the facts stated in this form are substantially correct.

Signature of the Head of the Deptt/Officer

(See Rule 8 (ix))

**THE FORM FOR REGISTRATION OF APPLICATION FOR OUT-OF-TURN
ALLOTMENT**

| S. No. | Name of Govt. Servant | Pay | Date of Registration | Effective Position on the General Waiting List | Details of Accommodation Presently Occupied |
|--------|-----------------------|-----|----------------------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 |

| Grounds for Grant of Allotment/Out of Turn Allotment | Decision of the Allotment Committee with Reason | Signature of the Chairman Allotment Committee | Remarks |
|--|---|---|---------|
| 7 | 8 | 9 | 10 |

ENTITLEMENT FOR ALLOCATION OF ACCOMMODATION

No. 2642-2742/WORKS/79

Dated: 13th December, 1979

ORDER:

While considering the wasteful expenditure on construction of houses for Government servants the President of Azad Jammu and Kashmir Government has approved the following re-categorization of houses for Government Servants:-

1. The scale of entitlement of Government Servants will be related to the grades instead of emoluments.
2. Instead of existing eight categories in Azad Kashmir six categories of residential units on the basis of various groups will be observed.
3. Six categories of houses shall be as under:-

| Category | Grade (Revised N.P.S) |
|----------|-----------------------|
| I | 20-22 |
| II | 18-19 |
| III | 15-17 |
| IV | 11-14 |
| V | 05-10 |
| VI | 01-04 |

Explanation-I: With a view to affecting further economy the specifications for various categories of houses shall be reduced and laid down as below:-

- A) Cement concrete flooring in all the rooms instead of mosaic flooring in categories 4 to 6 may be provided except in bath rooms where ordinary cement concrete flooring with "Niru" finished Dado may be provided.
- B) Mosaic flooring in grey cement with glass strips shall be provided in all the rooms of categories I to III except in drawing rooms of categories I to II where cement concrete flooring with a mosaic border shall be provided. The bath rooms in categories II and III shall be provided with mosaic flooring in grey cement instead of white glazed tiles, which shall be provided only in category I.
- C) Hollow flush doors with commercial play, shall be provided in categories instead of teak-play. The wood work shall be painted instead of polishing. Steel windows shall be provided in all categories instead of wooden windows.
- D) The windows shall be provided with fixed fly-proofing and one fly proof door (external) where possible in house of categories III to VI and with shutter in those of categories I & II.
- E) The iron grill shall be provided in all the categories in ground floor only.
- F) No bath tub shall be provided in any categories.
- G) All the sanitary wares shall be of local make of best quality.
- H) In categories I to III each bath room shall be provided with a mirror, a glass shelf, towel rail, a wash-basin, a shower and a tap while the bathrooms in categories IV to VI shall be provided each with one shower and one tap only.

- D) The kitchens of categories I to III shall be provided with one sink and one drainage board.
 - J) (i) Categories I and II shall be provided with one Gas point each in drawing room and in kitchen with double gas burner. In cold places, one gas point shall be provided in each bed room of these categories.
 - (ii) Categories III to VI shall be provided with one gas point each in one room and kitchen with single burner.
 - (iii) No gas point be provided in drawing room, dining room, and bed room in hot places.
 - K) One exhaust fan in kitchen shall be provided in categories I to III.
 - L) Ceiling fans shall be provided in all the rooms of all the categories.
 - M) A geyser shall be provided in categories I and II.
4. The built up areas of various categories have been reduced except for the lowest group. The reduced build up areas and details of accommodation in each categories shall be prescribed as below:

| Category | Built up area (in sft) | Detail of Accommodations |
|----------|------------------------|--|
| I | 3000 | 1-Drawing 1-Dining, 3 bed rooms, with attached bath, 1 Guest room with attached bath, 1-Kitchen, 1-Pantry, 1-Lounge, 1-Store, 1-Box, 1-Garage and 2-Servants Qtrs, with toilet and Verandah. |
| II | 2500 | 1-Drawing, 1-Dining, 3-Bed rooms with attached Bath, 1-Kitchen, 1-Store, 1-Box, 1-Lounge, 1-Garage and 1-Servant Quarter with Toilet and Bath Room. |
| III | 1500 | 1-Drawing-cum-Dining room, 2-Bed Rooms with attached Bath, 1-Kitchen, 1-Store, 1-Box and 1 Lounge. |
| IV | 1000 | 1-Living room, 2-Bed rooms, 1-Kitchen, 1-Toilet 1-Back Veranda, 1-Bath, 1-Box and 1-W.C. |
| V | 606 | 2-Rooms, 1-Kitchen, 1-Back Veranda, 1-Bath, and 1-W.C. |
| VI | 520 | 2-Rooms, 1-Kitchen, 1-Back Veranda, 1-Bath, and 1-W.C. |

- 5. Flat type accommodation shall be constructed for the proposed categories III to IV and the houses of categories I & II shall be single story basis.
- 6. For the purpose of allotment to the officers in various grades, as detailed above, the existing accommodation shall be comparable with the proposed new categories as tabulated below.

| Approved Categories | Existing Categories (Old) |
|---------------------|---------------------------|
| I | A |
| II | B |
| III | C |
| IV | D&E |
| V | F&G |
| VI | H |

- 7. The approval, regarding re-categorization in respect of construction only and do not apply to hired accommodation.

8. The approval, so far as number of categories, built-up area and specifications, etc. are concerned shall uniformly be made applicable to all the Government Departments/Autonomous bodies, and Local Bodies for further construction.
9. The sanctioning authority may allow a departure from the approved specification to the extent of 10% in special cases to be fully justified on merits.
10. The competent authority with the prior approval of Government may authorise any additional accommodation other than that for the residential use of occupant, necessary to meet special requirements in the public interest.

Sd/--

(FIDA MOHAMMAD RATHORE)

Section Officer
Communication & Works



سرسبز و ہنر مند کشمیر
آزاد حکومت ریاست جموں و کشمیر مظفر آباد
فزیکل پلاننگ اینڈ ہاؤسنگ سیکرٹریٹ



"مظفر آباد"

مورخہ 03 ستمبر 2008ء

نوٹیفکیشن

نمبر پی پی اینڈ ایچ / 50-6835-2008ء جناب صدر آزاد جموں و کشمیر نے آفیسر ان پی۔ پی۔ ایس 20 تا 22 کیٹیگری I کو 3000 Sft کو رڈ ایریا کے مکانات کی الاٹمنٹ تک موجودہ الاٹ شدہ مکانات جن کا کو رڈ ایریا 2176 Sft ہے کا کر ایہ پی پی ایس۔ 18 کیٹیگری III کے آفیسر ان جن کو 2500 Sft کو رڈ ایریا کے مکانات کا استحقاق حاصل ہے کے مساوی الاؤنس کر ایہ مکان کی کٹوتی کے علاوہ پی پی ایس۔ 18 کی انتہائی تنخواہ کے 5% کٹوتی کی تاریخ الاٹمنٹ مکانات سے کیے جانے کی منظوری صادر فرمائی ہے۔ نیز جو نجی چالیس عدد Prefabricated Houses جن کا کو رڈ ایریا 3411 Sft ہے کی تعمیر مکمل ہوئی تو پی پی ایس 20، 21 کے ان آفیسر ان کو الاٹ کر دیئے جائیں گے۔

دستخط / --

(عبدالمعرف)

سیکشن آفیسر

فزیکل پلاننگ و ہاؤسنگ

نقل بالا بخدمت:-

- 1- سیکرٹری صاحب برائے جناب صدر گرامی آزاد جموں و کشمیر۔
- 2- پرنسپل سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹری ہمراہ جناب وزیر تعمیرات عامہ فزیکل پلاننگ و ہاؤسنگ، آزاد حکومت ریاست جموں و کشمیر۔
- 4- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
- 5- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (ترقیات)، آزاد حکومت ریاست جموں و کشمیر۔
- 6- پرائیویٹ سیکرٹری ہمراہ جناب سینئر ممبر بورڈ آف ریونیو، آزاد حکومت ریاست جموں و کشمیر۔
- 7- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری مالیات، آزاد حکومت ریاست جموں و کشمیر۔
- 8- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری فزیکل پلاننگ و ہاؤسنگ، آزاد حکومت ریاست جموں و کشمیر۔
- 9- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری درس / موصلات، آزاد حکومت ریاست جموں و کشمیر۔
- 10- پرائیویٹ سیکرٹری صاحب ہمراہ جناب سیکرٹری لوکل گورنمنٹ و دیپٹی ترقی آزاد حکومت ریاست جموں و کشمیر۔
- 11- جناب ناظم اعلیٰ حسابات، آزاد جموں و کشمیر۔
- 12- چیف انجینئر صاحب تعمیرات عامہ عمارت مظفر آباد۔
- 13- چیف صاحب ٹیکنیکل محکمہ منصوبہ بندی و ترقیات۔
- 14- کنٹرولر صاحب سرکاری چھاپہ خانہ مظفر آباد۔
- 15- ماسٹر فائل۔

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

فزیکل پلاننگ اینڈ ہاؤسنگ سیکرٹریٹ

"مظفر آباد"



مورخہ 17 اپریل 2009ء

نوٹیفکیشن

نمبر پی پی اینڈ ایچ/50-6835/2008ء جناب صدر آزاد جموں و کشمیر نے ایسے آفیسر ان جو جلال آباد آفیسر کالونی میں Pre-fabricated مکانات کورڈ ایریا 1885 Sft میں رہائش پذیر ہیں سے بی پی ایس-17 کے مساوی الاؤنس کرایہ مکان کی کٹوتی کے علاوہ بی پی ایس-17 کی انتہائی تنخواہ کے پانچ فیصد (5%) کٹوتی از تاریخ الاٹمنٹ مکانات سے کیے جانے کی بدیں شرط منظوری صادر فرمائی ہے کہ تحت استحقاق رہائشی مکانیت کی فراہمی پر یہ انتظام از خود ختم تصور ہوگا۔

(عبدالمعروف)

سیکشن آفیسر

فزیکل پلاننگ و ہاؤسنگ

نمبر/50-6835/پی پی اینڈ ایچ/2009ء مورخہ 17 اپریل 2009ء

نقل بالا بحمد:-

- 1- سیکرٹری صاحب برائے جناب صدر گرامی آزاد جموں و کشمیر۔
- 2- پرنسپل سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹری ہمراہ جناب وزیر تعمیرات عامہ فزیکل پلاننگ و ہاؤسنگ، آزاد حکومت ریاست جموں و کشمیر۔
- 4- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
- 5- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (ترقیات)، آزاد حکومت ریاست جموں و کشمیر۔
- 6- پرائیویٹ سیکرٹری ہمراہ جناب سینئر ممبر بورڈ آف ریونیو، آزاد حکومت ریاست جموں و کشمیر۔
- 7- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری مالیات، آزاد حکومت ریاست جموں و کشمیر۔
- 8- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری فزیکل پلاننگ و ہاؤسنگ، آزاد حکومت ریاست جموں و کشمیر۔
- 9- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری تعلیم (کالجز) آزاد حکومت ریاست جموں و کشمیر۔
- 10- پرائیویٹ سیکرٹری صاحب ہمراہ جناب سیکرٹری تعلیم (سکولز) آزاد حکومت ریاست جموں و کشمیر۔
- 11- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری ورکس / مواصلات، آزاد حکومت ریاست جموں و کشمیر۔
- 12- پرائیویٹ سیکرٹری صاحب ہمراہ جناب سیکرٹری لوکل گورنمنٹ و دیہی ترقی آزاد حکومت ریاست جموں و کشمیر۔
- 13- جناب ناظم اعلیٰ حسابات، آزاد جموں و کشمیر۔
- 14- چیف انجینئر صاحب تعمیرات عامہ عمارات / پبلک ہیلتھ انجینئرنگ (نارتھ) مظفر آباد۔
- 15- کنٹرولر صاحب سرکاری چھاپہ خانہ مظفر آباد۔
- 16- ماسٹر فائل۔

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ: 21 اپریل، 2010ء

نوٹیفکیشن:

نمبر جی-2(4)/2010ء جناب صدر آزاد جموں و کشمیر نے جمہوریہ ترکی کی جانب سے تعمیر کردہ رہائشی مکانات (جو کہ مروجہ رہائشی قواعد میں درج ملازمین حکومت کے استحقاق / کورڈ ایریا کے لحاظ سے کم ہے) میں رہائش پذیر ملازمین سے بذیل شرح کے مطابق کرایہ مکان کی کٹوتی کیے جانے کی بدیں شرط منظوری صادر فرمائی ہے کہ کیٹگری C-4 اور C-5(i-ii) کے مکانات (مشتمل دو کمرہ جات) میں رہائش پذیر ملازمین محکمہ مالیات کے نوٹیفکیشن نمبر مالیات / آر/1(286)-11/86/93ء مورخہ 13 اگست 1993ء کے مطابق 5% کٹوتی سے بدستور مستثنیٰ رہیں گے:-

| نمبر شمار | کیٹگری | گریڈ | کٹوتی بمطابق سکیل |
|-----------|---------|----------|-------------------|
| 1 | C-1 | 20 تا 22 | 18 |
| 2 | C-2 | 18 تا 19 | 17 |
| 3 | C-3 | 16 تا 17 | 14 |
| 4 | C-4 | 11 تا 15 | 10 |
| 5 | C-5(i) | 6 تا 10 | 05 |
| 6 | C-5(ii) | 1 تا 5 | 01 |

2. نوٹیفکیشن ہذا فوری نافذ العمل ہو گا اور اس سلسلہ میں قبل ازیں جاری شدہ نوٹیفکیشن زیر نمبر پی اینڈ ایچ / 50-6835/08ء مورخہ 3 ستمبر 2008ء منسوخ تصور ہو گا۔

سیکشن آفیسر سروسز (جنرل)

05822-921974

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ: 13 جون 2018ء

نوٹیفکیشن

نمبر سروسز/جی-2(4)2010ء جناب صدر، آزاد جموں و کشمیر نے آزاد کشمیر میں تعمیر کردہ سرکاری رہائشی مکانات (جو کہ مروجہ رہائشی قواعد میں درج ملازمین حکومت کے استحقاق / کورڈ ایریا کے لحاظ سے کم ہے) میں رہائش پذیر سرکاری ملازمین سے بذیل شرح کے مطابق ہاؤس ریٹنٹ الاؤنس کی ماہانہ کٹوتی کے علاوہ اسی سکیل کی انتہائی تنخواہ کے 5% ماہانہ کٹوتی کئے جانے کی بدیں شرط منظوری صادر فرمائی ہے کہ کیٹیگری C-4 کے مکانات (مشتمل دو کمرہ جات) میں رہائش پذیر ملازمین نوٹیفکیشن محررہ 13-08-1993 کے مطابق % 5 کٹوتی سے بدستور منتفی رہیں گے۔

| نمبر شمار | کیٹیگری | گریڈ | کٹوتی بمطابق سکیل |
|-----------|---------|----------|-------------------|
| 1 | C-A | 20 تا 22 | 18 |
| 2 | C-2 | 18 تا 19 | 17 |
| 3 | C-3 | 16 تا 17 | 14 |
| 4 | C-4 | 11 تا 15 | 10 |

2. نوٹیفکیشن نمبر جی 2(4)2010ء مورخہ 21-04-2010 مطابق ترمیم شدہ تصور ہوگا۔

دستخط /

(عبدالغفار قریشی)

سیکشن آفیسر سروسز (جنرل-II)

نقل بالا بحمدت:-

- 1- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔
- 2- پرنسپل سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹریز ہمراہ جناب جملہ وڈرائے کرام / سینیئر منیجر، آزاد حکومت ریاست جموں و کشمیر۔
- 4- پرنسپل سٹاف آفیسر ہمراہ جناب چیف سیکرٹری۔
- 5- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (ترقیات)۔
- 6- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (جنرل) / چیپمین الاٹمنٹ کمیٹی۔
- 7- پرائیویٹ سیکرٹری ہمراہ جناب سینیئر ممبر بورڈ آف ریونیو، آزاد حکومت ریاست جموں و کشمیر۔
- 8- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری سروسز اینڈ جنرل ایڈمنسٹریشن۔
- 9- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری مالیات۔
- 10- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری فزیکل پلاننگ و ہاؤسنگ، آزاد حکومت ریاست جموں و کشمیر۔
- 11- جملہ سیکرٹری صاحبان، آزاد حکومت ریاست جموں و کشمیر۔
- 12- جناب ناظم اعلیٰ حسابات، آزاد حکومت ریاست جموں و کشمیر۔
- 13- ایگسٹین صاحب سینیئر ڈویژن مظفر آباد / سٹیٹ آفیسر۔
- 14- مہتمم صاحب سرکاری چھاپہ خانہ مظفر آباد۔
- 15- ماسٹر فائل۔

No. FD/R/11382-11481/2018
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 18th July, 2018

OFFICE MEMORANDUM

Subject: **INCREASE IN RATE OF HOUSE RENT ALLOWANCE.**

The President Azad Jammu & Kashmir has been pleased to allow the increase in the house rent allowance by 50% of the existing amounts of House Rent Allowance admissible to the civil servants of Azad Government of the State of Jammu & Kashmir w.e.f 01.07.2018.

2. Corporation/Autonomous Bodies/Semi-Autonomous Bodies under the control of Azad Government of the State of Jammu & Kashmir may consider the increase in the House Rent Allowance through their Board of Directors/Board of Governors after taking into consideration their own financial position/resource. Azad Government of the State of Jammu & Kashmir shall not provide any additional grant or resource for this purpose.

3. All other existing terms and conditions regulating the House Rent Allowance will continue to apply.

Sd/--
(Inayat Ali Qazi)
Additional Secretary (Regs.)

Copy to the:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. Private Secretary to the Speaker, Azad Jammu & Kashmir Legislative Assembly.
4. Private Secretary to the Deputy Speaker, Azad Jammu & Kashmir Legislative Assembly.
5. Private Secretaries to all the Ministers/Advisors/Special Assistant, Azad Government of the State of J& K.
6. Private Secretary to the Chief Secretary, Azad Government of the State of Jammu & Kashmir.
7. Private Secretary to Additional Chief Secretary (General), Azad Government of the State of Jammu & Kashmir.
8. Private Secretary to the Senior Member Board of Revenue, Azad Government of the State of Jammu & Kashmir.
9. Private Secretary to Additional Chief Secretary (Development), Azad Government of the State of J&K.
10. Chairman Prime Minister Inspection & Implementation Commission.
11. All Secretaries to the Government of Azad Jammu & Kashmir.
12. Registrar Supreme Court/High Court/Shariat Court/Service Tribunal.
13. Ombudsman Azad Jammu & Kashmir.
14. Secretary Azad Jammu & Kashmir Legislative Assembly.
15. Secretary Azad Jammu & Kashmir Election Commission.
16. Accountant General Azad Jammu & Kashmir.
17. Director General Audit, Azad Jammu & Kashmir.
18. All Heads of the Attached Departments.
19. Director Local Funds Audit.
20. Controller Government Printing Press.
21. Director Information Technology Finance Department for upload on website.
22. All officers of Finance Department.
23. Master File.

Sd/-
(Raja Muhammad Sabir)
Section Officer (Regs.II)

THE AJ&K GOVERNMENT VEHICLES (USE AND MAINTENANCE) RULES, 1977

“Muzaffarabad”
Dated: 26th December, 1977

NOTIFICATION:

No. S&GAD/R-8/TPT/77. In suppression of S&GAD's Notification of even number dated 12-12-1977, the President, Azad Jammu and Kashmir is pleased to make the following rules regulating the use and maintenance of Government vehicles, namely:-

The Azad Government of the State of Jammu and Kashmir Government Vehicles (Use and Maintenance) Rules, 1977.

1. **Short Title, Application and Commencement:-** (1) These rules may be called the Azad Government of the State of Jammu and Kashmir Government Vehicles (Use and Maintenance) Rules, 1977.
 - (2) They shall apply to the Government vehicles maintained by various Departments including the vehicles maintained by the Central Transport Pool.
 - (3) They shall come into force from 1st May, 1977 and shall supersede all previous rules, regulations and orders on the subject.
2. **Definitions:-** In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:
 - (1) **“Department”** means Administrative Department of Azad Jammu and Kashmir Secretariat or an attached Department or any other office of Government which has been provided with Government vehicle;
 - (2) **“Form”** means a form appended to these rules;
 - (3) **“Government Vehicle”** or **“Vehicles”** means any type of motor vehicle provided by the Government for official use of a Department and includes staff car, jeeps, jeepsters, pickups, vans, wagons, etc.; and
 - (4) **“Officer-in-charge”** means an officer nominated by a Head of a Department/Attached Department to be incharge of a Government vehicle or Government vehicles under rule 3.
3. The Head of the Department/ Attached Department shall nominate an officer of the Department/Attached Department to be incharge of a Government vehicle or Government vehicles. The Officer Incharge shall be responsible for the proper utilization and upkeep of the vehicle and maintenance of its records.
4. Notwithstanding anything contained in rule 3, the general control of Government vehicle shall vest in the Head of Department/Attached Department.
5. Every Government vehicle shall, immediately on its purchase, be registered by the designation of the Officer in-charge, of the Department for which it has been purchased and it shall not be required to be insured.

- ¹[6. (i) The number plates of vehicles shall be of 'DARK GREEN' colour in Semi-Circle shape inscribing thereon:
"Azad Government of the State of Jammu and Kashmir" and name of the Department".
- (ii) The number plates of vehicles of Autonomous/Semi-Autonomous Bodies/ Corporations shall be of 'CHOCOLATE' colour in rectangular shape inscribing only the name of the Organization thereon. They shall not use the words "Azad Govt. of the State of Jammu and Kashmir" on their number plates.]
7. A competent licensed driver shall be engaged for the vehicle and garage accommodation arranged before the vehicle is removed from the premises of the suppliers.
8. (1) Government vehicles shall ordinarily be used for Government duty only.
- (2) Use of Government vehicles for the following purposes may be considered as use for Government duty:-
- (a) Journeys from residence to office or any other place of duty, and back, outside the normal office hours, if undertaken in the interest of office work;
- (b) Journeys from office to residence performed after working in the office for not less than two hours beyond the normal office hours;
- (c) Journeys between office and place of temporary residence by an officer on tour;
- (d) Journeys to attend any diplomatic or official function whether from office or residence; and
- (e) Journeys performed by Chief Secretary and other officers enjoying the status of Additional Secretary to the Government of Pakistan, and serving under the Azad Government of the State of Jammu and Kashmir from residence to office and vice versa.
- (f) Journeys performed from garage to office and back;
- (g) Journeys from office to residence and back if the officer is required to attend office after normal office hours.
- (3) Government vehicles may, under special circumstances and with the previous permission of the officer-in-charge, in case of travel within Municipal and Cantonment limits, and of Head of the Department in case of travel outside Municipal and Cantonment limits, be used for private purposes on payment of rupee one per mile or portion thereof and the overtime, if any, paid to the driver;
- Provided that this rule shall not apply in case of use of vehicles under rule 15.
- (4) The money realized on account of hire charges under sub-rule (3) shall be credited to Government account under the head "XXXVI-Miscellaneous-(iii) other items".
9. A Government vehicle shall not be driven except by an authorized and licensed driver specifically appointed by the Department for the purpose;
- ²[.....]

¹ Substituted vide Notification No. S&GAD/H-6(3)/Sec-1/84 dated 07.03.1984.

² Omitted vide Notification No.S&GAD/TP-51/SO-I/81 dated 23.02.1981

10. (1) There shall be maintained in respect of every Government vehicle, a log book in form 'A' wherein shall be entered the journeys performed by a Government vehicle.
(2) The log book maintained under sub-rule (1) shall remain in custody of the driver incharge of the vehicle and shall be examined and signed by the officer-in-charge every day at the time driver is relieved from duty.
11. The Head of the Department shall specify the officers or categories of officers who shall normally be entitled for the use of Government vehicles, for official business only and subject to availability.
12. No person other than an officer specified under rule 11 shall, save with the prior permission in writing of the Head of the Department, be entitled to the use of a Government vehicle.
13. Officers of the Central Government, Azad Jammu and Kashmir Council or Provincial Government of above the status of a Deputy Secretary of the Provincial Government, State Guests, or Members of Foreign Missions and delegations and other dignitaries when on official visits may be allowed to use Government vehicles.
14. The Cashier of the Department may be allowed to use Government vehicle from office to bank and vice versa for carrying Government money exceeding Rs. 4000/-.
15. Grade 21 and 22 officers serving directly under the Government, Additional Chief Secretaries and Secretaries who do not draw Conveyance/ Motor Cycle/ Scooter/ Car Maintenance Allowance shall be entitled to free use of Government vehicles for official and private purposes subject to the condition that the vehicle shall be used within the Municipal as well as Cantonment limits of the city where they are posted, or while on tour, within the Municipals as well as Cantonment limits of the city of their temporary duty;

Provided that the Government vehicle may be used for private purposes for journey outside the said Municipal and Cantonment limits in which case the expenditure on petrol for such private journey will be borne by the officer himself.
16. All requisitions for the use of the Government vehicles shall be addressed to officer-in-charge. An officer requiring a vehicle for official duty shall fill part 1 of the requisition slip at Form 'B' and send to the officer-in-charge of Transport, who will, subject to availability of vehicle, detail driver for specific duty vide Part II of Form 'B'. The entries in Part III of Form 'B' will be filled in by the requisitioning officer before he leaves the vehicle.
17. (1) Every person using a Government vehicle shall sign entries in the log book in respect of the journeys performed by him in the vehicle;

Provided that the Government vehicles provided for exclusive use to a Minister/Speaker shall be exempted from the provision of this rule. Journeys made by them shall be recorded as 'running duty'.

 - (2) The entries in the log book in respect of the journeys performed in a Government vehicle by an officer of and above the status of Secretary to the Government or a State Guest or a Member of a Foreign Mission or Delegation or other dignitary may be signed by his Private Secretary/Personal Assistant or representative.
18. (1) A Government vehicle may be lent to any other Department.

- (2) Where a Government vehicle of one Department is borrowed by another Department, the officer-in-charge in the borrowing Department shall be responsible for the borrowed vehicle as if the vehicle belonged to borrowing Department.
19. The following books shall be maintained for each motor vehicle:-
- (1) **Log Book:** It shall be maintained in Form 'A' and shall remain in custody of the driver of the vehicle. The name of the Department and designation of the officer in-charge, his telephone number and registration number of the motor vehicle shall be indicated on the title cover of the log book. A copy of these rules shall also be pasted in the log book.
- (2) Requisition slip in form 'B'.
- (3) History Sheet of the Motor Vehicle: A bound register containing about 50 pages shall be maintained which shall remain in the custody of the Officer-in-charge of the vehicle. It shall form a permanent record of a motor vehicle and all the incidents during the life of a particular vehicle shall be entered therein. It shall consists of the parts in form 'C'.
- (4) Petrol Account Register shall be maintained separately in form 'D'.
20. A bill shall be prepared on the last working day of each month in respect of private trips and presented to officer concerned who shall make payment to the cashier of the Department concerned. When the amount has been recovered, an entry shall be made in the log book.
21. The driver of each motor vehicle shall be notified to observe strictly the following instructions:-
- (1) He shall be responsible for the proper upkeep and cleanliness of the motor vehicle, petrol consumption, careful driving, caution against accidents and timely service and repairs.
- (2) He shall be responsible for any damage which maybe caused to the vehicle due to his negligence.
- (3) He shall get entries recorded in the log book before an officer leaves the vehicle, except where the officer is not required to make entries personally.
- (4) The driving and traffic regulations and speed limits laid down in the different areas, shall be strictly observed and in all built up areas the speed of vehicles shall not exceed 20/30 miles per hour.
- (5) He shall not leave the vehicle un-attended or kept it in a dangerous position.
- (6) Should any officer refuse to co-operate in regard to the observance of these rules, the driver shall not argue with him but carry out the orders of the officer and report the incident to the Officer-in-charge.
- (7) Any contravention of the above rules shall be considered as misconduct and disciplinary action shall be taken against the driver.
22. **Overtime Allowance to Drivers:** The drivers shall, for duty performed beyond office hours, be entitled to an overtime allowance at such rates as may be allowed by the Government from time to time.
23. For any journey made in contravention of the rules, the officer using the vehicle shall be charged at the rate of one rupee and fifty paise per mile as also the overtime allowance, if any paid to the driver.
24. Officer Incharge shall ensure that any vehicle in his charge is not misused or neglected by the driver and that the petrol of the vehicle is not wasted. He shall scrutinize the log book at least after

a fortnight to see that all journeys made were properly authorised and that avoidable journeys were not made by the vehicle. The officer in-charge shall also record a certificate of checking in the log book in the following form under his full signature:-

I have examined all the entries since this log book was last checked and have no observation to make except the following:-

1. _____.
2. _____.

Signature _____

Designation of the Officer _____

Date: _____

25. **Recovery of Charges for Private Use:-** (1) The officer-in-charge shall cause to be prepared a bill on the last working day of each month in respect of private use of the vehicle made during the month and shall pass on the bill to the officer concerned who used the vehicle for private purposes. The bill shall cover the entire mileage done for private purposes and the officer-in-charge shall record a certificate after the final entry for each month in the log book that the log book has been examined and that necessary bills have been prepared and sent to the officer concerned for recovery of charge.

(2) All recoveries of charges for the private use of the vehicle shall be made at the end of each month. Recoveries on account of private use of the vehicle shall not be delayed beyond one month and the officer-in-charge shall be responsible for scrutinizing the log book at the close of each month and making recoveries of the amount, if any outstanding against officers for more than a month.

(3) Where no sufficient indication of the nature of the journey made by the vehicle has been given or where an officer has not signed the log book or filled the particulars properly it shall be assumed that the journey was made on private account and shall be chargeable under rule 23.

26. **Audit:** Audit of accounts relating to the Government vehicles shall be conducted periodically by the staff deputed by the Accountant General, A.K.

27. **Periodical Maintenance of Vehicles:** The following schedule of checking and serving of the vehicles shall be observed for their proper upkeep and maintenance, namely:-

(1) **Daily Maintenance:** A driver of the vehicle shall carry out the following tasks daily:

- (i) Checking the level, cleanliness and temperature of water, if required;
- (ii) Constant checking of engine oil and petrol for ensuring that there is no leakage from any part;
- (iii) Checking tightness of wheel nuts, bolts linkages pressure and cleanliness of tyres to ensure that there are no flints or stones etc. which may cause deep abrasions or cuts in any tyre;
- (iv) Checking of all attachments and fittings, controls, gauges, lights, and brakes; and
- (v) Cleaning by dusting or wiping both the interior and the exterior of the vehicle.

(2) **Weekly Maintenance:-** A driver of a vehicle shall carry out the following tasks once a week.

- (i) Cleaning by washing of the entire vehicle from inside and outside including washing of wheels;
- (ii) Removing of battery for cleaning of corrosion from terminal and smearing them with petroleum jelly, checking of leaks or cracks, vent-plugs and vent-holes and refilling of battery with distilled water, if required; and

- (iii) The exterior parts shall be made to shine to give a presentable look to the vehicle.
- (3) **Periodical Maintenance:-** The Officer-in-charge of the vehicle shall see that the repairs/ servicing /oil change/ tuning of the vehicle are always got done according to the instructions laid down in the service booklet of the vehicle.

28. Faults Discovered to be Reported: Any fault discovered by the driver while performing the tasks under clauses (1) & (2) of rule 27 shall be reported immediately to the officer-in-charge.

29. Weekly Inspection by Officer-in-charge: The officer-in-charge shall be responsible to see that the vehicle driver is given sufficient time to carry out weekly maintenance and shall himself carry out weekly inspection to ensure that the tasks to be performed by the driver under clauses (2) of rule (27) have actually been carried out and the vehicle is fit for duty in all respects. The results of his inspection shall be recorded in a bound register in the proforma given below;

| Date of Inspection | Name of the Officer-in-charge who carried out the inspection | Remarks by the officer-in-charge | Initials of the officer-in-charge |
|--------------------|--|----------------------------------|-----------------------------------|
| 1 | 2 | 3 | 4 |

30. Relaxation of Rules: The Chief Secretary may, in special circumstances and for reasons to be recorded in writing, relax any provision of these rules.

³**31. Auction and Purchase of Vehicles:** (1) There shall be constituted a committee for examining and judging the need for auction and purchase of vehicles in a department. The committee will see the condition of existing vehicles and in case these have outlived utility will recommend auction of the vehicles. For determining the justification for purchase of new vehicles for a particular Department from the ⁴[.....] non-development budget, the committee will take into consideration the existing number of vehicles in the Department, the availability of funds, the entitlement of officer/official, the capacity and make of the vehicle to be purchased etc. The committee shall consist of the following members:-

| | | |
|------------------|--------------------------------------|--|
| ⁵ [1. | Additional Chief Secretary (General) | Chairman |
| 2. | Secretary Services | Member |
| 3. | Secretary Finance | Member |
| 4. | Secretary of concerned Department | Member |
| 5. | XEN, PWD, Mechanical Division | Member |
| 6. | Transport Officer (CTP) | Technical Member/ Secretary Committee] |

(2) The committee shall meet on an appointed date and time to examine the vehicles/vehicle proposed to be auctioned and shall make its recommendations in writing to the Chief Secretary. Before any vehicle is examined by the committee, it shall be got inspected in the local PWD workshop. The committee will arrange disposal of condemned vehicles through open auction ⁶[and/or by inviting sealed quotations] after giving proper advertisement in two leading newspapers. No vehicle will be sold at less than the price against which will be determined by the committee.

(3) The concerned department on the receipt of the recommendation of the committee for purchase of vehicle/vehicles, will take up to case for provision of funds with the Finance Department, unless a provision exists already in their budget. }

³ Substituted vide Notification No. S&GAD/H-6(39)/Sec-1/84 dated 12.11.1984.

⁴ Omitted vide Notification No.S&GAD/Admin/H-6(39) Sec-1/87 dated 21.01.1987.

⁵ Committee re-constituted vide Notification No. S&GAD/G-3(2)/2007 dated 04.02.2008.

⁶ Inserted vide Notification No. S&GAD/R-8/TPT/81 dated 25.04.1981.

32. (i) Ministers/ Advisors shall be entitled to the purchase of 1600 cc. cars which may be air-conditioned.
- (ii) The Chief Secretary shall be entitled to the purchase of 1600cc car non-air-conditioned.
- (iii) All Secretaries and other Heads of Departments shall be entitled to purchase the cars more than 1300 CC non-air conditioned.
33. **Central Transport Pool:** (1) The Central Transport shall make available, subject to availability, suitable vehicles for:-
- (i) State Guests and VIPs visiting Azad Kashmir.
- (ii) Ministers/Advisors.
- (iii) Officers mentioned in rule 13.
- (iv) Secretaries to Government and other officers serving in the Secretariat Department and such other Departments which do not have their Departmental vehicles.
- (2) The detail of journeys performed by the State Guests/VIPs shall not be noted in the log book. Their journeys shall be recorded as “running duty” and signed by the Protocol Officer.
- (3) Secretary Services and General Administration Department shall be competent to requisition any vehicle from a Department/ Departments, in case of extreme urgency for a specific purpose and the Department shall forthwith comply with the requisition order. The vehicle will, however, be returned to the Department as soon as it has been released from the specific duty for which it was requisitioned.
34. This issues with the concurrence of Finance Department vide their No. FD/4/714/77 dated 22.10.1977.

Sd/--

(S. SAJID HUSSAIN)
Deputy Secretary Services

FORM 'A'

(See Rules 10 & 19) LOG BOOK (NO. _____)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
MOTOR VEHICLE WORKING ACCOUNT**

Vehicle No: _____

Driver's Name: _____

| Date | Time | | Particulars of Journey | Purpose of Journey | Official or Private | Officer with whom attached |
|------|------|----|------------------------|--------------------|---------------------|----------------------------|
| | From | To | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

| SPEEDOMETER READING | | | Petrol or oil issued | Signature of the officer | Remarks |
|---------------------|------------|---------------|----------------------|--------------------------|---------|
| Before Trip | After Trip | Total Mileage | | | |
| 8 | 9 | 10 | 11 | 12 | 13 |

FORM 'B'

(See Rule 16)

**REQUISITION SLIP FOR GOVERNMENT VEHICLE
PART-1**

A vehicle is required for _____ on _____ (date) from _____ (time _____ to _____ time) for going to _____ in connection with official/private business.

Signature of Requisitioning Officer

To: **Officer-in-Charge,
Transport.**

PART-II

TO BE USED IN TRANSPORT SECTION GOVERNMENT TRANSPORT DUTY SLIP

Vehicle No. _____ with Mr. _____ Driver is directed to report for duty to _____ as _____ on _____ for _____ (Details of nature and duration of duty).

Signature of officer-in-charge Transport

PART-III

**TO BE COMPLETED BY THE REQUISITIONING OFFICER
AT THE TIME OF THE RELEASE OF THE VEHICLE**

Released at place _____ time _____ on _____ Actual miles meter reading at the time of release
_____.

Signature of Requisitioning Officer

FORM 'C'

(See rule 19)

VEHICLE HISTORY SHEET

PART-1

OUTER COVER

Department: _____

VehicleNo: _____

Vehicle Log Book No: _____

1. Make No. _____

2. Chassis No. _____

3. Year of Manufacture. _____

4. Type of Body. _____

5. Seating Capacity. _____

6. No. of Cylinders. _____

7. Horse Power. _____

8. Petrol tank capacity. _____

9. Tyres Pressure (Front) _____

(Rear) _____

**Signature of officer who certified
Correctness of the above entries**

PART-II

SUMMARY OF PEPAIRS EXECUTED AND PURCHASES MADE

| Date in Workshop | | Particulars of repairs executed, purchases made | Cost of repairs | Contingent voucher number | Signature of Officer incharge of the vehicle |
|------------------|-----|---|-----------------|---------------------------|--|
| In | Out | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |

PART-III

1. Tyres and Tubes.
2. Batteries and other accessories.

| S.No | Make and the size of tyres and tubes/batteries/accessories | Remarks |
|------|--|---------|
| (1) | (2) | (3) |

PART-IV

TOOLS OF THE VEHICLE

| S.No | Tools | Date of Purchase | Remarks |
|------|-------|------------------|---------|
| (1) | (2) | (3) | (4) |

FORM 'D'

(See Rule 19)

PETROL ACCOUNT FORM

| Date | Opening balance on the first day of the month | Number of gallons of petrol obtained | Voucher No. and date | Balance on the last day of the month |
|---|---|--------------------------------------|----------------------|--------------------------------------|
| 1 | 2 | 3 | 4 | 5 |
| Total petrol consumed during the month (Cols (2+3)-(5)) | | Total mileage | Remarks | |
| 6 | | 7 | 8 | |

THE AZAD KASHMIR GOVERNMENT SERVANTS (MEDICAL ATTENDANCE) RULES, 1987

“Muzaffarabad”
Dated: 14th November, 1987

NOTIFICATION:

No. 27038-27133/SH/87. In exercise of the powers conferred by Section 23 of the Civil Servants Act, 1976, the Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following rules, namely:

1. **Short title, extent and commencement:-** These rules may be called the Azad Kashmir Government Servants (Medical Attendance) Rules, 1987.
 - (2) They shall apply to all civil servants of Azad Government of the State of Jammu and Kashmir, unless in any case otherwise expressly provided.
 - (3) They shall come into force at once.
2. **Definitions:** In these rules, unless there is anything repugnant in the subject or context:-
 - (i) “Authorized Medical Attendant” means:-
 - (i) In respect of a gazette Government servant, the Principal Medical Officer of the district appointed by Government to attend Officers in the district;
 - (ii) in respect of a non-gazetted Government servant a Medical Officer appointed by Government to attend its Officers in the station;
 - (i) “District” means the district in which the Government servant falls ill;
 - (i) “Family” means wife/husband, legitimate sons, daughters, step-children and parents of a Government servant, residing with and dependent upon him.
 - (i) “Government” means the Government of Azad Kashmir.
 - (i) “Hospital” means a Government Hospital, Government dispensary, a hospital maintained by a local authority and any other hospital with which arrangements have been made by Government for the treatment of its employees;
 - (i) “Medical Attendance” means:-
 - (i) in respect of a Government servant specified in sub-clause (a), an attendance in hospital or at the residence of the Government servant, including such pathological, bacteriological, or other methods of examination for the purposes of diagnosis as are available in any Government hospital in the district and are considered necessary by the Authorized medical attendant, and such consultation with a specialist or other medical officer in the service of Government stationed in the Azad Kashmir, as the Authorized medical attendant may determine;
 - (ii) in respect of any other Government servant, attendance at hospital or in case of illness which compels the patient to be confined to his residence, at the residence of the Government servant including such methods of examination for purposes of diagnosis as are available in the nearest Government hospital and such consultation with a specialist or other medical officer of Government stationed in the district as the Authorized medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may in consultation with the Authorized medical attendant determine;
 - (i) “Patient” means a Government servant to whom these rules apply and who has fallen ill.

- (i) "Treatment" means the use of all medical and surgical facilities available at the Government hospital in which a Government servant is treated, and includes:-
- (i) the employment of such pathological, bacteriology, radiological or other methods as are considered necessary by the Authorized medical attendant;
 - (ii) the supply of such medicines vaccine, sera or other therapeutic substances as are ordinarily available in the hospital;
 - (iii) the supply of such medicines, vaccine, sera or other therapeutic substances not ordinarily so available as the Authorized medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the Government servant;
 - (iv) such accommodation as is ordinarily provided in the hospital and is suited to his status;
 - (v) such nursing as is ordinarily provided to patients by the hospital; and
 - (vi) the specialist consultation described in clause (f); but does not include diet, or provision at the request of the Government servant of accommodation superior to that described in sub-clause (iv).
3. (1) A Government servant shall be entitled free of charge to medical attendance by the Authorized medical attendant.
- (2) Where a Government servant is entitled under sub-rule (1), any amount paid by him on account of such medical attendance shall on production of a certificate in writing by the Authorized medical attendant in this behalf, be reimbursed to him by Government.
- Note:** All Authorized Medical attendants in Azad Kashmir shall ensure that the commercial substitutes of medicines supplied to them under P.V.M.S. from C.M.S.D are not prescribed.
4. (1) When the place at which a patient falls ill is not the headquarters of the authorized attendant:
- (a) The patient shall be entitled to travelling allowance at tour rates for the journey to and from such headquarters; or
 - (b) If the patient is too ill to travel, the Authorized medical attendant shall be entitled to travelling allowance at tour rates for the journey to and from the place where the patient is.
- (2) Application for travelling allowance under sub-rule (1) shall be accompanied by a certificate in writing by the Authorized medical attendant stating that medical attendance was necessary, and, if the application is under clause (b) of that sub-rule, that the patient was too ill to travel.
5. (1) If the Authorized medical attendant is of opinion that case of a patient is of such a serious or special nature, as to require medical attendance by some person other than himself, he may send the patient to the nearest C.M.H., or a Government Hospital in Azad Kashmir.
- (2) If the O/C C.M.H. or Medical Superintendent DHQ Hospital is of the opinion that the facilities available in the hospital are inadequate for treatment of a patient, he may refer the patient to any other C.M.H. or DHQ Hospital in Azad Kashmir, where such facilities are available, and if such facilities are not available in any hospital within Azad Kashmir, refer the case to Director Health Services.
- (3) Director Health Services may refer such a patient to a hospital, where required facilities are available, and which has been specifically approved by the Government for treatment of its employees.

Note: The approved hospitals for this purpose would be limited to Central/Provincial Government Hospitals in Pakistan.

6. (1) A Government servant shall be entitled, free of charge:
- (i) to treatment;
 - (ii) (a) in such Government hospital at or near the place where he falls ill as can, in the opinion of the Authorized medical attendant, provide the necessary and suitable treatment; or
 - (b) if there is no such hospital as is referred to in sub-clause (a), in such hospital other than a Government hospital at or near that place as can, in the opinion of the Authorized medical attendant, provide the necessary and suitable treatment.
- (2) Where a Government servant is entitled under sub-rule (1) free of charge, to treatment in hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the Authorized medical attendant in this behalf, be reimbursed to him by Government. The charges for diet if leveled in a Government hospital from patients, shall be borne by the Government servant himself.
- (3) Following powers for the reimbursement of Medical Bills are delegated:-
- | | |
|------------------|---------------------|
| D.H.O up to | Rs. 800/- |
| D.H.S | Rs. 2000/- |
| Secretary Health | Rs. 3000/- per case |
| Minister Health | Rs. 5000/- |
- (4) If a Government servant is treated in a hospital maintained by Government, the free treatment will constitute an ordinary function of the hospital.
- (5) If a Government servant is treated in a hospital maintained by Central/Provincial Government of Pakistan; where he is to pay for his treatment, the bill for his treatment addressed to the Azad Kashmir Government and duly verified and countersigned by the head of the hospital may be paid directly to the concerned hospital authority by A.K. Government accordingly or the patient may himself make the payment in the first instance and recover the amount from the Government; afterwards. Before claiming reimbursement, he should obtain from the hospital authority and copy, if possible of printed tariff of the hospital, a bill in full detail and also a duly signed receipt in token of having made the payment and present them to the head of his office. The head of the office shall check the bill with the tariff and will forward the bill to A.K. Health Department who after obtaining the sanction of competent authority, if necessary, draw the amount payable on a contingent bill form for which the hospital bill and the receipt will form the vouchers. The amount shall then be disbursed to the Government servant.
7. (1) If the Authorized medical attendant is of opinion that owing to the absence or remoteness of suitable hospital or the nature of the illness, a Government servant cannot be given treatment as provided in clause (i) of sub-rule (1) of rule 6, the Government servant may receive treatment at his residence.
- (2) A Government servant receiving treatment at his residence under sub-rule (1) shall be entitled to receive towards the cost of such treatment incurred by him a sum equivalent to the cost of such treatment he would have been entitled, free of charge, to receive under these rules if he had not been treated at his residence.

- (3) Claims for sums admissible under sub-rule (2) shall be accompanied by a certificate in writing by the Authorized medical attendant stating:-
- (a) his reasons for the opinion referred to in sub-rule (1).
 - (b) the cost of similar treatment referred to in sub-rule (2).
8. (1) Charges for services rendered in connection with, but not included in medical attendance on or treatment of a patient, entitled free or charge to medical attendance or treatment under these rules shall be determined by the Authorized medical attendant and paid by the patient.
- (2) If any question arises as to whether any service is included in medical attendance or treatment, it shall be referred to Government and the decision of Government shall be final.
9. The controlling officer of a patient may require that any certificate required by these rules to be given by the Authorized medical attendant for travelling allowance purposes shall be countersigned:-
- (a) in the case of a certificate given by the Principal medical officer of a district, by the Director of Health Services; and
 - (b) in the case of a certificate given by any other medical officer, by the Principal medical officer of the district.
10. The family of a Government servant shall be entitled, free of charge, to medical attendance and treatment on the scale and under the conditions allowed to the Government servant himself, at a hospital at which the Government servant is entitled to receive treatment free of charge or at hospitals specially recognized for the treatment of families of Government servants. This shall include confinement of a Government servant's wife in a hospital, but not pre-natal or post-natal treatment at a Government servant's residence.
11. (1) (a) In very special and rare cases, medical facilities abroad shall also be provided to the serving Government servants according to the prescribed procedure and subject to specific certification of special medical board in respect of the following:-
- (i) that the disease from which the Government servant is suffering is such that it involves the risk of life or of permanent disability;
 - (ii) that the disease is no curable/treatable in Pakistan;
 - (iii) that there are reasonable prospects of the disease being cured in a foreign country;
 - (iv) that the foreign country in which treatment is recommended is nearest from Azad Kashmir/Pakistan;
- (b) The following procedure is laid down for treatment aboard of Azad Jammu and Kashmir Government employees:-
- (i) Government servants may approach Health Department through their parent Departments with the request to be treated abroad on Government expenses;
 - (ii) Health Department may refer such cases to the Special medical Board for examination/evaluation of the applicant for the purposes of treatment abroad;
- (c) The constitution of Special Board shall be as under:-
- | | | |
|----|---|----------|
| 1. | Secretary Health | Chairman |
| 2. | Specialist of the disease to be treated | Member |
| 3. | Medical Specialist | Member |
| 4. | Surgical Specialist. | Member |

5. C.O. C.M.H. Muzaffarabad Member
- (d) Special Medical Board in the presence of documentary evidence produced by the applicant shall specifically recommend the treatment abroad as well as the amount of foreign exchange required.
- (2) On receipt of the medical report from Special Medical Board, Health Department shall refer the case to the Finance Department for concurrence;
- (3) On receipt of the concurrence of the Finance Department, Health Department shall submit a summary to Government for allowing treatment abroad.
- (4) After the approval of the Government, Health Department shall refer the case again to the Finance Department for authorization of audit copies for release of Foreign Exchange wherein the amount in rupee cover is debited to the respective head of account.
- (5) The authorization for release of Foreign Exchange shall be done by Finance Department.
12. These rules shall apply also to the retired Government servants, their families and the families of deceased Government servants, who shall be entitled to all such benefits and facilities as are admissible under these rules to serving Government servants, except treatment abroad (out of Pakistan).
13. Class IV Government servants and their families are entitled free of charge to medical, surgical and nursing treatment as in-patients in the general wards of a Government hospital and they are entitled to reimbursement of medical expenses incurred by them on their treatment in the general wards in a Government hospital provided they produce a certificate to this effect given in writing by the Authorized medical attendant. The medical officer appointed by Government to attend its Government servants in the station will be the Authorized medical attendant in the case of these Government servants.
14. **Cost of blood transfusion.** The cost of blood transfusion shall henceforth be reimbursable to the Government employees and their families in accordance with the procedure laid down for reimbursement of cost of medicines etc.
15. Government may relax provisions of these rules in cases of special hardships.
16. Medical Attendance rules, 1971 and subsequent amendments made therein vide Government Order No. FD/2918-68/72 dated 24.07.1972 and Government Order No. FD/8055-8905/81 dated 16.06.1981 are hereby repealed.
17. All actions taken, liabilities incurred and expenditure done under the repealed rules shall be deemed to have been done under these rules.

Sd/--

(Dr. Abdul wafa Khan)
Additional Secretary Health

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
CIVIL SERVICES PENSION RULES, 1971**

**CHAPTER – I
GENERAL**

- 1.1 Short title:** These rules may be called the Azad Kashmir civil Services Pension Rules, 1971.
- 1.2 Commencement:** These rules shall have effect from 18.3.1969 in respect of Non-Gazetted Government servants and from 1.7.1970 in respect of Gazetted Officers.
- 1.3 Extent of application:** Unless in any case it is otherwise expressly provided, these rules shall apply to:
- (i) All Non-Gazetted Government servants under the Rule-making control of the Azad Government of the State of Jammu and Kashmir who entered Government service on or after 18.3.1969.
 - (ii) All Gazetted Government servants under the rule-making control of Azad Government of the State of Jammu and Kashmir who entered Government service on or after 1.7.1970.
 - (iii) All Non-Gazetted Government servants who were in service on or before 18.3.1969 and all Gazetted Government servants who were in service on or before 1.7.1970, unless they opt to continue to be governed by the existing rules applicable to them;
 - (iv) All pensioners who retired from Government service after 18.3.1969 (in case of Non-Gazetted Government servants) or after 1.7.1970 (in case of Gazetted Government servants), but before the date of publication of these rules, if they opt to be governed by these rules.

Note: In the case of Government servants or pensioners who were in service on and after the date of commencement of these rules but died before publication of these rules, it will be assumed that they opted for these rules.

- 1.4 Option:** Government servants and pensioners mentioned in clauses (iii) and (iv) of rules 1.3 above may exercise option within a period of six months from the date of publication of these rules in Azad Kashmir Gazette. The option shall be communicated in writing to the Accountant General Azad Government of the State of Jammu and Kashmir as well as the appointing authority in the case of Gazetted or retired Gazetted officers, and to the appointing authority in the case of Non-Gazetted or retired Non-Gazetted staff, and the option once so exercised shall be final. Government servants who fail to exercise option within the stipulated period shall be assumed to have opted for the Azad Government of the State of Jammu and Kashmir Civil Service pension rules.

Note: The Accounts officer should acknowledge the receipt of option Communicated to him by Gazetted officers.

- 1.5** These rules shall not apply to:
- (i) Government servants paid from Contingencies or born on Work charge Establishment.
 - (ii) Government servants engaged on contract which contains no stipulation for pension under these rules.

- (iii) Any person for whose appointment and conditions of service special provision is made by or under any law for the time being in force.
- (iv) Any Government servant or class of Government servants who may be excluded by a competent authority from the application of these rules;
- (v) Any Government servant who holds a post which has been declared by a competent authority to be non-pensionable;
- (vi) Any person whose whole-time is not retained for public service but is merely paid for work done such as Public Prosecutors and Advocate General not debarred from private practice;
- (vii) Any person who is not paid from the Azad Kashmir Government revenues but is paid from a fund held by Government as a Trustee, or from a local fund, or is remunerated by fees for the gram of a tenure of land or any other source of revenue or of a right to collect money.

1.6. Definitions:

- (i) Unless expressly specified otherwise in these rules the terms "used" in these rules have the same meaning as defined in Azad Kashmir Service Regulations;
- (ii) **“Pension”** except when the term "pension" is used in contradiction to Gratuity, pension includes Gratuity;
- (iii) **“Class IV Services”** Class IV Services means any kind of Service which, may be specifically classed as such by the Government.
- (iv) **“Superior Service”** Superior Service means any kind of service which is not class IV service.
- (v) **“Ordinary Pension”** Ordinary Pension means pension other than extraordinary pensions;
- (vi) **“Full Pension”** Full pension means the amount of ordinary pension admissible including ¼th of the surrendered portion of the pension.
- (vii) **“Pay”** Pay means the amount drawn monthly by Government servant as:
 - (1) the pay other than Special Pay or pay granted in lieu of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and
 - (2) technical pay, special pay and personal pay; and
 - (3) any other emoluments which may be specially classed as pay by the President.

1.7. In anywhere pension or gratuity is not admissible under these rules, the competent authority may grant a pension which will, not save in most exceptional circumstances, exceeding Rs. 100/- a month or a Gratuity not exceeding the equivalent value of that amount, provided that general spirit of the rules is observed.

1.8. (a) Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the

completion of his service, provided that before any order of this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed.

- (b) Government reserves to themselves the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence, or fraud of such Government pensioner during his service, provided that such departmental proceedings shall not be instituted after more than a year from the date of retirement of the Government pensioner.
- (c) In case the amount of pension granted to a Government servant be after-wards found to be in excess of that to which he is entitled under the rules, he shall be called upon to refund such excess.

- 1.9. No pension may be granted to a Government servant dismissed or remove for misconduct. Corruption, subversive activities or inefficiency, but if he deserves special consideration he may be granted a compassionate allowance not exceeding $2/3^{\text{rd}}$ of the pension which would have been admissible to him had he retired on invalid pension.

CHAPTER – II

SERVICE QUALIFYING FOR PENSION

- 2.1. **Conditions of qualifications:** The service of a Government servant does not qualify for pension unless it conforms to the following three conditions:

| | |
|--------|--|
| First | The service must be under Government |
| Second | The service must not be non-pensionable |
| Third | The service must be paid by Government from their revenues |

Note: (1) For the previous service of displaced Government servants who qualify for pension see Chapter VII.

Note: (2) Service rendered after retirement on superannuation pension retiring pension shall not count for pension or gratuity.

- 2.2. **Beginning of Service:** Subject to any special rules, the service of a Government servant begins to qualify for pension when he takes over charge of the post to which he is first appointed.

- 2.3. **Temporary and officiating service:** Temporary and officiating service shall count for pension as indicated below:

- (i) Government servants borne on temporary establishment who have rendered more than five years continuous temporary service shall count such service for the purpose of pension or gratuity; and
- (ii) temporary and officiating service followed by confirmation shall also count for pension or gratuity.

- 2.4. **Service in a temporary post on abolition of a permanent post:** If a permanent post on which a Government servant holds a lien, is abolished under circumstances entitling him to get a compensation pension or gratuity, his service thereafter in a temporary post under Government qualifies for pension.

2.5. Apprentices and probationers:

- (1) One-half of the periods of apprenticeship qualify for pension.
- (2) The service of a probationer who is subsequently confirmed in a permanent post without interruption qualifies for pension.

2.6. Training: The time spent by a Government servant in approved training shall count as service qualifying for pension.

Note: The period of training before actual appointment to Government service shall not count for pension.

2.7. Leave: All leave (other than extraordinary leave without allowances) counts as qualifying service for purposes of pension.

2.8. Military service: Military pensionable service rendered after attaining the age of 20 years, which terminates before a pension has been earned in respect of it, when followed by civil pensionable service, counts as part of such service, provided that any bonus or gratuity received in lieu of pension on or since discharge from military service shall be refunded in lump sum or in monthly installments not exceeding 36.

2.9. Deputation: Time spent by a Government servant, holding pensionable post on deputation to:

- (1) Another Government
- (2) Foreign service, or
- (3) Service in a temporary or non-pensionable post under Government counts for pension as if it were a time spent under the Government.

2.10. Suspension: If a Government servant is suspended from service pending enquiry into his conduct, the period of suspension counts for pension if it is immediately followed by reinstatements, unless the Government servant is reinstated with forfeiture of a part of his pay or allowances for the period of suspension,

2.11. Forfeiture of past service: A Government servant forfeits his past service in the following cases:-

- (a) Resignation of a post unless it is to take up another post service in which counts for pension.
- (b) Removal or dismissal from service.
- (c) Absence from duty without leave.

Note: The authority which sanctions the pension may commute retrospectively period of absence without leave into extraordinary leave.

2.12. Condonation of interruptions and deficiencies:

- (1) The Administrative Department may for purpose of pension condone all gaps between periods of service, of a Government servant.
- (2) The Administrative Department may condone deficiency in qualifying service for pension up to 6 months provided the service is meritorious, and the condonation, if allowed, will bring the service up to 25 completed years of qualifying service.

2.13. A Government servant who has rendered service in the Army and later in the Civil will be governed by pension rules of the Department under which he has put major portion of his service. If the Government has rendered equal period of service in both the Departments then his pension will be governed by pension rules of civil or military at his option.

CHAPTER – III

DIFFERENT KINDS OF ORDINARY PENSION AND CONDITIONS FOR THEIR GRANT

3.1. Classifications of pension: Pensions are divided into four classes:

- (a) Compensation Pension.
- (b) Invalid Pension.
- (c) Superannuation Pension.
- (d) Retiring Pension.

Note:- Special additional pension is also granted to certain classes of Government servants under special circumstances.

3.2. Compensation pension: If a permanent Government servant is selected for discharge owing to the abolition of his permanent post or owing to a change in the nature of the duties of that post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equivalent to those of his own, have the option:

- (a) of taking any compensation pension and/or gratuity to which he may be entitled for the service he has already rendered; or
- (b) of accepting another post or transfer to another establishment even on a lower pay, if offered and continuing to count his previous service for pension.

3.3. Invalid pension: (1) An invalid pension is awarded on his retirement from Government service, before reaching the age of superannuation to a Government servant who by bodily or menial infirmity is permanently incapacitated for further service on production of a medical certificate prescribed in sub-rule (3).

(2) A Government servant who wishes to retire on invalid pension, should apply to his head of Office or Department/ Attached Department who should direct him to present himself before a Medical Board or an Invaliding Committee or a Medical Officer for obtaining a medical certificate of incapacity for further service in the following forms:-

Certificate that I (we) have carefully examined A.B., son of C.D., a.....in the.....His age is by his own statement.....years, I (we) consider A.B., to be completely and permanently incapacitated for further service of any kind (or in the department to which he belongs) in consequence of.....(here state disease or cause).

Note 1: If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made:

I am (we) are of opinion that A,B is fit for further service of a less laborious character than that which he has been doing (or may after resting for..... months, be fit for further service of a less laborious character than that which he has been doing).

Note 2: A medical certificate from a Medical Board or an Invaliding Committee shall be required in the case of a gazetted Government servant.

Note 3: A Government servant who has submitted a medical certificate of incapacity for further service should be invalidated from service on receipt of the medical certificate, or from the date of expiry of leave if already on leave, or has been granted leave as a special case.

3.4. Superannuation Pension: A superannuation pension is granted to a Government servant who retires or is retired from Government service on or after attaining the age of 55 years in case of superior service or Class IV service followed by superior service, and on or after, attaining the age of 60 years in case of Class IV service.

3.5. Retiring Pension:- A retiring pension is granted to a Government servant who:

- (i) Opts retire after 25 years qualifying service or such less time as may for any special class of Government servant be prescribed; or
- (ii) is compulsorily retired from service by the authority competent to remove him from service on grounds of inefficiency, misconduct or corruption.
- (iii) is retired on completion of 25 years of Government service or earlier in the public interest.

CHAPTER – IV

AMOUNT OF ORDINARY PENSIONS

SECTION I

GENERAL

4.1. (1) The amount of pension that may be granted is determined by length or completed years of qualifying service of a Government servant as set forth in rule 4.4;

(2) pension is fixed in rupees and should be calculated to the nearest paisa.

4.2. If the service of a Government servant has not been thoroughly satisfactory the authority sanctioning the pension may make such reduction as it may think properly the amount of pension.

SECTION – II
AMOUNT OF FULL PENSION

- 4.3. **Amount of full pension:** (1) After a qualifying service of not-less than 10 years, full superannuation, retiring, invalid or compensation pension may be granted not exceeding the maximum limits prescribed below:-

| Completed years of qualifying service | Scale of pension expressed as fractions of average emoluments | Maximum limits of pension per months (Rs) |
|---------------------------------------|---|---|
| 1 | 2 | 3 |
| 10 | 10/50 | 250 |
| 11 | 11/50 | 275 |
| 12 | 12/50 | 300 |
| 13 | 13/50 | 325 |
| 14 | 14/50 | 350 |
| 15 | 15/50 | 375 |
| 16 | 16/50 | 430 |
| 17 | 17/50 | 485 |
| 18 | 18/50 | 540 |
| 19 | 19/50 | 595 |
| 20 | 20/50 | 650 |
| 21 | 21/50 | 695 |
| 22 | 22/50 | 740 |
| 23 | 23/50 | 785 |
| 24 | 24/50 | 830 |
| 25 | 25/50 | 875 |
| 26 | 26/50 | 900 |
| 27 | 27/50 | 925 |
| 28 | 28/50 | 950 |
| 29 | 29/50 | 975 |
| 30 and above | 30/50 | 1000 |

Note:- Any amount in excess of Rs. 600 P.M. calculated in accordance with the scale shown in column (2) of this Table shall be reduced by 50% and the maximum limits shown in column (3) shall be applied thereafter.

- 2) The term average emoluments of a Government servant means the average of the pay that he drew, or would have drawn had he not been on leave with leave salary or on Joining time or under suspension which is not adjudged as a penalty, during the last 3 years immediately before his retirement. If during the last 3 years of his service a Government servant has been absent from duty on leave without pay or has been under suspension as a form of penalty, the periods so passed should be disregarded in the calculation of the average emoluments and an equal period before the three years should be included.

SECTION – III
A-GRATUITY AND PENSION BENEFITS

- 4.4. (1) Every Government servant in pensionable service shall surrender $\frac{1}{4}$ th of the full monthly pension admissible to him under the rule 4.3.
- (2) In the case of a Government servant who has rendered 5 years' service or more but less than 10 years qualifying service, a gratuity equal to 10 months emoluments subject 10 a maximum of Rs. 10,000, shall be granted to him on retirement or to his family in the case of his death while in service.
- (3) In the event of retirement or death of a Government servant who has rendered qualifying service for 10 years or more:
- (a) A gratuity shall be granted to him or to his family in the case of his death calculated at the following rate for each rupee of his pension surrendered under sub-rule (1) above.
- | | |
|--|--------|
| If qualifying service is 10 years or more 140 but less than 15 years | 187.00 |
| If qualifying service is 15 years or more 140 but less than 20 years | 173.00 |
| If qualifying service is 20 years or more 140 but less than 25 years | 160.00 |
- (b) In the event of his death before retirement payment shall be made to his family for 5 years at the rate of 50 per cent of the full pension calculated as in sub-rule (3) and in the case of death after but within 5 years of retirement payment shall be made to his family at the rate of 50 per cent of the reduced pension i.e. the amount of pension remaining after surrendering $\frac{1}{4}$ th thereof under sub-rule (1) above and after commutation, if any, for the unexpired portion of 5 years.
- (4) In the event of death before retirement pension for the purposes of this rule shall be calculated as if the Government servant retired on invalid pension on the date of his death but it shall be admissible from the day following the death of the Government servant.

Note 1: The commutation if pension subject to the general limitation will be allowed up to half of full pension.

Note 2: The gratuity payable in lieu of $\frac{1}{4}$ th of the pension surrendered is exempt from Income-tax.

Note 3: Gratuity payable under sub-rule (3) (a) of this rule should be worked out on the fraction of a rupee of the surrendered pension calculated 10 the nearest Paisa.

Note 4: Anticipatory pension will also be admissible to the family of the Government servant in the event of his death before retirement. In such cases the gratuity admissible to the family under sub-rule (3) (a) of this rule will be calculated on 25 per cent of the amount of pension on which the anticipatory pension to the family is based.

Note 5: This rule will also apply to the compassionate allowance.

B-GRATUITY

- 4.5.** (1) The term "family" for the purpose of payment of gratuity under this section shall include the following relatives of the Government servants:
- (a) Wife or wives, in the case of a male Government servant;
 - (b) Husband in the case of a female Government servant;
 - (c) Children of the Government servant;
 - (d) Widow or widows and children of a deceased son of the Government servant,

Note 1: A Child means a legitimate child or an "adopted child" if under the personal law of the Government servant concerned adoption is legally recognised as conferring the status of a natural child.

Note 2: If it is proved that the wife has been judicially separated from the Government servant, or has ceased under the customary law of the community to which she belongs to be entitled to maintenance, she will no longer be deemed to be a member of the family unless the Government servant has himself intimated in writing to the Accountant General/head of the Office that she will continue to be so regarded.

Note 3: In the case of a female Government servant if the wife intimates in writing to the Accountant General/Head of the Office that her husband should not be included as a member of family, then he will no longer be considered a member of the family unless subsequently she cancels in writing her intimation excluding him.

- (2) A Government servant may, as soon as he/she completes 5 years qualifying service, make a nomination centering on one or more members of his/her family, or if he/she has no family, on one or more persons, the right to receive any gratuity that may be sanctioned under rule 4.4. and any gratuity which having become admissible to him/her has not been paid to him/her before death.

Explanation: It is not mandatory for a Government servant to make a nomination.

- (3) A nomination in favour of a person not a member of the family made when the Government servant had no family shall lapse on the Government servants acquiring family.
- (4) If a Government servant nominates more persons than one under sub-rule (2) above, he/she shall specify in the nomination the amount or share payable to each nominee in such manner as to dispose of the whole amount of gratuity mentioned therein.
- (5) A Government servant may provide in a nomination:
 - (a) in respect of any specified nominee, that in the event of his/her predeceasing the Government servant the right conferred upon that nominee in sub-rule (2) above shall pass to such other member or members of the Government servant's 'family' as may be specified in the nomination;
 - (b) that the nomination shall become void in the event of happening of a contingency specified therein.
- (6) Every nomination shall be in Form IV (Pen.), or Form 2 (Pen.) as may be appropriate in the circumstances of the case;

- (7) A government servant may, at any time, cancel a nomination by sending notice in writing to the appropriate authority, and send a fresh nomination if he/she so desires, along with such notice.
- (8) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under sub-rule (5) (a) above or on the occurrence of any event by reason of which the nomination become void under sub-rule (3) or sub-rule (5) above, the Government servant shall send to the appropriate authority a notice in writing formally cancelling, the nomination together with a fresh nomination, if any.
- (9) Every nomination made, and every notice of cancellation given by a Government servant under this rule shall be sent by the Government servant to Accountant General as well as to the Appointing Authority in the case of a Gazetted Officer and to the Head "of his/her office in the case of a Non-Gazetted officer. Immediately on receipt of a nomination from a Non-Gazetted Government servant, the Head of the Office shall countersign indicating the date of receipt and keep it in his custody.
- (10) Every nomination made and every notice of cancellation given by a Government servant shall, to the extent that it is valid, take effect from the date of which it is received by the authority mentioned in sub-rule (9) above.

4.6. When the amount of gratuity has become payable, it shall be the duty of the Accountant General to make payment according to the following procedure:-

- (a) The amount of the gratuity or any part thereof, to which the nomination relates, shall become payable to his/her nominee or nominees in the proportion specified in the nomination.
- (b) If nomination relates only to a part of the amount of the gratuity, the part which it does not relate shall be distributed equally only among the members of the family other than the nominees;
- (c) If no valid nomination subsists, the whole amount of the gratuity shall become payable to the members of his/her family in equal shares;

Provided that in case of (b) above no share shall be payable to:

- (i) sons who have attained the age of 24 years;
- (ii) sons of a deceased son who have attained the age of 24 years;
- (iii) married daughters whose husbands are alive; and
- (iv) married daughters of a deceased son whose husbands are alive;

If there is any member of the family other than those specified in sub-clauses (i) (ii) (iii) and (v) above;

Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived that Government servant and had been exempted from the operation of the first proviso.

(d) When the Government servant leaves no family and the whole or part of the gratuity is not covered by valid nomination, the amount of gratuity shall be payable to the following surviving relatives, if any, of the Government servant in equal shares:-

- (1) brothers below the age of 21 years;
- (2) unmarried and widowed sister;

- (3) father, and
- (4) mother.

Note:- In the absence of any other eligible claimant gratuity would be payable to the sons and daughters of the deceased Government servant in equal shares even if the sons are over 24 years old and the daughters are married and their husbands are alive.

- 4.7.** No gratuity will be payable by Government after the death of a Government servant if he/she does not leave a valid nomination or a family as defined in sub-rule (1) or rule 4.5. or an eligible dependent relative or relatives specified in clause (d) of rule 4.5.

C-FAMILY PENSION

- 4.8.** (1) Family for the purpose of payment of family pension shall be as defined in sub-rule (1) of rule 4.5. It shall also include the Government servant's relatives mentioned in clause (d) of rule 4.6;

- (2) (A) A family pension sanctioned under this section shall be allowed as under:-

(i) (a) To the widow of the deceased, if the deceased is a male Government servant, or to the husband, if the deceased is a female Government servant.

(b) If the Government servant had more than one wife, and the number of his surviving widows and children do not exceed 4, the pension shall be divided equally among the surviving widows and eligible children. If the number of surviving widows and children together is more than 4, the pension shall be divided in the following manner viz, each surviving widow shall get $\frac{1}{4}$ th of the pension and the balance (if any) shall be divided equally among the surviving eligible children. Distribution in the above manner shall also take place whenever the Government servant leaves behind surviving children of a wife that has predeceased him in addition to the widow and her children, if any.

(c) In the case of a female Government servant leaving behind children from a former marriage in addition to her husband and children by her surviving husband, the amount of pension shall be divided equally among the husband and all eligible children. In case the total number of beneficiaries exceeds four, the husband shall be allowed $\frac{1}{4}$ th of the pension and the remaining amount distributed equally among the eligible children.

(ii) Failing a widow or husband, as the case may be, the pension shall be divided equal among the surviving sons not above 24 years and unmarried daughters.

Note:- In working out the" share of the various heirs under sub-clause.

- (B) (i) and (ii), the amount should be calculated to the nearest paisa.
- (iii) Failing (i) and (ii), to the eldest widowed daughter.

- (iv) Failing (i) to (iii), to the oldest widow of a deceased of the Government servant.
 - (v) Failing (i) to (iv), to the eldest surviving son of a deceased son of the Government servant.
 - (vi) Failing (i) to (v), to the eldest unmarried daughter of deceased son the Government servant.
- (C) If the family pension is not payable under clause (A), it may be granted:
- (i) to the father;
 - (ii) Failing the father, to the mother;
 - (iii) Failing the father and the mother, to the eldest surviving brother below the age of 21 years;
 - (iv) Failing (i) to (iii), to the eldest surviving unmarried sister; if the eldest sister marries or dies then the next eldest;
 - (v) Failing (i) to (iv), to the eldest surviving widowed sister.
- (3) No family pension shall be payable under this section:
- (a) to an unmarried female member of a Government servant's family in the event of her marriage.
 - (b) to a widowed female member of a Government servant's family in the event of her remarriage.
 - (c) to the brother of a Government servant on his attaining the age of 21 years.
 - (d) to a person who is not member of a Government servant's family.
- (4) A family pension awarded under this section shall not be payable to more than one member of a Government servant's family at the same time except as provided for in sub-clause (A) (i) and (ii) of sub-rule (2) above.
- (5) (a) If the pension ceases to be granted before the expiry of the period for which it is admissible on death or marriage of the recipient or on account of other causes to persons falling under sub-clauses (A) (i) and (ii) of sub-rule (2) above, the amount shall be granted to other recipients in equal shares.
- (b) If a family pension awarded under this section other than that mentioned in clause (A) (i) and (ii) of sub-rule (2) of this rule ceases to be payable before the expiry of the period up to which it is admissible on account of death or marriage of the recipient or other causes, it shall be regranted to the person next lower in order mentioned in sub-rule (2).
- (6) Government shall have discretion to make such modification in the mode of allotment or conditions set forth in sub-rules (2) to (5) above as they may consider desirable to suit the special circumstances of the beneficiaries.
- (7) A family pension sanctioned under this section shall be payable in addition to any extraordinary pension or gratuity that may be planted to the members of a Government servant's family under any other rules in force for the time being.

- (8) Future good conduct of the recipient is an implied condition of every grant of a family pension under this section.

D-GENERAL

- 4.9.** (i) The rules which apply to the grant of ordinary pension to Government servants shall also apply in respect of gratuity and pension that may be sanctioned in favour of their families under this section in so far as such rules are not inconsistent with the provisions of this section.
- (ii) Government shall have the right to effect recovery from such gratuity or pension in the same circumstances as recoveries can be effected from ordinary pension and gratuity granted to Government servants.
- (iii) A gratuity or pension to the family may be sanctioned under this section by the authority competent to sanction pension to the Government servant concerned after giving the regard to the provisions of Rule 4.2.

Note:- The sanctioning authority may allow the payment of family pension and/or shares of gratuity admissible to minor children of a deceased Government servant to their mother. In case the mother is not alive or wife judicially separated from the Government servant in his life time, the sanctioning authority may nominate any suitable person to be the guardian of such minor children for the purpose of receiving payment of pension and/or shares of gratuity on their behalf. In case the deceased Government servant was a female, the sanctioning authority may under similar circumstances allow the payment of pension and/or shares of gratuity of minor children of the deceased to their father, or if the father be not alive to such guardian as may be appointed by the sanctioning authority.

CHAPTER – V

APPLICATIONS FOR GRANT OF PENSION

- 5.1.** All authorities dealing with applications for pensions under these rules should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure, therefore, that a Government servant begins to receive his pension; on the date on which it becomes due.
- 5.2.** The responsibility for initiation and completion of pension papers is that of the Head of Department Attached Department concerned in the case of gazetted Officers, and of the Head of Office concerned in the case of non-gazetted Government servants. The action should be initiated one year before a Government servant is due to retire, so that pension may be sanctioned a month before the date of his retirement. For this purpose every Government servant should be asked to submit his pension application in Form 3 (Pen.) 6 months in advance of the date of his retirement; Provided that in cases in which the date of retirement cannot be foreseen 6 months in advance, the Government servant may be asked to submit his pension application immediately after the date of his retirement is known.
- 5.3.** (1) The following certificate shall be recorded by the Government servant in the pension application:
- “I Hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and to the orders which may be passed there on”.

- (2) The Head of Department/Attached Department/Office concerned shall, certify in the pension application form whether the character, conduct and past services of the Government servant concerned are such as to entitle him to the favorable consideration of Government. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.
- (3) All periods of leave, suspension, etc. which is not reckoned as service qualifying for pension shall be carefully recorded on the form?
- (4) If that application is for an invalid pension, the requisite medical certificate shall be attached to the application.

- 5.4.**
- (1) After completing the application in the manner prescribed in the preceding rule it shall be forwarded along with the necessary documents to the Audit Officer through the authority empowered to sanction the pension.
 - (2) The applicant for pension gratuity shall submit the last pay certificate and No demand certificate as soon as possible after the submission of the application for pension gratuity. The Audit Officer shall not issue the pension gratuity payment order until these certificates have been received by him.
 - (3) The authority competent to sanction the pension shall record on the application after due consideration of the facts of the case his provisional recommendation shall whether the pension claimed should be admitted or not.

- 5.5.**
- (1) The non-gazetted service of a Government servant in the application form shall be by the Head of Office concerned from official records, for example service book or roll, pay bill or acquaintance rolls, etc.
 - (2) If it be found impossible to verify the service otherwise a written statement of the applicant shall be taken on plain paper, and such collateral evidence a may be procurable shall be collected, for instance, certificates given by an officer to a subordinate on his leaving the office and the testimony of contemporary Government servants.

Note: The power to admit service verified under this clause may be exercised by all authorities empowered to sanction pension.

- (3) In cases where some portion of pensionable service was rendered in occupied Jammu and Kashmir State but certificate of local verification of service was not recorded in the service book for any particular period, steps shall be taken to verify that service from available records, if any, such as personal files, gradation lists, pay bills, acquittance rolls etc. Where none of the records are available, a written statement of the Government servant concerned should be taken on a plain paper accompanied by the testimony of contemporary Government servants as in sub-rule (2) above. Such declaration should be placed on record in service book in lieu of local verification for service for that period.
- (4) The Head of Office/Department/Attached Department concerned shall then arrange with the application all the documents relied upon for the verification, of non-gazetted service claimed in such manner that they can be conveniently consulted, and forward them together with the Government servant's service book or service roll as the case may be, and the state;?'ant in the second page of the pension application form duly completed up-to-date (and the last pay certificate, if necessary) through the authority empowered to sanction the

- 5.6.** On receipt of the pension papers the Audit Officer shall apply the requisite checks, If in cases in which the authority competent to sanction the pension has recorded its provisional recommendation under sub-rule (3) of rule 5.4. the Audit Officer finds that the claim is in order, he shall prepare the pension payment order forthwith in Form 4 (Pen.) but shall not issue it more than a fortnight in advance of the date on which the Government servant is due to retire, intimating the fact of issue to that authority. In other cases he shall certify as to the correctness of the calculations of service and pension, and return the pension papers to the authority competent to sanction the pension with a report on the claim for pension and the rules applicable to the case. He shall retain the last pay certificate unless the pension is to be paid in another circle of audit in which case he shall forward the certificate to the Audit Office of that circle along with a copy of the orders sanctioning the pension.
- 5.7.** (1) A pension/gratuity which is certified by the Audit Officer shall be sanctioned by the authority competent to sanction the pension.
- (2) Orders sanctioning the pension may issue not more than one month in advance of the due date of retirement and the Audit Officer may issue the pension/pension payment order not more than a fortnight in advance thereof to the Treasury Officer who is to pay the pension/gratuity.
- 5.8. Date of commencement of pension:** Apart from special orders, an ordinary pension is payable from the date on which the pensioner ceases to be in Government service. A gratuity (other than anticipatory gratuity) shall be paid in a single sum.
- 5.9. Place of Payment:** A pension/gratuity is payable in rupees at any Government Treasury in Azad Kashmir.

CHAPTER – VI

ANTICIPATION PENSION/GRATUITY

- 6.1.** When a Government servant is likely to retire before his pension can be finally assessed and sanctioned in accordance with the rules, the authority competent to sanction pension may sanction an anticipatory pension in the manner shown below:
- (i) Where pension does not exceed Rs. 100 per mensem, the anticipatory pension may be allowed in full on the basis of the calculations made by the authority sanctioning the pension.
- Note:** The authority responsible for sanctioning the pension and the Audit Officer concerned should finalize the pension case quickly so that there is no excess payment, and if any, it is adjusted as quickly as possible.
- (ii) In case where the pension exceeds Rs. 100 per mensem, the anticipatory pension is to be restricted to 4/5th of the amount calculated during the initial period of 3 months. After three months full amount admissible as calculated shall be paid even if the case is not finalized.
- Note:** If the pension papers are not verified by the Audit Officer till one month before the retirement of the Government servant in question, the action as in rule above shall be taken by the sanctioning authority.

- 6.2. The payment of anticipatory pension shall be made only after the declaration given in Form 5 (Pen) has been obtained duly signed from the retiring Government servant.
- 6.3. The authority sanctioning pension shall ensure that pension is finally sanctioned as soon as possible.
- 6.4. The letter sanctioning the anticipatory pension in Form 5 (Pen) shall be addressed by the sanctioning authority to the Audit Officer. A copy of the sanctioning letter shall also be endorsed to the retiring Government servant and the Treasury Officer of the Treasury at which the pension is to be drawn.

This letter will constitute sufficient authority for drawal of anticipatory pension at the Treasury in question pending finalisation of the pension case. The pension payment orders appended to such letter should be dealt with in accordance with the instructions contained in West Pakistan Subsidiary Treasury rules and a Register of anticipatory pension payment order maintained in the same form prescribed for regular pensions.

Note: Before forwarding pension papers to the Audit Officer for scrutiny the sanctioning authority should enter brief particulars of the case in a register to be maintained specially for this purpose. The register should indicate the name of the Government servant due to retire the date of his retirement and the amount of pension due to him as per details passed on to the Audit Officer.

- 6.5. If the authority competent to sanction pension considers it likely that in a case contemplated in Rule 6.1. above, the Government servant would be entitled to a gratuity, one-sixth of 65 per cent of the amount of such probable gratuity should, upon a similar declaration be disbursed to him monthly for a maximum period of six months until the amount is finally settled. Rule 6.2. to 6.4. above would mutatis mutandis apply in such cases.
- 6.6. The payment of the anticipatory pension/gratuity shall be arranged to that it is not delayed beyond the first day of month following the month in which the Government servant is due to retire.
- 6.7. If, upon the completion of regular investigation, it be found that pension. This summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payment. Further, if anticipatory gratuity proves to be larger than the amount round actually due upon completion of the enquiries, the Government servant shall be required to refund any excess actually paid to him.

CHAPTER –VII

GRANT OF PENSIONARY BENEFITS TO DISPLACED GOVERNMENT SERVANTS

- 7.1. A displaced Government servant who migrated to Pakistan or Azad Kashmir Territory prior to 31-12-1961 shall be entitled to count his previous service towards pension under Azad Government of the State of Jammu and Kashmir provided the service rendered by him under Dogra Regime was pensionable under the rules of that Government.
- 7.2. Leave taken with or without allowances during the service with Dogra Regime shall be counted towards pension in accordance with rules enforce in Azad Kashmir.
- 7.3. The break in service occurring between termination of employment under the Dogra Regime and first appointment in Azad Kashmir shall be treated as condoned.
- 7.4. (i) (a) A displaced Government servant claiming the benefit of his previous pensionable

service should furnish a statement showing the details of the service to the authority competent to sanction his pension in Azad Kashmir. The statement should be accompanied by documentary evidence such as Service book, extract from History sheet or other equivalent record.

- (b) A statement of leave taken on full pay or half average pay or without pay, unless this information is already available in service record.
 - (c) A certificate that no pension in respect of previous service was sanctioned.
 - (i) In case the records mentioned at 'A' in sub-rule (1) are not available a written statement of the Government servant concerned should be taken on plain paper accompanied by the testimony of the two contemporary Government officers duly attested by a Magistrate 1st class.
- 7.5.** The authority competent to sanction the pension should check the statement and forward it to the Accountant General after authentication.
- 7.6.** The prescribed check of pensionable service against Establishment Return is specifically waived in the case of displaced Government servants in respect of service rendered by, them under Dogra Regime.

CHAPTER – VIII

COMMUTATION OF CIVIL PENSION

- 8.1.** A competent authority may sanction the commutation for lump sum payment of a portion not exceeding one half (including $\frac{1}{4}$ th of the surrendered portion) of any pension which has been or is about to be granted under these rules.
- 8.2.** (1) An application for commutation should be submitted in Part I of Form 6 (Pen) through the Head of the office in which the applicant is or was employed or if he is or was himself the Head of the Office through the Head of the Department/Attached Department.
- (2) The Head of the Office or the Head of the Department/ Attached Department shall forward the applications to the Accountant General.
- (3) The Accountant General shall complete Part II of Form 7 (Pen) without delay and transmit it to the authority competent to sanction the commutation.
- 8.3.** (1) The authority competent to sanction commutation shall thereupon accord its administrative sanction in Part III of Form 6 (Pen) and transmit to the applicant on Form 7 (Pen) a certified copy of the Accounts Officer's certificate contained in Part II of Form 6 (Pen) of lump sum payable on commutation and one copy reported by the proper medical authority to be fit subject for commutation and one copy of Form 8 (Pen) Part I of which is to be filled in by the applicant before his medical examination and handed to the medical authority.
- (2) The sanctioning authority shall further instruct the applicant to appear for examination before the said medical authority within three months from the date of its order, or if he

has applied for commutation in advance of the date of his retirement, within three months of the date, but in no case earlier than the actual date of retirement.

- (3) The sanctioning authority shall forward to the Health Department in original the completed Form 6 (Pen) together with a copy of Form 8 (Pen) and an extra copy of Part III of that form; and if the applicant has been granted an invalid pension, or has previously commuted any portion of the pension or declined to accept commutation on the basis of an addition of years to his actual age, or has been refused commutation on medical grounds, copies of the previous medical reports of statement of his case.

8.4. The Health Department shall arrange for the medic examination of the applicant by the proper medical authority at the nearest available station to that named by the applicant in Part I of form 6 (Pen) and as early as possible within the period prescribed and inform the applicant direct. The form and other documents should be transmitted by the Health Department to the examining medical authority.

Note: The term 'medical authority' means:

- (i) the Standing Medical Board or the Standing Invaliding Committee in the case of Gazetted Government servants and also in the case of Non Gazetted Government servants drawing pay not less than Rs. 400 at the time of retirement; and
- (ii) the Medical Superintendent District Health Officer in the case of all other Non-Gazetted Government Servants.

8.5. (1) The medical authority after obtaining from the applicant, a statement in Part I of Form 8 (Pen) (which must be signed in its presence) shall subject him to a strict examination enter the results in Part II and complete the certificate contained in Part III of Form 8 (Pen) and in the case of Non-Gazetted Government servants other than those specially exempted by Government, obtain in its presence the left hand thumb and finger impressions.

(2) If the examination is conducted by a single medical officer, the applicant shall himself pay the medical officer's fee for examination.

If he is examined by a medical board or committee he shall pay a fee of Rs.4 into a Government treasury and make over the receipt for the fee to the Medical Board or committee before examination together with an additional fee of Rs. 12 in cash to be retained and divided by the members of the Board of the committee as the case may be, among themselves.

Note: No fee will be payable for medical examination in case the full pension, of the applicant does not or is not likely to exceed Rs. 100 per mensem.

- (3) The medical authority shall without delay forward the completed Form 6 (Pen) and 8 (Pen) in original to the Accounts Officer who gave the certificate contained in part II of Form 6 (Pen) regarding the Commutation amount admissible to the applicant, and certified copy of the completed Form 8 (Pen) to the sanctioning authority. A certified

copy or the medical certificate in Part III of Form 8 (Pen) should be given to the applicant on the spot after medical examination.

- 8.6.** If the medical examination does not take place within the period prescribed in the sanctioning order, or if the applicant does not appear for examination before the medical authority within the prescribed period the sanctioning authority may renew administrative sanction for a further period of three months without obtaining a fresh application for commutation of pension. The applicant may without obtaining a fresh application for (1) commutation of pension. The applicant may withdraw his application by written notice dispatched at any time before the medical examination is due to take place, but his option shall expire on his appearance before a medical authority, provided that if the medical authority direct that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice dispatched within two weeks from the date on which he receives intimation of the received sum payable on commutation, or, if the sum is already stated in the sanctioning order, within the finding of the medical authority. If the applicant does not withdraw in writing his application within period of two weeks prescribed above he shall be assumed to have accepted the sum offered.
- 8.7.** Subject to the provisions contained in rule 8.8 and to the withdrawal of an application under rule 8.6. the commutation shall become absolute, that is, the title to receive the commuted portion of the pension shall cease and the title to receive the commuted value shall accrue on the date on which the medical authority signs the medical certificate.
- 8.8.** If the applicant makes any statement found to be false within his knowledge or willfully suppresses any material fact in answer to any question written or oral put to him in connection with his medical examination, the sanctioning authority may cancel the sanction at any time before payment is actually made; and such a statement or suppression may be treated as grave misconduct for the purpose of rule 1.8.
- 8.9.** (1) The Accountant General on receipt of the completed Forms 6 (Pen) and 8 (Pan) shall arrange forthwith for the payment of the appropriate commuted value and for the corresponding reduction of the pension. He shall also forward to the disbursing officer Form 8 (Pen) containing the signature and thumbs impressions of Non-Gazetted Government servants, taken in the presence of the medical authority, with introductions that they should be verified with those received with the pension payment order.
- (2) If the applicant on receipt of the sanctioning order withdraws the application within the period prescribed in rule 8.6. he should intimate his intention in writing to the Accountant General direct and to the sanctioning authority simultaneously.
- (3) The payment of the commuted value shall be made in rupees in Azad Kashmir as expeditiously as possible, but in the case of an impaired life no payment shall be made till either a written acceptance of the commutation has been received or the period within which the application for the commutation may be withdrawn has expired whatever the date of actual payment the amount paid and the effect upon the pension shall be the same if the commuted value were paid on the date on which commutation became absolute. If the commuted portion of the pension has been drawn after the date on which the commutation became absolute, the amount drawn shall be deducted from the amount payable in commutation.

- 8.10.** If pensioner part of whose pension has been commuted, dies on or after the date on which the commutation became absolute but before receiving the commutation value, this value shall be paid to his family or eligible relatives in the same manner as gratuity is payable under rules 4.5. and 4.6.
- 8.11.** The lump sum payable on commutation shall be calculated in accordance with the table of present values given below:

²⁰⁶**Revised Table for calculating the commuted value of pension**

| ²⁰⁷ Age next birthday | Numbers of years | Age next birthday | Number of years |
|----------------------------------|------------------|-------------------|-----------------|
| 20 | 40.5043 | 51 | 17.6526 |
| 21 | 39.7341 | 52 | 17.0050 |
| 22 | 38.9653 | 53 | 16.3710 |
| 23 | 39.1974 | 54 | 15.7517 |
| 24 | 37.4307 | 55 | 15.1478 |
| 25 | 36.6651 | 56 | 14.5606 |
| 26 | 35.9006 | 57 | 13.9888 |
| 27 | 35.1372 | 58 | 13.4340 |
| 28 | 34.3750 | 59 | 12.8953 |
| 29 | 33.6143 | 60 | 12.3719 |
| 30 | 32.8071 | 61 | 11.8632 |
| 31 | 32.0974 | 62 | 11.3684 |
| 32 | 31.3412 | 63 | 10.8872 |
| 33 | 30.5869 | 64 | 10.4191 |

²⁰⁶ The “commutation table” under Rule 8.11 of Azad Kashmir Civil Service Pension Rules, 1969 has been revised / substituted vide Finance Department’s letter No. 15538-87/81, dated 05.11.1981, this revision was given effect from 01.01.1970, the said table is hereby reproduced:

| Age next birthday | Numbers of years purchases | Age next birthday | Number of years purchase | Age next birthday | Numbers of years purchase |
|-------------------|----------------------------|-------------------|--------------------------|-------------------|---------------------------|
| 20 | 24.265 | 41 | 18.956 | 62 | 11.104 |
| 21 | 24.061 | 42 | 18.641 | 63 | 10.713 |
| 22 | 23.853 | 43 | 18.318 | 64 | 10.327 |
| 23 | 23.640 | 44 | 17.988 | 65 | 9.146 |
| 24 | 23.424 | 45 | 17.650 | 66 | 9.570 |
| 25 | 23.203 | 46 | 17.307 | 67 | 9.200 |
| 26 | 22.978 | 47 | 16.956 | 68 | 8.836 |
| 27 | 22.747 | 48 | 16.596 | 69 | 8.478 |
| 28 | 22.513 | 49 | 16.231 | 70 | 8.127 |
| 29 | 22.273 | 50 | 15.859 | 71 | 7.783 |
| 30 | 22.028 | 51 | 15.481 | 72 | 7.448 |
| 31 | 21.777 | 52 | 15.096 | 73 | 7.121 |
| 32 | 21.522 | 53 | 14.707 | 74 | 6.802 |
| 33 | 21.260 | 54 | 14.313 | 75 | 6.494 |
| 34 | 20.993 | 55 | 13.915 | 76 | 6.194 |
| 35 | 20.720 | 56 | 13.513 | 77 | 5.906 |
| 36 | 20.442 | 57 | 13.109 | 78 | 5.627 |
| 37 | 20.157 | 58 | 12.702 | 79 | 5.360 |
| 38 | 19.867 | 59 | 12.294 | 80 | 5.104 |
| 39 | 19.570 | 60 | 11.886 | | |
| 40 | 19.267 | 61 | 11.497 | | |

²⁰⁷ The Commutation table provided under “Revision of Basic Pay Scales and Fringe Benefits of Civil Employees (BPS-1 to 22) of the Azad Jammu and Kashmir Government (2001)”, issued vide Finance Department’s Notification No. FD/R-I(550)/2001, dated: 13.11.2001, as given in the relevant chapter of this book, has been corrected to the extent of substitution of words “Commutation Factor” instead of Number of years purchase” vided Corrigendum No. FD/R-I(550)/2001 Dated 08.05.2002.

| | | | |
|----|----------|----|--------|
| 34 | 29.9343 | 65 | 9.9639 |
| 35 | 29.0841 | 66 | 9.5214 |
| 36 | 28.3362 | 67 | 9.0914 |
| 37 | 27.5908 | 68 | 8.6742 |
| 38 | 26..8482 | 69 | 8.2697 |
| 39 | 26.109 | 70 | 7.8778 |
| 40 | 25.3728 | 71 | 7.4983 |
| 41 | 24.6406 | 72 | 7.1314 |
| 42 | 23.9126 | 73 | 6.7766 |
| 43 | 23.1840 | 74 | 6.4342 |
| 44 | 22.4713 | 75 | 6.1039 |
| 45 | 21.7592 | 76 | 5.7858 |
| 46 | 21.0538 | 77 | 5.4797 |
| 47 | 20.3555 | 78 | 5.1854 |
| 48 | 19.6653 | 79 | 4.9030 |
| 49 | 18.9841 | 80 | 4.6321 |
| 50 | 18.3129 | | |

CHAPTER – IX
EXTRAORDINARY PENSION

- 9.1.** (a) The rules of this chapter apply to all pensions in civil employ of the Provincial Government, whether their employment is permanent, temporary or casual and whether remunerated by fixed pay or by piece work rates; provided that in case of a person to whom, the Workman's Compensation Act, 1923, applies:
- (1) an award shall be paid under the provisions of this chapter only if the authority competent to sanction it considers that the compensation payable under the Act is in the particular case inadequate; and
 - (2) the amount of award paid to any Such person shall not exceed the difference between the amount otherwise admissible under the rules of this chapter the amount of compensation payable under the Act.
- (b) Pay for the purpose of this chapter means the pay which a person was drawing on the date of his death or injury, provided that in the case of a person remunerated by piece work rates, pay means the average earning of the last six month ending with the date of his death or injury.
- 9.2.** The extraordinary pension may be granted to a Government servant even if he is not invalided from service as a result of the disability on account of which the award is made. The grant of extraordinary pension to a Government servant is no bar to the grant of any ordinary civil pension or gratuity for which he may be eligible under the rules.
- 9.3.** Every grant of extraordinary pension under this Chapter is subject to the provision of rule 1.8.
- 9.4.** In case where considerable delay has occurred in applying for an extraordinary pension, the grant, if any will take effect only from the date of the report by the Medical Board, or, in the case of family pension from such date as the sanctioning authority may decide. Otherwise the grant may be made with effect from the date of wound, injury or death. The family pension granted to a posthumous child should commence from the date of his/her birth.

- 9.5. No extraordinary pension shall be sanctioned by a competent authority except with the prior concurrence of Finance Department.
- 9.6. An injury pension to a Government servant, or in case of his death, a family pension may be sanctioned under any of the following conditions on the merits of each case up to half the amount of pay or Rs. 500 per mensem, whichever is less subject to the minimum of Rs. 100 per mensem or the amount of pay whichever is less.
- A Government servant, who receives injury (including wound) or is killed-while performing any particular duty which has the effect of increasing his liability to injury beyond the ordinary risk of the post which he holds.
- 9.7. For extraordinary family pension, the provision or ordinary family pension shall be applicable to the extent that they are not inconsistent with the rules in this Chapter.
- 9.8. When a claim for any injury pension or family pension arises, the Head of the Department Attached Department/Office in which the injured or deceased Government servant was employed, shall forward the claim through the usual channel to the Finance Department with the following documents:
- (1) A full statement of circumstance in which the injury was received, the disease was contracted or the death occurred.
 - (2) The application for injury pension in Form 9 (Pen) or the application for family pension in Form; 10 (Pen).
 - (3) In the case of an injured Government Servant or one who has contracted disease a medical report in Form 11 (Pen). In the case of a deceased Government Servant, medical report as to the death or reliable evidence as to the actual occurrence of death, if the Government servant lost his life in such circumstances that a medical report cannot be secured.
- 9.9. In making an award under this Chapter, the competent authority may take into consideration, the degree of default or contributory negligence on the part of the Government servant who sustains an injury or dies as a result of an injury or is killed.
- 9.10. All awards under this Chapter shall be made in Azad Kashmir in Rupees.

Note 1: The original text of these rules as published in the official Gazette of AJ&K contains nine chapters in all but the ninth one carries figures showing rule numbers as 10.1 to 10.10. As per sequence of serial numbers it should have contained numbers as 9.1 to 9.10. A deliberation was made and concluded that AJ&K rule-making authority precluded intentionally Chapter IX of West Pakistan Civil Servants Pension Rules, 1963 and Chapter X thereof was numbered as IX, but copying the serial numbers shown as 10.1 to 10.10, mistakenly under Chapter IX of these rules which have been rectified accordingly.

Note 2: For the forms of pension as referred to in these rules please see P.L.D., 1964 Statutes (West Pakistan) pages 83-111.

No. FD/2020-60/72
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
FINANCE DEPARTMENT

Muzaffarabad
Dated: the May 24th, 1972

To

All Secretaries to Government,
All Heads of Departments,
Azad Government of the State of Jammu and Kashmir.

Subject:- **Azad Kashmir Civil Service Pension Rules, 1972.**

Sir,

I am directed to convey the approval of the President, Azad Government of the State of Jammu and Kashmir to the effect that the gratuity table under sub-rule 3(a) of Rule 4.4. of Azad Kashmir Civil Service Pension Rules, 1971 be substituted as under:-

| | |
|--|------------|
| If qualifying service is 10 years or more but less than 15 years | Rs. 187.00 |
| If qualifying service is 15 years or more but less than 20 years | Rs. 173.00 |
| If qualifying service is 20 years or more | Rs. 160.00 |

2. This order will have effect from 1.1.1970 in case of Non-gazetted employees and 1.7.70 in case of Gazetted Government servants.

Your obedient servant,
Sd/-
(S. Habeeb Hussain)
Secretary Finance.

No. FD/2061/72 Dated 24-5-1972.

FD/R/ 15438-86/81

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
Dated: 5th Nov. 1981

Subject: Condonation of Deficiency in Qualifying Service

I am directed to say that under the rule 2.12 of the Azad Kashmir Civil Services pension Rules, 1969, a deficiency up to six months in qualifying service for pension can be condoned by the Administrative Department provided the service is meritorious and the condonation, if allowed, will bring the service up to 25 completed years of qualifying service. A question has arisen whether a deficiency up to six months shall be deemed to have been condoned at any stage of qualifying service, or is the condonation restricted to a particular stage of qualifying service. Finance Department have, after thorough examination of the matter and the modification made by the Government of the Punjab vide No. SO (Sr-V-1805)/67 dated 29 July, 1967 decided that the intention is not to restrict the operation of the concession to any particular stage but to allow condonation of a deficiency at any stage up to the 30th year. To illustrate this intention, a deficiency of six months or less will be deemed to have been condoned so as to make 4 years and 6 months qualifying service as 5 years qualifying service, 9 years and six months qualify service as 10 years qualifying service, 24 years and six months qualifying service as 25 years qualifying service and 29 years and six months qualifying service as 30 years qualifying service. Similarly, deficiencies exceeding six months but less than one year may be condoned by the competent authority in consultation with the Finance Department if both the conditions mentioned below were satisfied:

- (a) If the government servant dies while in service or retires under abolition of his permanent post and his eventual selection for discharge and, but for such contingency, he would have completed another year of qualifying service; and
- (b) The service rendered by the Government servant was meritorious.

Sd/--
(Abdul Rashid Baig)
Section Officer Finance

No. FDR/(587)/2004
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
September 12, 2006

OFFICE MEMORANDUM

Subject: Assistance Package for Families of Government Employees who die in Service

The undersigned is directed to refer to the subject noted above and to convey the approval of President of Azad Jammu and Kashmir to the following assistance package for Government employees who die in service :

| ITEM | IN SERVICE DEATHS | |
|------------------------|---|---------------|
| Lump Sum Grant | Up to Rs. 1.0 million, according, to following scales: | |
| | BS | Amount |
| | 1-4 | Rs. 20,0000 |
| | 5-10 | Rs. 30,0000 |
| | 11-15 | Rs. 40,0000 |
| | 16-17 | Rs. 50,0000 |
| | 18-19 | Rs. 80,0000 |
| | 20 and above | Rs. 1,00,0000 |
| Employment | Employment for posts in BS 01 to BS-15 on two years contract without advertisement. | |
| House Building Advance | In case of advance against salaries sanctioned by the AG office, the unpaid balance to be waived. | |

Sd/--
Section Officer (Regs.)

<◇◇◇◇◇>

FDR/471/08

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
November 05, 2008

OFFICE MEMORANDUM

Subject: Minimum pension

The undersigned is directed to refer to this Department's circular No FD/R/1 (33)/81/88, dated: 27.10.1998 and No. FD/R/1361-1461/89, dated: 17.01.1989 on the subject cited above and to state that the President of Azad Jammu and Kashmir has been pleased to sanction with effect from 1st July, 2008 the increase in Minimum Pension from Rs. 300/- p.m. to Rs. 2000/- p.m. to Civil pensioners of the Government of AJ&K including Army Pensioners drawing pension from the Azad Government of the State of Jammu & Kashmir.

FD/R/14907-60/2010

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
November 24, 2010

To:

All the Administrative Secretaries to the Government
Azad Government of the State of Jammu & Kashmir, Muzaffarabad

Subject: Submission of Cases of Extraordinary Pension

It has been observed that the cases of Extraordinary Pension are sent to the Finance Department without necessary documents and with sketchy description. Moreover the cases are not submitted with the signature of the Secretary concerned. Rule 9.8 of Azad Jammu and Kashmir Civil Servants pension Rules, 1971, Chapter IX, elaborates the procedure regarding submission of cases of Extraordinary pension, which is as follows :-

- 9.8 When a claim for any injury pension or family pension arises, the Head of Department/Attached Department/Office in which the injured or deceased Government servant was employed, shall forward the claim through the usual channel to the Finance Department with the following documents :-
- (1) A full statement of circumstance in which the injury was received, the diseased contracted or the death occurred.
 - (2) The application for injury pension in Form 9 (Pen) or the application for family pension in Form 10 (Pen).
 - (3) In case of an injured Government Servant or one who has contracted disease of medical report in form 11 (Pen): In the case of a deceased Government Servant, medical report as to the death or reliable evidence as to the actual occurrence of death, if the medical report cannot be secured.

It has been observed that the incomplete documents lead to delay in processing the case and cause much hardship to the injured person or to the family of the deceased. In view of the above, it is requested that in future the cases of Extraordinary pension may be submitted to Finance Department in the form of a summary signed by the administrative Secretary keeping in view the requirement of Rule 9.8 of Azad Kashmir Civil Servants Pension Rules, 1971. Moreover, the instructions already issued vide this department's circular No. FD/R/21607-90/2008 dated 06.12.2008 (copy enclosed), may be followed.

Sd/--
Deputy Secretary (Regs.)

FD/R/12005-12104/2011

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
July 16th, 2011

OFFICE MEMORANDUM

Subject: Inclusion of Cost of Living Allowance @ 7% in pensionable Emoluments.

The undersigned is directed to refer to the Finance Department's Circular No. FD/R/1(4770)/95, dated 02.08.1955, read with para 3(i) of Finance Department's Office Memorandum No. FD/R-1(550)/2001, dated 13.11.2001, on the above subject and to state that the president, Azad Jammu and Kashmir has been pleased to accord approval to treat the cost of living allowance admissible @7% of basic pay as emolument reckonable towards pension for all those employees in BPS 1-22 who were in receipt of the said allowance at the time of their retirement and who had not availed the benefit of Revised Basic Pay Scales, 2001.

Sd/--
(Inayat Ali Qazi)
Deputy Secretary (Regs)

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد
(بورڈ آف ریونیو)

"مظفر آباد"

مورخہ: 12 مئی 2012

نوٹیفکیشن

نمبر آر/9689-97/2012 جناب صدر آزاد جموں و کشمیر نے سول سروس پنشن رولز 1971 کے قاعدہ 7.1 میں نرمی کرتے ہوئے حسب رضامندی محکمہ مالیات سال 1989-90 کے دوران اور اس کے بعد متبوضہ کشمیر سے ہجرت کر کے آزاد کشمیر میں آنے والے مہاجر ملازمین کی متبوضہ کشمیر میں کی گئی سرکارم ملازمت کو آزاد کشمیر میں اختیار کی گئی سرکاری ملازمت کے لیے بغرض مفاد پنشن شمار کیے جانے کے علاوہ دوران ہجرت ملازمت کے دوران تسلسل میں واقع رخنہ (Gap) کو نافذ العمل قواعد کی روشنی میں نظر انداز (Condone) کیے جانے کی بھی منظوری صادر فرمائی ہے

دستخط / --

اسسٹنٹ سیکرٹری (اول)

بورڈ آف ریونیو

نقل بالا بحکمہ: --

- 1- سیکرٹری صاحب برائے جناب صدر گرامی، آزاد جموں و کشمیر۔
- 2- سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹری صاحب ہمراہ جناب وزیر بحالیات، آزاد حکومت ریاست جموں و کشمیر۔
- 4- پرائیویٹ سیکرٹری صاحب ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
- 5- جناب سیکرٹری مالیات بحوالہ آپ کی مالیاتی رضامندی موصولہ زیر نمبر 23151 مورخہ 10.10.2012 معہ دو فاضل نقول برائے محکمہ حسابات۔
- 6- پرائیویٹ سیکرٹری صاحب ہمراہ جناب سینئر ممبر بورڈ آف ریونیو، آزاد حکومت ریاست جموں و کشمیر۔
- 7- جناب کمشنر ریلیف و بحالیات، آزاد حکومت ریاست جموں و کشمیر۔
- 8- جناب ناظم اعلیٰ حسابات مظفر آباد۔
- 9- مہتمم صاحب سرکاری چھاپہ خانہ مظفر آباد۔
- 10- ماسٹر فائل۔

دستخط / --

اسسٹنٹ سیکرٹری (اول)

بورڈ آف ریونیو

FD/Regs./11241/2015
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
29th May, 2015

To: The Additional Accountant General (Pension)
Azad Jammu and Kashmir,
Muzaffarabad

Subject: Clarification of the Office Memorandum Dated 28.04.2015

I am directed to refer to your letter No. 1730/AG Pension/2015 dated 04.05.2015 on the subject cited above and to enclose herewith joint report regarding payment of arrears submitted by Mr. Abdul Hamid Chaichi Deputy Secretary Budget-II and Mr. Nazir-ul-Islam Deputy accountant General on 18.03.2016 after consulting office of AGPR Islamabad. I am further directed to clarify the issue as under:-

- (i) This department's Office Memorandum No. FD/Rgs.7681-7780/2016 dated 28.04.2016 is meant for all such pensioners of Azad Govt. of the State of Jammu & Kashmir who were drawing 50% remaining pension.
- (ii) Govt. of AJ&K has adopted Finance Division's O.M No. F.13(13)-Reg.6/2011 dated 21.01.2013 w.e.f. 01.07.2015 in view of the fact that budgetary cover has not been provided in the current financial year for these unforeseen expenses. The date i.e. 01.07.2015 does not affect the direction contained in para-1 of said Office memorandum of finance division regarding determination of pension from the date of restoration of commuted pension and payment of arrears. The pension of all such pensioners of Govt. of AJ&K shall be determined in accordance with finance Division's said O.M from the date of restoration of their commuted pension at the rate at which they were drawing 50% remaining pension and that the arrears shall also be paid to them. However, they shall not be entitled to claim arrears for the period prior to restoration of their commuted pension.

Sd/--
(Qazi Inayat Ali)
Deputy Secretary (Regs.)

NO. FD/R/14361-419/2015
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 27th July, 2015

OFFICE MEMORANDUM

Subject: GRANT OF MEDICAL ALLOWANCE TO CIVIL PENSIONERS OF AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR.

The undersigned is directed to refer to Finance Department's O.M. No. FD/R/11145-11244/2010 dated 16-08-2010 and to state that Medical Allowance was introduced with effect from 1st July, 2010 for all civil pensioners of Azad Government of the State of Jammu & Kashmir.

2. In terms of para-21 of Finance Department's O.M. No. FD/R/(340)07/2011 dated 25-07-2011, it was decided that:-

- (i) Medical Allowance admissible to the existing retired Civil Servants in BPS-1 to BPS-15 and BPS-16 to BPS-22 @ 25% and @ 20% of the net pension respectively shall continue to be admissible at the frozen level of its admissibility as on 30-06-2011 till further order.
- (ii) All the Civil Servants in BPS-1 to BPS-15 and in BPS-16 to BPS-22, who shall retire on or after 01-07-2011 onwards, shall be allowed Medical Allowance @ 25% and @ 20% of the net pension respectively and shall stand frozen at the same level.

3. Now, the President Azad Jammu & Kashmir has been pleased to sanction w.e.f. 01-07-2015 until further orders, 25% increase in the amount of medical allowance being drawn by the civil pensioners of Azad Government of the State of Jammu & Kashmir including army pensioners drawing pension from AJ&K and to the future retirees on the medical allowance admissible to them at the time of retirement and shall stand frozen at same level.

Sd/---
(INAYAT ALI QAZI)
Deputy Secretary (Regs.)

NO. FDR/3212-90/2016
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 2nd Mar, 2016

OFFICE MEMORANDUM

Subject: Grant of Increment to the Pensioners in the Year of Retirement.

The President Azad Jammu & Kashmir has been pleased to allow the benefit of one increment to all those pensioners of Azad Government of the State of Jammu & Kashmir who were stuck up in the maximum stages of their pay scales and were not allowed increment beyond their maximum pay scales in the year of retirement (having at least six months service preceding the date of retirement at the maximum of the respective pay scales) subject to the condition that arrears shall not be allowed.

Sd/---
(Tasleem Kousar)
Deputy Secretary (Regs.)

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AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
Dated: 26th December, 2016

NOTIFICATION

No. FDR/R/19394-19493/2016. The President Azad Jammu & Kashmir has been pleased to allow the benefit of periodical increases on surrendered portion of commuted value of pension after restoration, to those pensioners of Azad Govt. of the State of Jammu & Kashmir who retired on or after 01.12.2001 as has already been allowed to the pensioners who retired prior to 01.12.2001 in accordance with Finance Department's Office memorandum No. FD/Regs./7681-7780/2015, dated 28.04.2015. Due to sever financial crunch, the arrears will be paid on availability of funds.

Sd/---
(Tasleem Kousar)
Deputy Secretary (Regs.)

FD/R/ 12010-12110/2017

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
Dated: 20th July, 2017

OFFICE MEMORANDUM

Subject: GRANT OF INCREASE IN PENSION TO CIVIL PENSIONERS OF AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR.

The President Azad Jammu & Kashmir has been pleased to sanction an increase @ 10% of net pension with effect from 1st July, 2017 until further orders to all civil pensioners of Azad Government of the State of Jammu & Kashmir including army pensioners drawing pension from AJ&K.

2. The 15% increase in pension as allowed vide para-1(ii) of the Finance Department's Office Memorandum No. FD/R/11045-11144/2010 dated 16.08.2010 shall be discontinued for those who would retire on or after 01-07-2017.

3. However, 15% increase in pension allowed vide para-1 (i) of the Finance Department's Office Memorandum No. FD/R/(340)/07/2011 dated 25.07.2011, 7.5% increase in pension as allowed vide para-1 of Finance Department's Office Memorandum No. FD/R/(340)07/2011 dated 25-07-2011, 10% increase in pension as allowed vide para-1 of Finance Department's Office Memorandum No. FD/R/13320-60/2015 dated 27-07-2015 and 10% increase in pension as allowed vide para-1 of Finance Department's Office Memorandum No. FD/R/12183-12283/2016 dated 07.09.2016 shall be admissible to the new pensioners who would retire on or after 01-07-2017.

4. The 10% increase in pension as mentioned at para-1 above will also be admissible to the pensioners who would retire on or after 01-07-2017.

5. For the purpose of admissibility of increase in pension sanctioned in this O. M. the term "Net Pension" means "Pension being drawn" minus "Medical Allowance".

6. The increase will also be admissible on family pension granted under the Pension-Cum-Gratuity Scheme, 1954, Liberalized Pension Rules, 1977, on pension sanctioned under the Azad Kashmir Civil Services Pension Rules, 1971, as well as on the Compassionate Allowance allowed under the AJ&K Civil Servants Act, 1976. This increase will also be admissible to the pensioners in receipt of Extraordinary Pension.

7. If the gross pension sanctioned by Azad Government of the State of Jammu & Kashmir is shared with any Government in accordance with the relevant rules, the amount of the increase in pension will be apportioned between the Azad Government of the State of Jammu & Kashmir and the other Government concerned on proportionate basis.

8. This increase in pension sanctioned in this Office Memorandum will not be admissible on Special Additional Pension allowed in lieu of pre-retirement Orderly Allowance and salary of a driver or an orderly sanctioned vide notification No. FD/R/8591-8690/2016 dated 25.05.2016.

(INAYAT ALI QAZI)
Additional Secretary (Regs.)

FD/R/12666-12765/2018
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
09 August , 2018

OFFICE MEMORANDUM

Subject: MINIMUM PENSION

The undersigned is directed to refer to the Finance Department’s O.M. No. FD/R/17155-17254/2014, dated 18.08.2014, on the subject cited above and to state that the President Azad Jammu & Kashmir has been pleased to sanction with effect from 01.07.2018 the increase in minimum pension from Rs. 6,000/- per month to 10,000/- per month to civil pensioners of Azad Government of the State of Jammu & Kashmir including Army pensioners drawing pension from the AJ&K.

2. Similarly, family pension allowed to the family of a retired government employee including Army Pensioners drawing pension from the AJ&K under the Pension cum-Gratuity Scheme 1955, and Liberalized Pension Rules, 1977 has also been increased from current rate of Rs. 4,500/- per month to Rs. 7,500/- per month.
3. It has also been decided that rate of minimum pension would be Rs. 15,000/- per month for the civil pensioners of the Government of AJ&K including Army pensioners drawing pension from AJ&K who are 75 years age or more on 01.07.2018 or who would attain the age of 75 years subsequently.
4. Similarly rate of minimum family pension would be Rs. 11,250/- per month for the family of civil pensioners of Azad Government of the State of Jammu & Kashmir including Army pensioners drawing pension from AJ&K under the Pension cum-Gratuity Scheme 1955, and Liberalized Pension Rules, 1977 who are 75 years age or more on 01.07.2018 or who would attain the age of 75 years subsequently.
3. Commutation of any part of the increase allowed vide this O.M. will not be admissible.

Sd/--

(Inayat Ali Qazi)
Additional Secretary (Regs.)

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. Private Secretary to the Speaker, Azad Jammu & Kashmir Legislative Assembly.
4. Private Secretary to the Deputy Speaker, Azad Jammu & Kashmir Legislative Assembly.
5. PSs to all the Ministers/Advisors/Special Assistant, Azad Govt. of the State of Jammu & Kashmir.
6. PS to Chief Secretary, Azad Govt. of the State of Jammu & Kashmir.
7. PS to Additional Chief Secretary (Gen.), Azad Govt. of the State of Jammu & Kashmir.
8. PS to the Senior Member Board of Revenue, Azad Govt. of the State of Jammu & Kashmir.
9. PS to Additional Chief Secretary (Dev.), Azad Govt. of the State of Jammu & Kashmir
10. Chairman Prime Minister’s Inspection & Implementation Commission
11. All Secretaries, Azad Govt. of the State of Jammu & Kashmir.
12. Registrar Supreme Court of Azad Jammu & Kashmir.
13. Registrar High Court/ Shariat Appellate Bench of High Court of Azad Jammu & Kashmir.
14. Ombudsman Azad Jammu & Kashmir
15. Secretary, Azad Jammu & Kashmir Legislative Assembly.
16. Secretary, Azad Jammu & Kashmir Election Commission.
17. Accountant General, Azad Govt. of the State of Jammu & Kashmir.
18. Director General Audit, Azad Govt. of the State of Jammu & Kashmir.
19. Registrar Services Tribunal.
20. All Heads of Attached Departments, Azad Govt. of the State of Jammu & Kashmir.
21. Director Local Funds Audit.
22. Controller Government Printing Press.
23. Director Information Technology Finance Department for upload on website.
24. All Officers of finance Department.
25. Master File

(Mahmood Ahmad)
Section Officer (Regs.-1)

FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
MUZAFFARABAD

“Muzaffarabad”
Dated: March 31, 2020

Notification

No. FD/R/4649-4748/2020. Consequent upon the decision of the cabinet in its meeting held on 23.01.2020, the President Azad Jammu and Kashmir has been pleased to accord approval with immediate effect for the following revised Assistant Package for families of the Employees of the Azad Government of the State of Jammu and Kashmir who die in service.

LUMP SUM GRANT

| Grades | Rates (Rs.) |
|---------------|--------------------|
| 1-4 | 400,000/- |
| 5-10 | 600,000/- |
| 11-15 | 800,000/- |
| 16-17 | 1000,000/- |
| 18-19 | 1,600,000/- |
| 20 & above | 2,000,000/- |

PENSION

100% PENSION TO THE FAMILIES OF THE DECEASED Government employees shall be provided as per their length of service and last pay drawn. Moreover, in case of less than 10 years service of the deceased employees, rate of minimum 10 years service shall be applicable.

ACCOMODATION

Family of a deceased Government Employee shall be allowed to retain the allotted Government House till the age of superannuation of deceased Government employee as per allotment policy of Azad Government of the State of Jammu and Kashmir.

EMPLOYMENT

The appointment of one child/widow of Government employees who die in service shall be made against the posts in BS-01 to BS-15 without advertisement of post, subject to the conditions below:-

- i. He/she must be having requisite qualification for the post concerned already prescribed under Rules.
- ii. The appointment shall be made (under death assistance package) initially for a period of 2 years and appointee shall be confirmed/regularized on satisfactory completion of 2 years term as probationary period.

HEALTH

Free health facilities to the family of the deceased Government servant shall be allowed under the provisions of the AJK Medical Attendance Rules.

2. All existing policies/ Notifications/Instructions/Circulations to the extent of the above shall stand modified accordingly.

Sd/--
(Raja Muhammad Latif)
Deputy Secretary Finance (Regs.)

**THE AZAD JAMMU AND KASHMIR EMPLOYEES BENEVOLENT FUND
AND GROUP INSURANCE ACT, 1971
(Act XVI of 1971)**

Dated the 26th August, 1971.

AN act to establish a benevolent fund for the common benefit of the employees of the Government and certain autonomous bodies and to provided for their Group Insurance.

Whereas it is expedient to establish a benevolent fund for the common benefit of the employees of Azad Government of the State of Jammu and Kashmir and certain autonomous bodies and to provide for their Group Insurance; It is hereby enacted as follows:-

Chapter-I

PRELIMINARY

1. Short title, commencement and application.- (a) This Act may be called the Azad Jammu & Kashmir employees Benevolent Fund and Group Insurance Act, 1971.

¹(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint; and different dates may be appointed in respect of different provisions of this Act or for different clauses or categories of employees.

(3) It shall extend to the whole of Azad Jammu & Kashmir Territory and applies to every employee wherever he may be.

2. **Definitions.-** In this Act unless there is anything repugnant in the subject or context—

(1) “Benevolent Fund” means the Azad Jammu & Kashmir Employees Benevolent Fund established under Section 11;

(2) “Board” means the Board of trustees set up under Section 4;

(3) “Employee” means—

(a) Any person who holds a civil post in connection with the affairs of the Government.

(b) Any officer or servant of such body corporate, institution, organization or autonomous body as the Government may, by notification in the official Gazette, specify, and includes any such person, officer, servant or member of the staff who is:-

(i) on extension of service after the age of superannuation;

(ii) on deputation elsewhere;

(iii) undergoing study or training in or outside Azad Kashmir;

(iv) on leave, or

(v) under orders of suspension;

¹ This Act was made operative on 5th April, 1972 vide Notification No. S&GAD/6007-5/CS/72 dated 6-4-1972

- ²[(c) “Gazetted” means Government Servants holding posts in Basic scale 16 and above; and
- (d) “Non-Gazetted” means Government servants holding posts in Basic scale 1 to 15.]
- (4) ‘Family’ means—
- (a) in the case of male employee, the wife or wives, and in the case of a female employee, the husband of employee; and
- (b) the legitimate children, parents, minor brothers, un-married, divorced or widows sisters, of the employee residing with and wholly dependent upon him;
- (5) “Government” means the Azad Government of the State of Jammu & Kashmir;
- (6) “Insurance Fund” means the Azad Jammu and Kashmir Employees Insurance Fund established under Section 17;
- (7) “Pay” includes special pay, personal pay, technical pay, leave salary and subsistence grant;
- (8) “Prescribed” means prescribed by rules;
- (9) “Rules” means rules made under this Act.
3. **This Act, and rules to override other laws, but not to affect retirement benefit etc.**
The provisions of this Act and the rules shall have effect notwithstanding anything contained in any other law, rules, order, notifications, contract or other document or instrument; but nothing herein contained shall affect the right to receive any pension, provident fund, gratuity or other benefits accruing to the employee on his retirement or invalidation or to his family upon his death, otherwise than under this act.

CHAPTER-II

BOARDS OF TRUSTEES

4. ³[Board of Trustees.- (1) There shall be set up two boards to be known as:-
- (a) Board of Trustees of Azad Jammu & Kashmir (Gazetted) Employees Benevolent Fund; and
- (b) Board of Trustees of Azad Jammu and Kashmir (Non-Gazetted) employees Benevolent Fund.
- (2) The Board of Trustees of Azad Jammu & Kashmir (Gazetted) Employees Benevolent Fund shall consist of the following, namely:-
- (a) Secretary Services Azad Govt. of the State of Jammu & Kashmir, Chairman
- (b) Secretary Finance, Azad Govt. of the State of Jammu & Kashmir
Or nominee of Finance Department Member
- (c) Additional Secretary, S&GAD Member/ Secretary

² Added by Act No V of 1991.

³ Subs vide Notification No.LD/843-55/02 dated 18 Sep 12

- (d) Two representatives of the Registered Gazetted Officers Association nominated by the Government. Member
- (3) The Board of Trustees of Azad Jammu & Kashmir (Non-Gazetted) employees Benevolent Fund shall consist of the following namely:-
- (a) Secretary Services Azad Govt. of the State of Jammu & Kashmir Chairman
- (b) Additional Secretary Law Member
- (c) Additional Secretary Finance Member
- (d) Additional Accountant General Member
- (e) Additional Secretary S&GAD Member/ Secretary
- (f) Two representatives of the Registered Non Gazetted Employees Association nominated by the Government. Member]
5. **Board to be body corporate.-** Each of the Boards shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire hold and dispose of property both movable and immovable and shall by the aforesaid name sue or be sued.
6. **Head Office.-** The Head Office of each Board shall be at Muzaffarabad or at such other place as the Government may, by notification in the Official Gazette, appoint.
7. **Powers of the Boards.-** Each of the Boards shall, within its respective jurisdiction, have power:-
- (a) to settle claims for benevolent grants and sums assured under this Act and all matters connected with such claims;
- (b) to sanction grant from the benevolent Fund to the employees or their families in accordance with the provision of this Act and the rules made thereunder;
- (c) to do or cause to be done all acts and things necessary for the proper administration and management of the money or properties in the Benevolent Fund and the Insurance Fund;
- (d) to sanction expenditure connected with the administration and management of the Benevolent Fund and the Insurance Fund;
- (e) to make arrangement for the insurance of the life of the employees to give effect to the provisions of this Act;
- (f) to invest moneys held in the Benevolent Fund in Government securities, in the construction of buildings for purposes of raising rent income, and in other profitable ventures the plans whereof having been previously approved by the Government;
- (g) to appoint or employ such persons including a Managing Director if any, as the considers necessary for the efficient performance of its operations on such terms and conditions as it may, subject to rules, determine;
- (h) to do or cause to be done all things ancillary or incidental to any of the aforesaid powers or to the purposes of the Benevolent Fund and the Insurance Fund; and
- (i) to award stipends out of benevolent fund to children of in service or retired Government Employees.

8. **Meetings of the Board.-** (1) The meetings of each Board shall be held at such time and places as may be prescribed but the Chairman of the concerned Board may convene the meetings of the Board at any other time and place.
- (2) To constitute a quorum at a meeting of a Board, the number of members present shall be four.
- (3) Each member of a Board shall have one vote and in the event of equality of votes the Chairman shall have a second and casting vote.
- (4) The meetings of a Board shall be presided over by the Chairman and in the absence of the Chairman by the person elected for the purpose by the members present from amongst themselves.
- (5) All orders and decisions of a Board shall be authenticated by the signature of the Chairman or of such other member as may have been authorized by the Board by a resolution.
9. **Secretary and his powers and functions.-** The Secretary of a Board shall exercise such powers and perform such functions as may be prescribed or as may, subject to rules, be assigned to him by the Board.
10. **Delegation of Powers.-** A Board may, for facilitating the discharge of its functions and ensuring efficient operation of the Benevolent Fund and the Insurance Fund, by a resolution published in the Official Gazette, delegate to the Secretary or to the Managing Director, if any, as may be specified therein, such of its powers and duties under this Act as it may deem necessary.

CHAPTER-III

BENEVOLENT FUND

⁴[11 Azad Jammu & Kashmir Government Servants Benevolent Fund.- (1) There shall be established two funds to be called:-

- (a) The Azad Jammu and Kashmir Gazetted Employees Benevolent Fund; and
- (b) The Azad Jammu & Kashmir Non-Gazetted Employees Benevolent Fund.
- (2) To the credit of the Benevolent Funds shall be placed:-
- (a) All sums paid by the Gazetted and Non-Gazetted employees as subscriptions to the respective Benevolent Fund;
- (b) All grants made by the Government, autonomous Bodies, organizations, institutions or other authorities;
- (c) donations made by private individuals or institutions;
- (d) all income, profits or interest accruing from the assets belonging to the respective Benevolent Fund or from investment made out of the moneys of the fund; and
- (e) loans raised by the Board with the previous approval of the Government.
- (3) The moneys credited to the respective Benevolent Fund shall be kept in such banks may be prescribed.]

⁴ Substituted by Act V of 1991, see Section 4.

12. **Subscription to be paid by the Employees.-** (1) Every employee shall be liable to pay to the Benevolent Fund a monthly subscription ⁵[as may be prescribed] and the amount of subscription shall, as far as possible, be deducted at the source from his pay and credited or remitted to the Benevolent Fund.

(2) Where the amount of subscription cannot for any reason be deducted from the pay of the employee, the employee shall remit to such officer as may be prescribed for the purpose the sum of subscription remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.

(3) Default in the payment of the subscription either for the reason that the pay of the employee was not drawn or due to his inadvertence, negligence or fault or any other reasons whatsoever shall not affect his right as the right of his family to receive the benevolent grant provided for in section 13, but the amount of unpaid subscriptions may be deducted from the benevolent grant.

⁶[13] **Benevolent grants to be paid from the Benevolent Fund.-** If an employee.-

(a) is declared by the prescribed medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and is for that reason retired or removed from service, he shall be entitled to receive for life such benevolent grant from the Benevolent Fund as may be prescribed; or

(b) dies during the continuance of his employment, or during retirement before attaining the age of seventy years, his spouse shall be entitled to receive for life such benevolent grant from the Benevolent Fund as may be prescribed:

Provided that, if the deceased employee has no spouse or his spouse has died, the other members of his family shall be entitled to received benevolent grant from the Benevolent Fund for a period of fifteen years or up to the date of deceased employee would have attained the age of seventy years, whichever is earlier;

Provided further that, in the case of an employee who dies after having drawn benevolent grant, the said period of fifteen years shall be reckoned from the date from which he began drawing such grant.]

14. **Payment of benevolent grant.-** (1) On the death of an employee, the amount of benevolent grant payable under section 13 shall be paid to such member or members of his family as he might have nominated in accordance with the rule in full or in the share specified by him at the time of making of nomination.

⁷[a. **Farewell Grant:-** Farewill grant shall be equal to one basic pay, not exceeding Rs. 1,00,000/- (one lac).

b. **Marriage Grant:-** It is manadatory for a Gazetted officer to have five years minimum length of service for availaing marriage grant.]

(2) Where no valid nomination made by the employee subsists at the time of his death, the amount of benevolent grant shall be paid to such member or members of his family, subject to such conditions imposed with a view to ensuring that the amount is justly and equitably utilized for the

⁵ Substituted by Act No. V of 1991, See Section 5.

⁶ Substituted by Act No. V of 1991, See Section 6.

⁷ Substituted vide Notification No.S&GAD/A-4(66)2014, P-III dated 17-10-2018

maintenance and benefit of all the members of family as may be prescribed or may, consistently with the rules, be determined by the Board or an officer authorized by the Board in that behalf.

CHAPTER - IV **GROUP INSURANCE**

15. **Insurance of employees.-** Subject to the provisions of this Act and the rules, in the event of the death of an employee, according by whatsoever cause, during the continuance of this employment, the Board shall pay to the family of the deceased employee a sum ⁸[as may be prescribed.]
16. **Arrangements with Insurance Company, etc.-** The Board may from time to time arrange for the insurance of the life of the employees in sums ⁹[as may be prescribed] with such insurance company or other insurer and for such period as it deems fit, and where any such arrangement subsists, the liability to pay the said specified sums shall directly devolve upon the insurance company or other insurer.
17. **The Azad Jammu & Kashmir employees Insurance Fund.-** ¹⁰[(1) There shall be established two Funds to be called the Azad Jammu & Kashmir (Gazetted) Employees Insurance Fund and The Azad Jammu and Kashmir (Non-Gazetted) Employees Insurance Fund which shall vest in and be held and administered by the concerned Board.]
- (2) All sums received from the employees as premia for the group insurance of the employees and any interest or profit accruing thereon shall be credited to the Insurance Fund.
- (3) The moneys credited to the Insurance Fund shall be kept in such bank as may be prescribed.
- (4) All expenses on any arrangement entered into by the Government with any insurance company or other insurer as provided for in section 16 and all expenses on the administration of the Insurance Fund shall be defrayed from the Insurance Fund.
- (5) Any sums remaining in the Insurance Fund after defraying the expenses referred to in sub-section (4) may be utilized for such purposes connected with the benefit of the families of the employees as the Board may direct.
18. **Payment of Premia.-** (1) Every employee shall be liable to pay to the Insurance Fund such sum of money as may be prescribed as premium for the insurance of his life as provided for in this Chapter and the amount of such premium shall as far as possible be deducted at the source from his pay and credited or remitted to the Insurance Fund.
- (2) Where the amount of premium cannot for any reason be deducted from the pay of the employee, the employee shall remit to the prescribed officer the sum of premium payable by him, and any premia remaining unpaid due to inadvertence or negligence of the employee or otherwise shall be recoverable from him in such manner as may be prescribed.
- (3) Default in the payment of premia either for the reason that the pay of the employee was not drawn or due to his negligence or fault or for any other reason whatsoever shall not affect the right of his family to receive the sum assured in the event of the death of the employee, but

⁸ Substituted by Act V of 1991 See Section 8 & 9

⁹ Substituted by Act V of 1991 See Section 8 & 9

¹⁰ Substituted by Act V of 1991 See Section 8 & 9

the premium remaining unpaid at the time of his death may be recovered from the insured amount.

19. **Payment of the sum assured.-** (1) On the death of an employee, the sum assured shall be paid to such member or members of his family as he might have nominated in accordance with the rules in full or in the shares specified by him at the time of making the nomination.
- (1) Where no valid nomination made by the employee subsists at the time of his death, the sum assured shall be paid to such member or members of his family subject to such conditions imposed with a view to ensuring that the sum is justly and equitable utilized for the maintenance and benefit of all the members of the family as may be prescribed or may consistently with the rules, be determined by the Board or any officer authorized by the Board in that behalf.

CHAPTER - V

GENERAL

20. **Audit and accounts.-** (1) The accounts of the Benevolent Fund and of the Insurance Fund shall be maintained in such manner and from as the Account General of Azad Kashmir may, from time to time, direct, by such officer or authority as the Board may be appoint.
- (2) The accounts of the Benevolent Fund and of the Insurance Fund shall be audited by such authority or agency as the Government may, after consulting the Accountant General of Azad Kashmir appoint.
21. **Protection of action taken in good faith.-** No suit, persecution or other proceedings shall lie against the Government, the Board or any officer or other authorized person for anything in good faith done or purporting to have been done in pursuance of this Act or the rules.
22. **Exemption from tax.-** The Government may by order in writing ----
- (a) Exempt the Benevolent Fund and the Insurance Fund from any tax, rate or duty leviable by such Government or by a local authority under the control of such Government.
- (b) Exclude the amount of premium or subscription paid by an employee from his assessable income under the ¹¹[Income Tax Act, 1922 (VI of 1922)] as in force in the Azad Jammu & Kashmir Territory..
23. **Power to make rules.-** The Government may make rules for the purpose of giving effect to all or any of the provisions of this Act.

[FIRST SCHEDULE AND SECOND SCHEDULE]

(Deleted by the Act V of 1991)

THE EMPLOYEES OF BOARD OF TRUSTEES OF AJ&K BENEVOLENT AND GROUP INSURANCE FUND SERVICE RULES 1978

Dated 6-4-1971

NOTIFICATION.

No. S&GAD/6007-57/CS/72. In exercise of the powers conferred by sub-section (2) of Section 1 of the Azad Government of the State of Jammu & Kashmir Employees Benevolent Fund and Group Insurance Act 1971 (Act XVI of 1971), the Azad Government of the State of Jammu & Kashmir is pleased to appoint the 5th of April 1972 to be the date on which all provision of the Act shall come into force in respect of employees as defined in the said Act.

¹¹ Now the Income Tax Ordinance, 1979 (Ordinance XXXI of 1979) as adapted in Azad Kashmir.

**AZAD JAMMU & KASHMIR EMPLOYEES
BENEVOLENT FUND AND GROUP INSURANCE
RULES 1972**

NOTIFICATION.

Dated 12th August 1972.

No. 7/72. In exercise of the powers conferred by section 23 of Azad Kashmir Employees Benevolent Fund and Group Act, 1971 (XVI of 1971), the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called (the Azad Kashmir Employees Benevolent Fund and Group Insurance) Rules, 1972.
(2) They shall come into force at once.
2. **Definitions.**- In these rules, unless there is anything repugnant in the subject or context;-s
 - (a) "Act" means the Azad Kashmir Employees Benevolent Fund and Group Insurance Act, 1971 (XVI of 1971);
 - (b) "Form" means a form annexed to these rules'
 - (c) "organization" means such body corporate, institution, Organization or autonomous body as has been specified by the Azad Kashmir Government under sub-clause (b) of the clause (3) of section 2;
 - (d) "Secretary" means the Secretary of the Board; and
 - (e) "Section" means a Section of the Act.
3. **Meeting of the Board.**- (1) The meeting of the Board shall be held at Muzaffarabad or any other place approved by the Board at least once in each quarter.
(2) An extraordinary meeting of the Board may be called on the requisition of not less than three members thereof by the Chairman to consider any urgent matter:
Provided that the members requisitioning the meeting shall clearly state the object of the meeting.
(3) Not less than seven clear days' notice shall be given for convening an extraordinary meeting.
Provided that the Chairman may, if he considers necessary, convene a meeting at shorter notice.
(4) ¹[The Members shall be paid Rs. 12000/- per month w.e.f. 16.03.2017 as duty allowance by the Board for attending meetings or any daily allowance or travelling allowance to and from the place of their official duties to the place of the meeting.]
4. **Duties of the Secretary.**- All decisions of the meetings of Board shall be recorded in a minute of book to be maintained by the Secretary.
 - (2) Subject to the general control and supervision of the Chairman, the Secretary shall be responsible for—

¹ Substituted by Notification No. S&GAD/R/A-4(354) 2014-P-II. Dated 17.10.2018.

- (a) the conduct of correspondence on behalf of the Board;
- (b) the maintenance of all records of the Board;
- (c) the presentation of the budget for each financial year to the Board;
- (d) the preparation of the agenda and all matters ancillary to the meetings of the Board; and
- (e) the performance of such other functions may be assigned to him by the Board.

5. **Custody of the Funds.-** The moneys credited to the Benevolent Fund and the Insurance Fund shall be deposited in the Habib Bank Ltd. Muzaffarabad or in such other scheduled banks as may be approved by the Board for the purpose.

²[6] **Rates of insurance:-** Every employee shall pay to the Insurance Fund as premium for the insurance of his life at one of the following rates, namely;-

Table – I Gazetted Employees:

| <u>Pay per month:</u> | <u>Sum assured. Rupees:.</u> | <u>Rate of monthly Premium Rupees:</u> |
|-----------------------|----------------------------------|--|
| 1350 to 1800 | 56000 | 15/- |
| 1801 to 2300 | 71000 | 19/- |
| 2301 to 2800 | 86000 | 23/- |
| 2801 to 3300 | 101000 | 27/- |
| 3301 to 3800 | 116000 | 31/- |
| 3801 to 4300 | 131000 | 35/- |
| 4301 to 4800 | 146000 | 39/- |
| 4801 to 5300 | 161000 | 43/- |
| 5301 to 5800 | 176000 | 47/- |
| 5801 and above | 200000 | 54/- |

Table-II Non Gazetted Employees:

| | | | |
|------|---|-------------|-----------|
| i) | Up to seven hundred. | Rs. 7500/- | Rs. 2/25 |
| ii) | More than seven hundred but not more than one thousand. | Rs. 15000/- | Rs. 4/45 |
| iii) | More than one thousand but not more than one thousand five hundred. | Rs. 22500/- | Rs. 6/70 |
| iv) | More than one thousand five hundred but not more than two thousand two hundred and fifty. | Rs. 3000/- | Rs. 8/90 |
| V | More than Two Thousand Two hundred and fifty | Rs. 45000/- | Rs. 13/30 |

² Substituted vide Notification No. S&GAD/G-6/SO-I/78 dated 4-6-81; Further substituted vide Notification No. S&GAD/H-6(66) Sec-I/84; Further substituted with additional table-I for Gazetted Employees contribution towards Insurance Fund vide Notification No. S&GAD No. S&GAD/H-6(66) Sec-I/84 Dated 10-6-1990

Provided that the premium for the Group Insurance, on behalf of the non-gazetted employees shall be paid by the Azad Government of the State of Jammu & Kashmir.]

7. **Payment of subscriptions or premia in default.-** (1) Where the amount of subscription to the Benevolent Fund or the Premium to the Insurance Fund cannot for any reason, be deducted from the pay of an employee, the employee shall-
- (a) in case he is serving abroad, remit the amount to the head of his department; and
 - (b) in any other case, remit the amount to the Secretary.
- (2) In the case referred to in clause (a) of the sub-rule (1), the head of the department, and in the case referred to in clause (b) of sub-rule (1), the Secretary shall deposit the amount received by him to the credit of the Benevolent Fund or as the case may be, the Insurance Fund, in the Habib Bank of Muzaffarabad or any other scheduled bank approved by the Board under rule 5.
- (3) Any amount of subscription to the Benevolent Fund or any premium to the Insurance Fund remaining unpaid due to inadvertence or negligence of the employee or other shall, upon a direction in writing of the Board, be deducted, in the case of an employee of an Organization, by Head of the Organization, and in any other case, by the Accountant General, Azad Kashmir, from the salary of such employee.
- (4) Where the Accountant General or the head of the Organization, as the case may be, upon a request being made in writing by the employee finds that deduction of the amounts remaining unpaid will result in any hardship to the employee, he may deduct the amount in such number of installments, not exceeding twelve as he may decide.
8. **Medical authority for declaring an employee Incapacitated.-** The medical authority which, in accordance with the rules or regulations governing his employment, declares an employee to have been completely incapacitated physically or mentally to discharge the duties of his employment shall be the medical authority for the purpose of clause (a) of section 13, and, in the absence of any such rules or regulations, the Board may, after consultation with the head of the Organization appoint.
9. **Entitlement to benevolent grant on death after retirement.-** If an employee dies within five years of his retirement from the service, his family shall be entitled to receive the benevolent grant from the Benevolent fund in accordance with the provisions of section 13.
10. **Nomination of beneficiaries of the benevolent grant of the sum assured.-**
- (1) Every employee shall make a nomination conferring on one or more members of his family the right to receive a specified share of the benevolent grant or the sum assured that may be payable under section 13 or 15.
 - (2) The employee may provide in the nomination –
 - (a) That, in the event of any one of the nominees pre-decreasing the employee, the right conferred upon that nominee under sub-rule (1) shall pass to such other member or members of the employee's family as he may specify in the nomination; and
 - (b) that the nomination in respect of all or any of the nominees shall become valid in the event of the happening of any contingency specified therein.

- (3) every nomination shall be in the Form 'A'
- (4) An employee may at any time cancel a nomination made under sub-rule (a) and make a fresh nomination.
- (5) A nomination under sub-rule (1), or a fresh nomination under sub-rule (4), made by an employee shall be in triplicate and one copy of the nomination or, as the case may be, fresh nomination shall be signed by the head of the office and returned to the employee, one copy shall be placed in the Confidential Report or, as the case may be, Service Book of the employee and the third copy shall be sent to the Board.
- (6) A nomination under sub-rule (1) or a fresh nomination under sub-rule (4), made by an employee shall, to the extent it is valid, take effect on the date on which it is received by the Board or other authority to whom it is sent under sub-rule (5).

11. Payment of benevolent grant and the sum assured where no valid nomination subsists.-

Where no valid nomination made by the employee subsists at the time of his death in relation to the whole of the amount of the benevolent grant and the sum assured or any part thereof, the whole amount or, as the case may be, the part to which the nomination does not relate, shall be paid to the member or members of the family of the deceased employee in the manner hereinafter appearing:-

- (a) The Board, or in an officer authorized by it in this behalf, may determine the members of the family of the deceased employee who are eligible to receive the benevolent grant and the sum assured:

Provided that if the members of the family of the deceased employee are determined by an officer authorized by the Board, any member of the family of the deceased may, within thirty days of such determination, appeal to the Board.

- (b) If the members of the family of the deceased employee agree to nominate any one of them to receive the benevolent grant and the sum assured, the payment shall be made to that member.

- (c) If there is no such agreement, the payment shall be made in the following manner:-

- (i) if the deceased employee is survived by wife or, as the case may be, husband, the benevolent grant and the sum assured shall be paid to her or, as the case may be, him; and, in case the deceased employee is survived by more than one wives, the amount of the benevolent grant and the sum assured shall be distributed between them in the ration of the numbers each one of them will maintain;

Provided that the recipient shall undertake to utilize the amount so received for the maintenance and benefit of all the members of the family of the deceased employee;

- (ii) if the deceased employee is not survived by wife, or, as the case may be, husband, the amount of the benevolent grant and the sum assured shall be distributed amongst the members of the family of the deceased keeping in view the requirement of each such member.

12. **Submission of application for benevolent grant etc.-** (a) ³[.....] On the death of an employee during the continuance of his employment, the head of the office of such employee shall forward, through the head of the Department, an application in Form 'B' to the Board for payment of the benevolent grant and the sum assured.
- (2) When an employee is declared by the medical authority to have been completely incapacitated physically or mentally to discharge the duties of his employment and is, for that reason, removed from service, the head of the office of such employee shall forward, through the head of the department, an application in Form 'B' to the Board for payment of the benevolent grant.
- (3) Upon receipt of an information that a retired employee has died within the period laid down in rule, 9, the head of the office where-from such employee retired shall forward, through the head of the department, an application in Form 'B' to the Board for payment of the benevolent grant.
- (4) Upon receipt of an application under this rule, the Board shall, after making such enquiry and taking such evidence in the case of an application under sub-rule (3) as it may consider necessary, pay the benevolent grant, or the sum assured, or both, as the case may be, to the person entitled to receive it under section 13, or rule 10, as the case may be.

⁴[13] **Payment of stipend out of Benevolent Fund Grants**

(1) **Eligibility.-** Employees of Azad Government of the State of Jammu and Kashmir shall be considered to receive educational assistance for the education of their children out of the Benevolent Fund Grant who may be drawing –

- ⁵[(a) Salary of Grade 18 and 19;
Provided that in case of officers in Grade 19 their pay shall not exceed the maximum of grade 18;
- (b) In case the wife/husband of applicant is employed, she/he shall be eligible to receive assistance if the combined salary does not exceed Grade 18 and in the case of Grade 19, whose pay does not exceed the maximum of Grade 18]
- (c) dependents of Government Employees other than their own children shall not be entitled to such assistance; and
- (d) only such children shall be entitled for assistance-
- (i) who are studying in recognized institutions;
- (ii) who are not receiving any financial assistance from any other source;
- (iii) Who are not employed anywhere; and
- (iv) who are not married.

³ Deleted by Government order No. FD/1902-51/73 Dated 19-8-73.

⁴ Added vide Notification No. S&GAD/G-6/SO-I/81 Dated 27-5-1981

⁵ Substituted vide Notification No. S&GAD /G-6/SO-I/82 Dated 5-9-1982 further substituted vide Notification No. S&GAD/G-6/Sec-I/83 Dated 7-2-1983

(2) **Criteria.-**

Amount of stipend.- Board may sanction year to year, such number of stipends and amount, for such category/level of education keeping in view the financial position of the Trust.

(3) **Procedure.-**

- (a) All stipend awards once sanctioned shall be payable to the parents of the students concerned through the Heads of the Department where they are employed;
- (b) The Board shall have the power to reject any application without assigning any reason thereof;
- (c) Government Employees desirous of such educational assistance shall be required to send their applications through proper channel on prescribed forms obtainable from the office of the Secretary Board of Trustees Muzaffarabad.

(4) **Terms and conditions.-**

- (a) All awardees shall be required to submit annual reports about the progress of their studies and marks sheet, duly signed by the heads of the institutions concerned, to the Secretary of the Board, failing which the payment of the stipend amount can be withheld;
- (b) An awardee found guilty of misconduct or involved in subversive activities, shall be liable to the cancellation of the stipend forthwith;
- (c) any change in the course of study prescribed or any breach of any terms of the institution, shall render the stipend for cancellation without any notice;
- (d) the particulars of the applicant be stated clearly and any particulars found wrong shall render the applicant liable to persecution for fraud or for defrauding the Government as the case may be;
- (e) applications shall be called for by the Secretary, Board of trustees Muzaffarabad, through leading newspapers, every year on the fixed dates, as the board may consider proper and no application received after the due date shall be entertained.]

FORM 'A'

(See rule 10)

Name and Designation of the employee

Service /Department.....

I hereby nominate the person/persons mentioned below who is/are member/members of my family as defined in section 2 of the Azad Kashmir Employees Benevolent Fund and Group Insurance Act, 1971, (Act XVI of 1971) to receive the benevolent grant and the sum assured in the event of my death.

PART I

(For wife/husband only)

| Name of nominee/ nominees | Relationship | Age | Specification of share | Remarks |
|------------------------------|--------------|-----|------------------------|---------|
| | | | | |

PART II

(For members of family other than wife/husband)

| Name of nominee/ nominees | Relationship | Age | Specification of share | Remarks |
|------------------------------|--------------|-----|------------------------|---------|
| | | | | |

Certified that the member or members of my family mentioned in Part II reside with me and are wholly dependent upon me.

The earlier nomination by me may kindly be treated as cancelled.

Dated.....

(.....)

Signature or thumb impression of the employee.

(Name in block letters)

Service and Department.

Witnesses:

1.
(Signature/thumb impression)

.....
(Name & Designation in block letters)

2.
(Signature/thumb impression)

.....
(Name & Designation in block letters)

.....
Signature and seal of the
Head of the Office

FORM 'B'

(See rule 12)

APPLICATION FORM

1. Name of the employee.....
2. His/her Service or Department.....
3. Head of the service of Department.....
4. Last appointment held.....
5. (a) Payment per mensem:
 - (i) Basic pay.....
 - (ii) Special pay.....
 - (iii) Personal Pay.....
 - (iv) Technical pay.....(b) Certificate of the Head of the Department regarding pay:
Attached vide Annexure.....
6. Date of birth (as verified from service Book).....
7. (a) Date of retirement.....
 - (b) Date of death (three copies of the certificate from the head of department or Medical Officer or extract from the Register of birth/death of Union Council/Union Committee/Municipal Committee/Police Station.....
 - (c) Date of removal from service on account of incapacitation.....
8. (a) Name/names of the nominee/ nominees.....
 - (b) Copy of nomination attached vide annexure.....
9. Name of other family members of the deceased (in case no valid nomination subsists)
10. Address of the retired employee/ nominees/incapacitated employee where correspondence can be made.....
11. Branch of the Habib Bank Ltd. from benevolent grant may be paid
12. Head Post Office from where sum assured may be paid
13. Period for which contributions to Benevolent and Insurance Funds were not paid
14. (a) Four copies of duty attested photographs of each retired employees/nominee/or the incapacitated employee Enclosed vide Annexure.

- (b) Four signature/thumb impressions on separate sheets (four on each sheet) of each retired employee/ nominee/incapacitated employee. Enclosed vide Annexure. In case of incapacitated employee only.
15. (a) Certificate from the Medical Authority Enclosed vide Annexure.
- (b) Copy of order removing/ retiring the incapacitated employee. Enclosed vide Annexure.
- Certified that the information contained above is correct and checked from the record.

Dated.....

Head of the Office

Forwarded to the Board of Trustees of the Azad Kashmir employees Benevolent and Insurance Funds.

Dated.....

Head of the Department



⁶[FIRST SCHEDULE]

BENEVOLENT FUND

(Gazetted)

| Monthly Pay. | Rate of contribution monthly | Rate of Benevolent | Monthly Pay. | Rate of contribution monthly | Rate of Benevolent |
|---------------------|-------------------------------------|---------------------------|---------------------|-------------------------------------|---------------------------|
| 1801 to 1900 | 37/- | 660/- | 3501 – 3600 | 71/- | 1170/- |
| 1901 – 2000 | 39/- | 690/- | 3601 – 3700 | 73/- | 1200/- |
| 2001 – 2100 | 41/- | 720/- | 3701 – 3800 | 75/- | 1230/- |
| 2101 – 2200 | 43/- | 750/- | 3801 – 3900 | 77/- | 1260/- |
| 2201 – 2300 | 45/- | 780/- | 3901 – 4000 | 79/- | 1290/- |
| 2301 – 2400 | 47/- | 810/- | 4001 – 4100 | 81/- | 1320/- |
| 2401 – 2500 | 49/- | 840/- | 4101 – 4200 | 83/- | 1350/- |
| 2501 – 2600 | 51/- | 870/- | 4201 – 4300 | 85/- | 1380/- |
| 2601 – 2700 | 53/- | 900/- | 4301 – 4400 | 87/- | 1410/- |
| 2701 – 2800 | 55/- | 930/- | 4401 – 4500 | 89/- | 1440/- |
| 2801 – 2900 | 57/- | 960/- | 4501 – 4600 | 91/- | 1470/- |
| 2901 – 3000 | 59/- | 990/- | 4601 – 4700 | 93/- | 1500/- |
| 3001 – 3100 | 61/- | 1020/- | 4701 – 4800 | 95/- | 1530/- |
| 3101 – 3200 | 63/- | 1050/- | 4801 – 4900 | 97/- | 1560/- |
| 3201 – 3300 | 65/- | 1080/- | 4901 – 5000 | 99/- | 1590/- |
| 3301 – 3400 | 67/- | 1110/- | 5001 & above. | 100/- | 1620/-] |
| 3401 – 3500 | 69/- | 1140/- | | | |

⁶ Substituted vide Notification No. S&GAD/R-6(66) Sec-I/84, Dated 19-11-1992 w.e.f. 1-10-92

⁷[SECOND SCHEDULE]
BENEVOLENT FUND
(Non-Gazetted)

RATE OF BENEVOLENT FUND: Every Employee shall pay Benevolent Fund at one of the following rates, namely:-

| Monthly Pay. | Rate of contribution monthly | Rate of Benevolent Grant | Monthly Pay. | Rate of contribution monthly | Rate of Benevolent Grant |
|--------------|------------------------------|--------------------------|--------------|------------------------------|--------------------------|
| 901 to 1000 | 19/- | 390/- | 2501 – 2600 | 52/- | 870/- |
| 1001 – 1100 | 21/- | 420/- | 2601 – 2700 | 53/- | 900/- |
| 1101 – 1200 | 23/- | 450/- | 2701 – 2700 | 55/- | 930/- |
| 1201 – 1300 | 25/- | 480/- | 2801 – 2900 | 57/- | 960/- |
| 1301 – 1400 | 27/- | 510/- | 2901 – 3000 | 59/- | 990/- |
| 1401 – 1500 | 29/- | 540/- | 3001 – 3100 | 61/- | 1020/- |
| 1501 – 1600 | 31/- | 570/- | 3101 – 3200 | 63/- | 1050/- |
| 1601 – 1600 | 33/- | 600/- | 3201 – 3300 | 65/- | 1080/- |
| 1701 – 1800 | 35/- | 630/- | 3301 – 3400 | 67/- | 1110/- |
| 1801 – 1900 | 37/- | 660/- | 3401 – 3500 | 69/- | 1140/- |
| 1901 – 2000 | 39/- | 690/- | 3501 – 3600 | 71/- | 1170/- |
| 2001 – 2100 | 41/- | 720/- | 3601 – 3700 | 73/- | 1200/- |
| 2101 – 2200 | 43/- | 750/- | 3701 – 3800 | 75/- | 1230/- |
| 2201 – 2300 | 45/- | 780/- | 3801 – 3900 | 77/- | 1260/- |
| 2301 – 3400 | 47/- | 810/- | 3901 – 4000 | 89/- | 1290/- |
| 2401 – 2500 | 49/- | 840/- | 4001 – 4100 | 81/- | 1320/- |

⁷ Substituted vide Notification No. S&GAD/R-6(66) Sec-I/84, Dated 19-11-1992 w.e.f. 1-10-92

[SECOND SCHEDULE]

BENEVOLENT FUND

(Non-Gazetted)

RATE OF INSURANCE: Every Employee shall pay Insurance Fund as premium for the Insurance of his life at one of the following rates, namely:-

| Pay per Monthly. | Rate of Monthly Premium Rupees | Sum Assured Rupees | Pay per Monthly. | Rate of Monthly Premium Rupees | Sum Assured Rupees |
|-------------------------|---------------------------------------|---------------------------|-------------------------|---------------------------------------|---------------------------|
| 901 to 1000 | 11.20 | 32,000-00 | 2501 – 2600 | 28.00 | 80,000-00 |
| 1001 – 1100 | 12.25 | 35,000-00 | 2601 – 2700 | 29.05 | 83,000-00 |
| 1101 – 1200 | 13.30 | 38,000-00 | 2701 – 2700 | 30.10 | 86,000-00 |
| 1201 – 1300 | 14.35 | 41,000-00 | 2801 – 2900 | 31.15 | 89,000-00 |
| 1301 – 1400 | 15.40 | 44,000-00 | 2901 – 3000 | 32.20 | 92,000-00 |
| 1401 – 1500 | 16.45 | 47,000-00 | 3001 – 3100 | 33.25 | 95,000-00 |
| 1501 – 1600 | 17.50 | 50,000-00 | 3101 – 3200 | 34.30 | 98,000-00 |
| 1601 – 1600 | 18.55 | 53,000-00 | 3201 – 3300 | 35.35 | 101,000-00 |
| 1701 – 1800 | 19.60 | 56,000-00 | 3301 – 3400 | 36.30 | 104,000-00 |
| 1801 – 1900 | 20.65 | 59,000-00 | 3401 – 3500 | 37.45 | 107,000-00 |
| 1901 – 2000 | 21.70 | 62,000-00 | 3501 – 3600 | 37.50 | 110,000-00 |
| 2001 – 2100 | 22.75 | 65,000-00 | 3601 – 3700 | 39.55 | 113,000-00 |
| 2101 – 2200 | 23.80 | 68,000-00 | 3701 – 3800 | 40.60 | 116,000-00 |
| 2201 – 2300 | 24.85 | 71,000-00 | 3801 – 3900 | 41.65 | 119,000-00 |
| 2301 – 3400 | 25.90 | 74,000-00 | 3901 – 4000 | 42.60 | 122,000-00 |
| 2401 – 2500 | 26.95 | 77,000-00 | 4001 – 4100 | 43.75 | 125,000-00 |

آزاد حکومت ریاست جموں و کشمیر
بہبود فنڈ و گروپ انشورنس ٹرسٹ (جریدہ)

حکم

بورڈ آف ٹرسٹیز ایسپلائز بہبود فنڈ و گروپ انشورنس ٹرسٹ (جریدہ) نے اپنے اجلاس منعقدہ 22 نومبر 2019ء میں جریدہ ملازمین کے دینی کلاسز میں زیر تعلیم بچوں کو وظیفہ کی ادائیگی کے علاوہ مقررہ شرح و وظیفہ میں اضافہ کرتے ہوئے سال 20-2019 سے بذیل شرح و وظیفہ سالانہ مقرر کرتے ہوئے ادائیگی کی منظوری صادر فرمائی ہے۔

| نمبر شمار | جماعت / کلاس | عرصہ کورس | معیار نمبرات | شرح وظیفہ |
|-----------|--------------|-----------|--------------|-----------|
| 1 | | 1 سال | 60% | 2500/- |
| 2 | | 1 سال | 60% | 3000/- |
| 3 | | 2 سال | 60% | 4000/- |
| 4 | | 2 سالہ | 60% | 4500/- |
| 5 | | 2 سالہ | 60% | 5000/- |
| 6 | | 3 سالہ | 60% | 5000/- |
| 7 | | 1،2 سالہ | 60% | 6000/- |
| 8 | | 4 سالہ | 60% | 6000/- |
| 9 | | 2 سالہ | 60% | 8000/- |
| 10 | | | 50% | 15000/- |
| 11 | | | | 6000/- |

دستخط / --

(عامر محمود مرزا)

سیکرٹری

بہبود فنڈ و گروپ انشورنس ٹرسٹ (جریدہ)

نمبر نی ایف (جریدہ) / 91-5586 / 20 مورخہ 17.01.2020

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICERS AND GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”

Dated: January 11, 2018

NOTIFICATION

No. S&GAD/A-4(66) 2014, P III. In exercise of the power conferred by Section 23 of Azad Jammu & Kashmir Employees Benevolent Fund and Group Insurance Act 1971 (Act XVI of 1971), the Azad Government of the State of Jammu and Kashmir is pleased to direct that the following amendments shall be made in the Azad Jammu and Kashmir Employees Benevolent Fund and Group Insurance Rule 1972.

In the aforesaid Rules, in Rule 6, of table 1 the following shall be substituted and shall be deemed to have been substituted from 1st day of December 2017 namely.

“6. Rate of monthly Contribution and sum assured:-

- (i) Every Gazetted employee shall pay to the Insurance fund, as premium for the insurance of his life, he amount specified in column 3 in the table-1 below.
- (ii) The sum assured as specified in column 4 of the table below, shall be paid , in case of in service death of the employee as risk cover to his family.
- (iii) The sum assured as specified in column 5 in the table-1below, shall be paid to the family of a retired employee in case of his death within ten years after his/her retirement or on attaining the age of seventy years (whichever is earlier) as a risk cover after retirement.

Table-1 (Gazette Employees)

| 1 | 2 | | 3 | 4 | 5 |
|------|-----------------|-----------|-----------------------------|---|--|
| S.No | Monthly Pay Rs. | | Rate of Monthly Premium Rs. | Sum Assured in case of in Service death | Sum assured in case of ten years after his retirement or on attaining the age of seventy years |
| 1. | Upto | 16000 | 500 | 80000 | 100000 |
| 2. | 16001 | 24000 | 600 | 90000 | 120000 |
| 3. | 24001 | 32000 | 700 | 100000 | 140000 |
| 4. | 32001 | 40000 | 800 | 110000 | 160000 |
| 5. | 40001 | 48000 | 850 | 120000 | 180000 |
| 6. | 48001 | 56000 | 900 | 130000 | 200000 |
| 7. | 56001 | 64000 | 950 | 140000 | 220000 |
| 8. | 64001 | 74000 | 975 | 145000 | 240000 |
| 9. | 74001 | And above | 1000 | 150000 | 260000 |

Sd/--
Section Officer
S&GAD

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICERS AND GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”
Dated: January 11, 2018

NOTIFICATION

No. S&GAD/A-4(66) 2014, P III. In exercise of the power conferred by Section 23 of Azad Jammu & Kashmir Employees Benevolent Fund and Group Insurance Act 1971 (Act XVI of 1971), the Azad Government of the State of Jammu and Kashmir is pleased to direct that the following amendments shall be made in the Azad Jammu and Kashmir Employees Benevolent Fund and Group Insurance Rule 1972.

In the aforesaid rules, for the first schedule the following shall be substituted namely:

“Rate of monthly subscription and Benevolent Grant;

- (i) Every Gazetted employee shall pay monthly subscription to the Benevolent Fund @2% of his basic pay subject to maximum of Rs. 1000/-
- (ii) The amount of monthly Benevolent Grant shall be paid out of the Benevolent Fund at the following rates:-

Benevolent Fund Gazetted. (First Schedule):-

| 1 | 2 | | | 3 |
|------|-------------|-----------|-------|-------------------------------|
| S.No | Monthly Pay | | | Monthly Benevolent Fund Grant |
| 1. | 15500 | to | 16000 | 3890 |
| 2. | 16001 | to | 16500 | 4020 |
| 3. | 16501 | to | 17000 | 4130 |
| 4. | 17001 | to | 17500 | 4260 |
| 5. | 17501 | to | 18000 | 4380 |
| 6. | 18001 | to | 18500 | 4500 |
| 7. | 18501 | to | 19000 | 4620 |
| 8. | 19001 | to | 19500 | 4750 |
| 9. | 19501 | to | 20000 | 4880 |
| 10. | 20001 | And above | | 5000 |

Sd/--
Section Officer
S&GAD

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICERS AND GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”

Dated: January 11, 2018

NOTIFICATION

No. S&GAD/A-4(66). In exercise of the power conferred by Section 23 of Azad Jammu & Kashmir Employees Benevolent Fund and Group Insurance Act 1971 (Act XVI of 1971), the Azad Government of the State of Jammu and Kashmir is pleased to direct that the following further amendments shall be made in the Azad Jammu and Kashmir Employees Benevolent Fund and Group Insurance Rule 1972 namely.

In the aforesaid Rules, for the first schedule the following shall be substituted and shall be deemed to have been substituted from 3rd day of August 2016.

| No | Monthly Pay | | | Rate of Contribution | B.F Grant |
|-----|-------------|----|-------|----------------------|-----------|
| 1. | 6000 | to | 6500 | 100 | 1620 |
| 2. | 6501 | to | 7000 | 105 | 1700 |
| 3. | 7001 | to | 7500 | 113 | 1830 |
| 4. | 7501 | to | 8000 | 120 | 1950 |
| 5. | 8001 | to | 8500 | 128 | 2070 |
| 6. | 8501 | to | 9000 | 135 | 2190 |
| 7. | 9001 | to | 9500 | 143 | 2320 |
| 8. | 9501 | to | 10000 | 150 | 2430 |
| 9. | 10001 | to | 10500 | 158 | 2560 |
| 10. | 10501 | to | 11000 | 165 | 2670 |
| 11. | 11001 | to | 11500 | 173 | 2800 |
| 12. | 11501 | to | 12000 | 180 | 2920 |
| 13. | 12001 | to | 12500 | 188 | 3060 |
| 14. | 12501 | to | 13000 | 195 | 3160 |
| 15. | 13001 | to | 13500 | 203 | 3290 |
| 16. | 13501 | to | 14000 | 210 | 3400 |
| 17. | 14001 | to | 14500 | 218 | 3530 |
| 18. | 14501 | to | 15000 | 225 | 3650 |
| 19. | 15001 | to | 15500 | 233 | 3760 |
| 20. | 15501 | to | 16000 | 240 | 3890 |
| 21. | 16001 | to | 16500 | 248 | 4020 |
| 22. | 16501 | to | 17000 | 255 | 4120 |
| 23. | 17001 | to | 17500 | 263 | 4260 |
| 24. | 17501 | to | 18000 | 270 | 4390 |
| 25. | 18001 | to | 18500 | 278 | 4500 |
| 26. | 18501 | to | 19000 | 285 | 4620 |
| 27. | 19001 | to | 19500 | 290 | 4750 |
| 28. | 19501 | to | 20000 | 295 | 4880 |
| 29. | 20001 | to | Above | 300 | 5000 |

Sd/--
Section Officer S&GAD

**THE EMPLOYEES OF BOARD OF TRUSTEES OF AJ&K
BENEVOLENT AND GROUP INSURANCE FUND SERVICE RULES 1978**

Dated 23-8-1979

NOTIFICATION:

No. S&GAD/17700-60/79. In exercise of the powers conferred by Section 23 of the Employees Benevolent Fund and Group Insurance Act, 1971, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules namely:-

1. **Short title, extent and commencement:** (1) These rules may be called the Employees of the Board of Trustees of the Azad Kashmir Employees Benevolent and Group Insurance Funds Rules – 1978.
 - (2) They shall apply to all the employees of the Board.
 - (3) They shall come into force with retrospective effect.
2. **Application of Rules:** The Rules specified in the Schedule, and the rules and orders of the Azad Government relating to allowance and other concessions shall apply to the employees of the Board as they apply to the employees of the Azad Government of the State of Jammu & Kashmir

THE SCHEDULE

1. The Kashmir Civil Service Regulations.
2. The Kashmir Service Regulations.
3. The Azad Kashmir Provident Fund Rules.
4. The Civil Servants Pension Rules.
5. The Leave Rules.
6. The Azad Kashmir Medical Rules.
7. The Azad Kashmir T.A. Rules.

No. FD/R/13333-432/2017
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
 Dated: 8th August, 2017

OFFICE MEMORANDUM

SUBJECT: UNIFORM RATES OF SUBSCRIPTION TOWARDS GENRAL PROVIDENT FUND

I am directed to refer to this department’s Office Memorandum No. FD/R/13480-579 dated 18th August, 2011 on the subject cited above and to state that consequent upon the revision of basic pay scales for the civil employees of the AJ&K Government circulated vide this department’s Office Memorandum No. FD/R/12112-12212-2017 dated 20th July, 2017, it has been decided to revise the rates of subscription towards General Provident Fund as shown in column-5 of the following:-

(Amount in Rs.)

| Scale | Minimum | Maximum | Mean | Rate of Monthly Subscription | Remarks |
|--------|---------|---------|--------|------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| BPS-1. | 9,130 | 17,830 | 13,480 | | <u>Minimum rates of subscription (on mean)will be as under:-</u> |
| BPS-2. | 9,130 | 19,210 | 14,240 | | BPS-1 |
| BPS-3. | 9,610 | 21,310 | 15,460 | | BPS-2-11 |
| BPS-4. | 9,900 | 23,100 | 16,500 | | BPS-12-22 |
| BPS-5. | 10,260 | 25,260 | 17,760 | | |
| BPS-6. | 10,620 | 27,420 | 19,020 | | |
| BPS-7. | 10,990 | 29,290 | 20,140 | | |
| BPS-8. | 11,380 | 31,480 | 21,430 | | |
| BPS-9. | 11,770 | 33,670 | 22,720 | | |
| BPS-10 | 12,160 | 36,160 | 24,160 | | |
| BPS-11 | 12,570 | 38,970 | 25,770 | | |
| BPS-12 | 13,320 | 42,120 | 27,720 | | |
| BPS-13 | 14,260 | 45,760 | 30,010 | | |
| BPS-14 | 15,180 | 50,280 | 32,730 | | |
| BPS-15 | 16,120 | 56,020 | 36,070 | | |
| BPS-16 | 18,910 | 64,510 | 41,710 | | |

Uniform Rates of Subscription towards GPF

| | | | | |
|--------|--------|---------|---------|--|
| BPS-17 | 30,370 | 76,370 | 53,370 | |
| BPS-18 | 38,350 | 95,750 | 67,050 | |
| BPS-19 | 59,210 | 12,0210 | 89,710 | |
| BPS-20 | 69,090 | 132,230 | 100,660 | |
| BPS-21 | 76,720 | 146,720 | 111,720 | |
| BPS-22 | 82,380 | 164,560 | 123,470 | |

2. The deductions from the pay of employees on the basis of new rates shall be made in August to be paid on 1st September, 2017, until further orders. There shall be no option to postpone subscription to the above fund either during leave (except extraordinary leave without pay) or during the training period.

Sd/--
(Inayat Ali Qazi)
Additional Secretary (Regs.)

Copy to the:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. Private Secretary to the Speaker, Azad Jammu & Kashmir Legislative Assembly.
4. Private Secretary to the Deputy Speaker, Azad Jammu & Kashmir Legislative Assembly.
5. Private Secretaries to all the Ministers/Advisors/Special Assistant, Azad Government of the State of J&K.
6. Private Secretary to the Chief Secretary, Azad Government of the State of J&K.
7. Private Secretary to Additional Chief Secretary (General), Azad Government of the State of J&K.
8. Private Secretary to the Senior Member Board of Revenue, Azad Government of the State of J&K.
9. Private Secretary to Additional Chief Secretary (Development), Azad Government of the State of J&K.
10. Chairman Prime Minister Inspection & Implementation Commission.
11. All Secretaries to the Government of Azad Jammu & Kashmir.
12. Registrar Supreme Court/High Court/Shariat Court/Service Tribunal.
13. Ombudsman Azad Jammu & Kashmir.
14. Secretary Azad Jammu & Kashmir Legislative Assembly.
15. Secretary Azad Jammu & Kashmir Election Commission.
16. Accountant General Azad Jammu & Kashmir.
17. Director General Audit, Azad Jammu & Kashmir.
18. All Heads of the Attached Departments.
19. Director I.T Finance Department.
20. Director Local Funds Audit.
21. Controller Govt. Printing Press.
22. Master File.

Sd/--
(Mehmood Ahmad)
Section Officer (Regs.I)

AZAD JAMMU AND KASHMIR SERVICE TRIBUNALS ACT, 1975

“Muzaffarabad”

Dated: 30th December, 1975

No. 4020/SL/75. The following Act of the Legislative Assembly received the assent of the President on the 16th day of December, 1975, and is hereby published for general information:-

(ACT XXII of 1975)

AN ACT

to provide for the establishment of Service Tribunals to exercise jurisdiction regarding matters relating to the terms and conditions of service in respect of persons in the service of Azad Jammu & Kashmir employed in connection with the affairs of the Government.

Where as it is expedient to provide for establishment of Service Tribunals to exercise exclusive jurisdiction regarding the matters relating to the terms and conditions of service in respect of the persons in the service of Azad Jammu and Kashmir employed in connection with affairs of the Government and for matters connected therewith or ancillary thereto in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.— (1) This Act may be called the Azad Jammu and Kashmir Service Tribunals Act, 1975.

- (2) It shall come into force at once.
- (3) It applies to all civil servants wherever they may be.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (g) ‘**Chairman**’ means the Chairman of the Tribunal;
- (h) ¹[‘**Civil Servant**’ means a person who is or who has been a member of a civil service of the Azad Jammu and Kashmir in connection with the affairs of the Government or who holds or has held a civil post in connection with the affairs of the Government but does not include:-
 - (i) a person who is or who has been on deputation to the Azad Jammu and Kashmir from the Federation of any other province of Pakistan or authority;
 - (ii) a person who is or has been employed on contract or on work-charged basis, or who is or has been paid from contingencies; or
 - (iii) a person who is or has been a ‘worker’ or ‘workman’ as defined in the Factories Act, 1934 (XXV of 1934) or the workmen’s Compensation Act, 1923 (VIII of 1923) as in force in Azad Jammu and Kashmir;]
- (i) ‘**Government**’ means the Azad Government of the State of Jammu and Kashmir;
- (j) ‘**President**’ means the President of Azad Jammu and Kashmir;
- (k) ‘**Member**’ means the Member of the Tribunal;
- (l) ‘**Registrar**’ means the Registrar of a Tribunal and includes any other person authorized by a Tribunal to perform the functions and duties of Registrar; and
- (m) ‘**Tribunal**’ means Service Tribunal established by this Act, or a Bench thereof;

¹Substituted vide Act V of 2000, dated 11.10.2000.

3. **Tribunals:**² { (1) The President may, by notification in the Official Gazette, establish one or more Service Tribunals and where there are established more than one Tribunals, the President shall specify in the notification the class or classes of civil servants in respect of whom, of the territorial limits within which, or the class or classes of cases in respect of which, each such Tribunal shall exercise jurisdiction, under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

³(3) A Tribunal shall consist of,-

(a) a Chairman, being a person, who is a state subject and is not less than 45 years of age, and he has-

(i) for a period of, or for periods aggregating, not less than ten years been an advocate of the High Court of Azad Jammu and Kashmir or High Court in Pakistan; or

(ii) ten years experience of judicial service having at least three years service as a District and Sessions Judge.

Explanation.- In computing the period during which a person has been an advocate of a High Court or held judicial office, there shall be included any period during which he has held judicial office after he become an advocate or, as the case may be, the period during which he has been an advocate after having held judicial office.

(b) One or more Members having qualification as prescribed under sub-section (4).

⁴(c) The President may extend the term of office of the Chairman or a Member of the Tribunal for such period not exceeding two years.]

(4) (a) The Chairman of a Tribunal shall be appointed for a period of three years by the President on the advice of the Prime Minister, with the consultation of Chief Justice of Azad Jammu and Kashmir and Chief Justice of High Court on such terms and conditions as may be determined; and

(b) the Member of a tribunal shall be appointed by the President for the period of three years, ⁵[on the advice of Prime Minister] with the consultation of Chief Justice of Azad Jammu and Kashmir and Chief Justice of the High Court, being a person,-

(i) who is law graduate from any recognized university and is or has been or is eligible for appointment as Secretary to the Government having at least five years experience of legal working in any Government Department and has rendered at least 18 years service in post carrying BPS-17 or above; or

(ii) who has ten years experience of judicial service having at least two years service as District and Sessions Judge; or

² Substituted vide Act V of 1993 dated 15.03.1993

³ Substituted vide Act XXIX of 2016 Dated: 14.12.2016 Azad Jammu and Kashmir Service Tribunals (Amendment) Act, 2016.

⁴ Added vide Act XIX of 2020 Dated: 25.06.2020 Azad Jammu and Kashmir Service Tribunals (Amendment) Act, 2020.

⁵ Added vide Act XXXIX of 2017 Dated: 13.09.2017 Azad Jammu and Kashmir Service Tribunals (Amendment) Act, 2017.

- (iii) who has experience of practice as an Advocate High Court for not less than ten years.]

4. **6{Appeal to Tribunals:-}** (1) Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority, in respect of any of the terms and conditions of his service including disciplinary matter may, within, ⁷[ninety days] of the communication of such order to him or within six month of the establishment of the appropriate Tribunal, whichever is later, prefer appeal to the Tribunal:

Provided that –

⁸[***]

- (a) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969:

Provided further that question relating to eligibility, Malafide and Coram Non Judice may be decided by the Tribunal.

- (2) Where the appeal is against an order or decision of a departmental authority imposing a departmental punishment or penalty on a civil servant, the appeal shall be preferred:–

- (a) in the case of a penalty of dismissal from service, removal from service, compulsory retirement or reduction to a lower post or time-scale or to a lower stage in a time-scale, to a Tribunal referred to in sub-section (3) of Section 3; and
(b) in any other case, to a Tribunal referred to in sub-section (7) of Section 3, and where no such Tribunal is established, to a Tribunal established under sub-section (3) of that Section. }

Explanation: In this Section, “Departmental Authority” means authority other than a Tribunal, which makes an order in respect of any of the terms and conditions of Civil Servants.]

5. **Power to Tribunal:-** (1) A Tribunal may, on appeal, confirm set aside, vary or modify the order appealed against.

- (2) A Tribunal shall, for the purpose of deciding any appeal be deemed to be a civil court and shall have the same powers as are vested in such Court under the Code of Civil Procedure 1908 (Act V of 1908) including the powers of –

- (a) enforcing the attendance of any person and examining him on oath;
(b) compelling the production of documents; and
(c) issuing commission for the examination of witnesses and documents.

- (3) No Court fee shall be payable for preferring an appeal to, or filling exhibiting or recoding any document in, or obtaining any document from a Tribunal.

6. **9{Benches and Procedure:-}** ¹⁰[(1)The Chairman of the Tribunals may constitute a single, division, larger or full bench of the Tribunal, as he may deem appropriate, for hearing of appeals under this Act.]

- (2) The conclusion arrived at after hearing an appeal under sub section (1) by a single Bench, or as the case may be, by a single or Division Bench alongwith the

⁶ Substituted vide Act V of 1993, dated 15.03.1993.

⁷ Substituted vide Act 1 of 1999, dated 01.02.1999.

⁸ Proviso (a) and (b) omitted vide Act 1 of 1999, dated 01.02.1999.

⁹ Re-inserted by Act V of 1993, dated 15.03.1993.

¹⁰ Substituted vide [Act XXXIX of 2017] Dated: 13.09.2017 Azad Jammu and Kashmir Service Tribunals (Amendment) Act, 2017.

records of the appeal and written arguments, if any, shall be considered by the Tribunal as a whole and the decision shall be expressed in the terms of the views of the majority;

¹¹[Provided that in case of difference of opinion between the members of division bench, the matter shall be placed before the larger bench and the decision shall be expressed in terms of the opinion of the majority;]

(3) The Chairman may at any stage transfer cases from one Bench to another Bench or to the whole Tribunal.

(4) The Tribunal and its Benches shall conduct business in accordance with the provisions contained in the Second Schedule. If a Tribunal consists of a Chairman and one member and there is difference of opinion between them, the opinion of the Chairman shall prevail.

(5) The Tribunal shall consist of a Chairman and one member but no proceedings of the Tribunal shall be rendered illegal and ineffective simply for the reasons that such proceedings were taken by a single member or Chairman of the Tribunal.

7. **Casual Vacancy:-** If the Chairman or a Member of a Tribunal is, for any reason absent or unable to take part in the proceedings of the Tribunal, the Government shall appoint a duly qualified person to act as Chairman or, as the case may be, Member of the Tribunal to hear and finally dispose of the appeal, application or other matter requiring decision of the Tribunal].

8. **Abatement of Suits and other Proceeding:-** All suits, appeals and applications regarding any matter within the jurisdiction of a Tribunal pending in any Court immediately before the establishment of the appropriate Tribunal shall abate on the establishment of such Tribunal:

Provided that any party to such a suit, appeal or application may, within ninety days of establishment of appropriate tribunal prefer an appeal to it in respect of any such matter which is in issue in such suit, appeal or application.

9. **Applicability of the Provisions of the Limitation Act, 1908:-** The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908) shall apply to appeals under this Act.

10. **Power to Make Rules:-** The Government may, by notification in the official gazette make rules for carrying out the purposes of this Act.

11. **Repeal:-** The Azad Jammu and Kashmir Administrative Tribunal Ordinance, 1975 (Ordinance XXVI of 1975) is hereby repealed.

¹²[12. **Validation:-** Notwithstanding anything contained in any other law for the time being enforce, everything done, all actions taken, proceeding initiated, jurisdiction powers exercised, or appointments made before or after the enforcement of the Azad Jammu and Kashmir Service Tribunal (Amendment) Ordinance, 1987 (Ordinance XXXIV of 1987) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, initiated or exercised under this Ordinance.]

Sd/--

(Muhammad Akram Shah)
Deputy Secretary, Law

¹¹ Substituted vide [Act XXXIX of 2017] Dated: 13.09.2017 Azad Jammu and Kashmir Service Tribunals (Amendment) Act, 2017.

¹² Added vide Act V of 1993, dated 15.03.1993.

FIRST SCHEDULE

(See Section 3(3))

PART I - Terms of Office

1. **Maximum Age for Appointment as Member:-** No person, who is more than 55 years of age, shall be appointed as a member.
2. **Oath of Office:-** Before entering upon his office, a Chairman other than a person who is Judge of the High Court and a Member shall, before the Chief Justice of the Azad Kashmir High Court or a Judge nominated by the Chief Justice for the purpose, make an oath in the form appended to this Schedule.
3. **Seniority:-** The seniority interse of the Members shall be determined in accordance with the respective dates of their entering upon their office as Member:

Provided that when a member is appointment for a second or subsequent term, his seniority shall be reckoned from the date when he enters upon the second or subsequent term of office, as the case may be.

4. **Pay:-** (1) A Chairman shall--
 - (a) If, before his appointment as Chairman, he has retired from the service of Azad Kashmir, draw the pay last drawn before retirement, and the amount of his full pension, including special additional pension (if it has not been held in abeyance), will be deducted from his pay thus fixed: and
 - (b) In any other case, draw pay as is admissible to a Government servant in the National Pay Scale No. 20 or if he was, before his appointment as Chairman, in the service of Azad Kashmir, the pay which he would have received but for such appointment, whichever is higher.
- (2) A Member shall--
 - (a) if on the date of his appointment as member of a Tribunal he was in service of Azad Kashmir, receive the grade of pay that he was drawing immediately before his appointment as Member:

Provided that a Member in addition to the grade of pay, would get a special pay of Rs. 440 – per month [...]¹³.
 - (b) if, before his appointment as Member, he has retired from the service of Azad Kashmir, draw pay last drawn before retirement and the amount of his full pension, including special additional pension (if it has not been held in abeyance), will be deducted from his pay thus fixed.

Explanation: For the purpose of this para, pay includes special pay which a Chairman or a Member was drawing before his appointment as such Chairman or Member.

5. **Pension:-** (1) No pension shall attach to the office of a Chairman or a Member as such, but if a Chairman or a Member was on the date of his appointment in the service of Azad Kashmir, services as Chairman or member shall count for pension under the rules applicable to the service or grade to which such Chairman or member belongs, and unless a Member be a Member of an All Pakistan Service or a

¹³ Deleted vide Act XVIII of 1986 dated 09.03.1986.

member be entitled to pension under Army Regulations, service as member shall also count as service in the higher grade or upper grade for the special additional pension under the rules applicable to him on the date of his appointment to the Tribunal.

(2) In a case of a retired Government servant, service as a Member shall not count as qualifying service for the purpose of recalculating his pension at the expiry of his term of office as a Chairman or a Member.

6. **Provident Fund**:- (1) It shall be permissible for a Chairman or Member, if he so elects, to subscribe to the General Provident Fund in accordance with the rules relating to that Fund.

(2) A Chairman or Member who, on the date of his appointment, was in the service of Azad Kashmir and had admitted to the benefits of any Provident Fund maintain by Government shall be eligible, after appointment to the Tribunal, to continue to subscribe to the said Fund upon the same terms and conditions and subject to the rules of that Fund:

Provided that he shall cease to subscribe to the Fund on attaining the age of superannuation in his previous service and the amount standing to his credit in the said fund after such deductions as are authorised under the rules applicable to him shall become payable to him.

PART II – LEAVE

7. **Leave**:- A Chairman or a Member who on the date of his appointment was in the service of Azad Kashmir may be granted leave by the President under the rules applicable to him immediately before his appointment, and his service as a Chairman or a Member shall count for such leave.

8. A Chairman or a Member who on the date of his appointment was not in the service of Azad Kashmir may be granted leave by the President as follows:-

- (i) (a) Leave on leave salary equivalent to full pay up to one-eleventh of the period spent on duty as a Chairman or a Member, subject to a maximum of four months at any one time; or
- (b) If a Chairman or a Member so elects, leave on leave salary equivalent to full pay (to be taken not more than once during his term of office) for a period not exceeding four month;
- (ii) Leave on medical certificate on leave salary, equivalent to half pay up to two-elevenths of the period spent on duty as a Chairman or a Member, subject to a maximum of three months at any one time; and
- (iii) Extraordinary leave without salary.

Explanation: A person who retires from the service of Azad Kashmir and is re-employed as Chairman or Member shall be governed by the provisions of this para.

PART III – TRAVELLING ALLOWANCE AND MEDICAL ATTENDANCE

9. **Travelling Allowance**:- For the purpose of Travelling Allowance -

- (a) A Chairman shall be entitled to the allowance admissible to a Judge of High Court; and
- (b) A Member shall be entitled to allowance admissible to a Secretary to Government.

10. **Medical Allowance:-** A Chairman and a Member shall be entitled to the Medical facilities admissible in terms of the Government Servant (Medical Attendance) Rules:

Provided that Chairman or a Member who, on the date of his appointment to the Tribunal, was in the service of Azad Kashmir may elect to be governed by the rules applicable to him immediately before the said date.

11. Where a person appointed as a Chairman or a Member was, immediately before his appointment as such, in the service of Azad Kashmir, his rights as a person in the service of Azad Kashmir shall not be affected by his appointment as Chairman or Member.

FORM OF OATH

(Vide paragraph 2)

I, do solemnly swear that as Chairman/Member of the Service Tribunal established under the Azad Kashmir Service Tribunals Act, 1975, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Azad Kashmir and the law, and without fear or favour, affection or ill will and that I will not allow my personal interest to influence my official conduct or my official decisions.

SECOND SCHEDULE

(See Section 6(4))

1. Every memorandum of appeal shall –

- (a) be legibly, correctly and concisely hand-written, type-written or printed;
- (b) be divided into paragraphs numbered consecutively each paragraph containing as nearly as may be, a separate allegation;
- (c) contain full name, official designation and place of posting of each party;
- (d) clearly set out the relief claimed;
- (e) be accompanied by –
 - i. copies of the order of the competent authority against which the appeal is preferred; and
 - ii. copies of rules, orders and other documents on which the appellant proposed to rely in support of his claim;
- (f) be signed by the appellant; and

- (g) be accompanied by three spare copies of the memorandum of appeal and as many other copies, thereof duly initialed by the appellant and accompanied by the documents referred to in sub-paragraph (e), as there are respondents.
2. An appeal may be sent to the Registrar by a registered post acknowledgement due or it may be presented to the Registrar during the working hours either by the appellant personally or through his Advocate.
3. In every memorandum of appeal, the competent authority shall be shown as the first respondent and thereafter all other parties to the dispute shall be shown as respondents.
4. (1) The Registrar shall scrutinize every Memorandum of appeal received by post or presented to him and shall –
- (i) if it be in order and drawn up in accordance with the provisions of paragraph 1, cause it to be registered in the register of appeals to be maintained in Form 'A' appended to this Schedule, and, with the approval of the Chairman, shall fix a date for its preliminary hearing before a Bench or the Tribunal, as the case may be; or
- (ii) if it is not drawn up in accordance with the provision of paragraph 1, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency.
- (2) If the memorandum of appeal is not re-submitted within the period specified under clause (ii) of sub-paragraph (1) of paragraph 4, the appeal shall stand dismissed.
5. (1) The Bench or the Tribunal, as the case may be, after hearing the appellant or his Advocate on the date fixed for preliminary hearing or on such subsequent dates to which such hearing may be adjourned, may dismiss the appeal in limine.
- (2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its regular hearing shall be served on the appellant, the respondents and such other persons as the Tribunal may deem proper.
6. (1) A notice under sub-paragraph (2) of paragraph 5, shall be in such form as may be approved by the Tribunal and may be served by registered post or in any other manner, including publication in one or more daily newspapers as the bench admitting the appeal or the Tribunal may direct; provided that where the notice is directed to be served by publication in the newspapers, it shall not be issued until the costs of its publication are deposited by the appellant.
- (2) The notice to the respondent shall be accompanied by a copy of memorandum of appeal and copies of other documents referred to in sub-paragraph (e) of paragraph 1.
- (3) Service of notice in accordance with the provisions of this paragraph shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.
7. (1) In response to the notice served under paragraph 6, the respondent may send his objections to the appeal by registered post acknowledgement due to the Registrar or deliver the same to him either personally or through his Advocate on or before the date fixed for hearing of the appeal.
- (2) The objections shall be legibly and concisely handwritten, type-written or printed, shall be signed by the respondent and shall be accompanied by a copy of the order or other document on which the respondent wishes to rely in support of his objection.

- (3) The written objection shall be accompanied by four spare copies thereof, complete in all respects, and containing copies of the order and documents referred to in sub-paragraph (2). Three of those copies shall be supplied for the use of the Tribunal and the fourth copy for the appellant or his Advocate.
- (4) In case objections are not received or delivered within the time allowed under sub-paragraph (1), the respondent may be proceeded against ex-parte.
8. (1) Questions arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits but the Tribunal may direct that such questions, as it may consider necessary, be decided on such other evidence and in such manner as it may deem fit.
- (2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.
9. (1) An application for summoning witnesses before the Tribunal shall be made, as soon as possible, after the issue of notice of appeal under paragraph 5. It shall state --
- (a) the name, designation and address of the witnesses to be summoned;
 - (b) a brief resume of the evidence which each witness is expected to give; and
 - (c) a brief description of the document to be summoned and name and location of the office in which such document is expected to be.
- (2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-paragraph (1) may be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal and direct that the daily allowance and travelling charges of such witness at the rate should be deposited by the person calling him, within seven days of the date of the order.
- (3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-paragraph (2) or within any extension thereof that may be granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.
- (4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.
- (5) Where a Tribunal summons a witness under the provisions of sub-paragraph (4) –
- (a) if such witness is a Government servant, his travelling and daily allowance (if any) shall be borne by Government; and
 - (b) if the witness is a private person, his travelling allowance and daily allowance shall be borne by such parties and to such extent as may be determined by the Tribunal.
10. (1) Process for service on witnesses of high rank shall be sent in the form of a letter and acknowledgement received.
- (2) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document shall be served through the head of his office.

11. (1) A daily cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court room of the Tribunal.
(2) Except as otherwise directed by the Tribunal, cases will be set down in the cause list in the order of the date of admission.
12. (1) Evidence of a witness examined by the Tribunal shall be taken down under the superintendence of the Tribunal ordinarily in the form of a narrative and shall be signed by the members of the Tribunal and shall form part of the records.
(2) The parties or their Advocates may suggest any question to the Tribunal and the Tribunal may put such, besides any other question to the witness.
(3) The Tribunal may record such remarks as it thinks material respecting the demeanour of any witness while under examination.
(4) The Tribunal may close the evidence of any party if there is inordinate delay or expense involved in its production, provided that the interest of justice so permits.
13. (1) If on the date fixed for hearing of appeal or on any subsequent date to which the hearing may be adjourned, the appellant or his Advocate is not present before the Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the same.
(2) If on the date fixed for hearing of appeal or on a subsequent date to which hearing may be adjourned the respondent or any one or more of the respondents, in case there are more than one respondents, or his or their Advocates, are not present before the Tribunal, the Tribunal may hear the appeal ex-parte against all or any of the respondents.
(3) Where an appeal has been dismissed under sub-paragraph (1) or the ex-parte proceedings have been taken under sub-paragraph (2), the Tribunal may on such order as to costs, as it may deem fit restore the appeal or set aside the ex-parte order as the case may be, or allow the defaulting party to rejoin the proceedings.
14. A copy of every order of final adjudication on an appeal shall be furnished by the Tribunal free of cost to the competent authority concerned.
15. Clerical or arithmetical mistakes in an order of final adjudication, arising therein from any accidental slip or omission may at any time be corrected by the Tribunal either of its own motion or on the application of any of the parties:

Provided that where a party makes an application, it shall be duly supported by an affidavit.
16. The provisions contained in the High Court Rules and Orders in regard to copies and inspection of record shall *mutatis-mutandis* and to the extent practicable apply to the proceedings before a Tribunal.
17. If a civil servant is unrepresented before a Tribunal and cannot afford to engage a counsel, the Tribunal may make arrangements to employ a counsel at Government expense.

FORM 'A'
REGISTER OF APPEALS
(See Paragraph 5 (1) (i))

| | |
|-----|--|
| 1. | Serial No. |
| 2. | Date of presentation of appeal |
| 3. | Name and Address of the appellant. |
| 4. | Name and Address of the respondent. |
| 5. | Date of Registration of appeal. |
| 6. | Whether admitted or dismissed in limine with date of order. |
| 7. | Amount of security and costs deposited by the appellant. |
| 8. | Date of final order. |
| 9. | Brief substance of the final order. |
| 10. | Date on which copy of the final order sent to the competent authority. |

Sd/--
(Mohammad Akram Shah)
Deputy Secretary, Law

AJ&K SERVICE TRIBUNAL (PROCEDURE) RULES, 1976

Services & General Administration Department

(Azad Govt. of the State of Jammu & Kashmir)

Dated: February 15, 1977

Notification

No. S&GAD/3101-91/77. In exercise of the power conferred by Section 10 of Azad Jammu & Kashmir Service Tribunal Act, 1975, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely:-

1. (1) These rules may be called the Azad Jammu & Kashmir Service Tribunal (procedure) Rules, 1976.
(2) They shall come into force at once.
2. (1) In these rules, unless there is anything repugnant in the subject or context:-
 - (a) “**Act**” means the Azad Jammu & Kashmir Service Tribunal Act, 1975;
 - (b) “**Appeal**” means an appeal under section 4 of the Act;
 - (c) “**Chairman**” means the Chairman of Service Tribunal;
 - (d) “**Member**” means a member of a Service Tribunal and includes the Chairman;
 - (e) “**Registrar**” means the Registrar of Tribunal and includes any other person authorized by the Tribunal to perform the functions and duties of the Registrar under these rules.
(2) Word and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.
3. **Working Hours:** The Tribunal shall observe such hours of sitting as it may determine.
4. **Holidays:-** The Tribunal shall observe such holidays as are notified by Government, and such local holidays as are observed by the High Court.
5. The Tribunal shall ordinarily hold its sittings at any other place in Azad Kashmir, which it considers expedient or convenient to the parties.
6. An appeal may be sent to the Registrar by a registered post acknowledgement due or it may be presented to the Registrar during the working hours either by the appellant personally or through his Advocate.
7. Every memorandum of appeal shall;
 - (a) be legibly, correctly and concisely hand-written, type-written or printed
 - (b) be divided into paragraphs, numbered consecutively, each paragraph, containing as nearly as may be, a separate allegation;
 - (c) contain full name, official designation and place of posting of each party,
 - (d) clearly set out the relief claimed;
 - (e) be accompanied by:-

- (i) a copy of the order of the competent authority against which the appeal is preferred; and
- (ii) copies of rules, orders and other documents on which the appellant proposes to rely in support of his claim;
- (f) be signed or thumb impressed by the appellant and verified at the foot by the appellant or his Advocate;
- (g) be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof, duly signed or thumb impressed by the appellant and accompanied by the document referring to clause in (e), as there are respondents.

Provided that where a Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (e), if any, may waive the provisions of the clause.

- (h) Every memorandum of appeal shall be presented to the Tribunal in file covers and be accompanied by an index of papers failing which the appeal may not be entertained:-
8. In every memorandum of appeal, the competent authority shall be shown as the first respondent and thereafter all other parties to the dispute shall be shown as respondents.
9. Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.
10. (1) The Registrar shall scrutinize every memorandum of appeal received by post or presented to him and shall:-
- (i) If it be in order and drawn up in accordance with the provisions of rule 7, cause it to be registered in the register of appeals to be maintained in Form 'A' appended to schedule II of the Act, and with the approval of the Chairman, shall fix a date for its preliminary hearing before a Bench or the Tribunal, as the case may be; or
 - (ii) If it is not drawn up in accordance with the provisions of rule 7, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency.
- (2) If the memorandum of appeal is not re-submitted within the period specified under clause (ii) of rule (10), the appeal shall stand dismissed.
11. (1) The Bench or the Tribunal, as the case may be, after hearing the appellant or his Advocate on the date fixed for preliminary hearing or on such subsequent dates to which such hearing may be adjourned, may dismiss the appeal in limine.
- (2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its regular hearing shall be served on the appellant, the respondents and such other persons as the Tribunal may deem proper.
- (3) The appellant shall, within one week of the receipt of the notice of admission of his appeal or within such extended period as may be allowed, deposit with the Registrar:-
- (a) cash security for costs in the sum of Rs. 100; and
 - (b) cost of service of notice on the respondents.
- (4) If the appellant does not comply with the provisions of sub-rule (3) his appeal may be dismissed by the Tribunal.

12. (1) A notice under sub rule (2) of rule 11 shall be in such form as may be approved by the Tribunal and may be served by registered post acknowledgement due or in any other manner, including publication in one or more daily newspapers as the bench admitting the appeal or the Tribunal may direct;
- Provided that where the notice is directed to be served by publication in the newspapers, it shall not be issued until the costs of its publication are deposited by the appellant.
- (2) The notice to the respondent shall be accompanied by a copy of memorandum of appeal and copies of other documents referred to in sub-rule (e) of rule 7.
- (3) Service of notice in accordance with the provisions of this rule shall be deemed to be due notice and it shall not be necessary to prove that a party has actually received the notice.
13. (1) In response to the notice served under rule 12, the respondent may send his objections to the appeal by registered post acknowledgement due to the Registrar or deliver the same to him either personally or through his Advocate on or before the date fixed for hearing of the appeal.
- (2) The objections shall be legibly and concisely hand written, type-written or printed, shall be signed by the respondent and shall be accompanied by a copy of the order or other document on which the respondent wishes to rely in support of his objection.
- (3) The written objections shall be accompanied by four spare copies thereof, complete in all respects and containing copies of the order and documents referred to in sub-rule (2). Three of those copies shall be supplied for the use of the Tribunal and the fourth copy for the appellant or his Advocate.
14. (1) Questions arising for determination by a Tribunal shall be decided ordinarily upon affidavit and documents provided by affidavit but the Tribunal may direct that such questions, as it may consider necessary be decided on such other evidence and in such manner as it may deem fit.
- (2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.
15. (1) An application for summoning witnesses before the Tribunal shall be made as soon as possible, after the issue of notice of appeal under rule 11. It shall state:-
- (a) The name, designation and address of the witnesses to be summoned;
- (b) A brief resume of the evidence which each witness is expected to give; and
- (c) A brief description of the document to be summoned and name and location of the office in which such document is expected to be.
- (2) if the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule (1) may be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal and direct that the daily allowance and travelling charges of such witness at the rate which would have been allowed by the High Court if it had summoned him should be deposited by the person calling him, within seven days of the date of the order.
- (3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-rule (2) or within any extended period that

- may be granted by the Tribunal, the application for summoning of witness, so far as it relates to such witness, shall be deemed to have been rejected.
- (4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, may direct him to be summoned.
- (5) Where a Tribunal summons a witness under the provisions of sub-rule (4):-
- (a) if such witness is a Government servant, his travelling and daily allowance (if any) shall be borne by Government; and
 - (b) if the witness is a private person, his travelling allowance and daily allowance shall be borne by such parties and to such extent as may be determined by the Tribunal.
16. (1) Process for service on witnesses of high rank shall be sent in the form of a letter and acknowledge receipt.
- (2) Except in urgent cases or as otherwise ordered by the Tribunal, a summons requiring a public officer to give evidence or to produce a document shall be served through the head of his office.
17. (1) A daily cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the Court-room of the Tribunal.
- (2) Except as otherwise directed by the Tribunal, cases will be set down in the cause list in the order of the date of admission.
18. (1) Evidence of a witness examined by the Tribunal shall be taken down under the superintendence of the Tribunal ordinarily in the form of the narrative and shall be signed by the members of the Tribunal and shall form part of the records.
- (2) The parties or their advocates may suggest any question to the Tribunal and the Tribunal may put such question, besides any other question to the witness.
- (3) The Tribunal may record such remarks as it thinks material respecting the demeanor of any witness while under examination.
- (4) The Tribunal may close the evidence of any party if there is inordinate delay or expense involved in its production, provided that the interest of justice so permits.
19. (1) if on the date fixed for hearing of appeal or on any subsequent date to which the hearing may be adjourned, the appellant advocate is not present before the Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the same.
- (2) If on the date fixed for hearing of an appeal or on subsequent date to which hearing may be adjourned the respondent or any one or more of the respondents, in case there are more than one respondents, or his or their advocates, are not present before the Tribunal, the Tribunal may hear the appeal ex-parte against all or any of the respondents who, and whose Advocates, are so absent.
- (3) Where an appeal has been dismissed under sub-rule (1) or the ex-parte proceedings have been taken under sub-rule (2), the Tribunal may, on such order as to costs, as it may deem fit, restore the appeal or set aside the ex-parte order as the case may be, or allow the defaulting party to rejoin the proceedings.

20. (1) A Tribunal may make such orders as to cost of proceedings before it as it may deem fit, and such costs shall be paid out of a cash security deposited under rule (11) sub rule (3), or otherwise.
- (2) If, after deduction of the costs of proceedings under sub-rule (1), any amount deposited under clause (a) of sub-rule (3) of rule 11 remains unutilized, it shall be returned to the appellant.
- (3) Any costs awarded by a Tribunal if not paid within one month of the order awarding the cost, shall on the certificate of the Tribunal be recoverable as arrears of land revenue.
21. Clerical or arithmetical mistakes in an order of final adjudication, arising therein from any accidental slip or omission may at any time be corrected by the Tribunal either on its own motion or on the application of any of the parties;

Provided that where an application is made by a party, it shall be duly supported by an affidavit.
22. If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the views of the majority.
23. If any member is, for any reason, unable to attend a sitting of the full Bench, the other two members may, notwithstanding his absence, proceed with and appeal or other matter if ripe for decision, dispose it finally at such sitting or any subsequent sitting.
24. If in any matter requiring the decision of a Tribunal there is a difference of opinion among its members, the opinion of the majority shall prevail, and the decision of the Tribunal shall be expressed in terms of the views of the majority.
25. If a matter is heard by two members only and there is difference of opinion between them, the matter shall be reheard by the Chairman and the members and the opinion of the majority shall then prevail.
26. A casual vacancy in the office of the Chairman or a member of a Tribunal caused by the absence on leave or otherwise of the Chairman or, as the case may be, a member may be filled by the president for a specified period by appointment of a person who is qualified to be a Chairman or, as the case may be, a member of a Tribunal;
27. A Tribunal may issue instructions in regard to supply of copies to and inspection of record by parties to proceedings before it.
28. A copy of every order of Final Adjudication on an appeal shall be furnished by the Tribunal, free of cost, to the competent authority and the said authority shall forthwith give effect to it.
29. The High Court rules and orders shall in respect of matters for which no provision exists in these rules and in relation to copies and inspection of record apply to the proceedings before tribunal as far as possible.

Comments: The perusal of these rules reveals that the promulgation thereof--- is a repetition of the provisions contained in second schedule to the AJ&K Service Tribunal Act, 1975.

AJ&K SERVICE TRIBUNAL (QUALIFICATION OF MEMBERS) RULES, 1997

**Services & General Administration Department
(Azad Govt. of the State of Jammu & Kashmir)**

Dated: 23 May, 1997

NOTIFICATION:

No. S&GAD/R/A-4(256)/91. In exercise of the powers conferred by Section 10 of the Azad Jammu & Kashmir Service Tribunal Act, 1975, the Government in pleased to make the following rules, namely:-

1. These Rules may be called the Azad Jammu & Kashmir **Service Tribunal (Qualification of Members)** Rules, 1997.
2. A Member of the Tribunal shall be a person, who is or has been or is eligible for appointment as Secretary to the Azad Jammu & Kashmir basic Pay Scale 17 and above ²³⁹[or who has experience of practice as an Advocate High Court for not less than ten years:

Provided that in case of advocate, the appointment shall be made for a period of up to 2 years, extendable to 1 years, on contract basis, under the Contract Policy in vogue.]

3. Notification No. S&GAD/PS/3306/92 dated 1992 is hereby repealed.

Sd/--
Section officer (Regs.)
S&GAD

²³⁹ Added vide Notification No. S&GAD/R/A-4 (20)/84, dated: 14.10.2015, issued by S&GAD.

THE AJ&K CIVIL SERVANTS (APPEAL) RULES, 1991

“Muzaffarabad”

Dated: 1st December, 1991

NOTIFICATION:

No. S&GAD/H-6(36)/ R/VI/91. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules namely:-

1. (1) These rules may be called the Azad Jammu and Kashmir Civil Servants (Appeal) Rules, 1991.
- (2) These Rules shall come into force at once.
2. In these rules, unless there is anything repugnant in the subject or context:-
 - (a) **“Appellate Authority”** means:
 - (i) in case of an officer designated as authority, the Officer or the authority next above the authority;
 - (ii) in case of “Authorized Officer” the Authority;
 - (iii) in case of “Secretary to the Government” the Government;
 - (b) **“Authority”** means the authority competent to appoint a Civil Servant under the rules applicable to him or an authority designated as such under the Azad Jammu and Kashmir (Efficiency & Discipline) Rules 1977;
 - (c) **“Authorised Officer”** means an officer designated as such under the Azad Jammu and Kashmir (Efficiency and Discipline) Rules 1977;
 - (d) **“Penalty”** means a penalty provided for in the Civil Servants (Efficiency and Discipline) Rules; and
 - (e) **“Secretary to the Government”** means and includes any Officer appointed to perform the functions as such.

Appeal:-

3. A Civil Servant shall be entitled to appeal, to the appellate authority from an original order passed by an authority or an authorised officer imposing upon him any penalty:

Provided that, where the penalty is imposed by an order of the Government, the Civil Servant shall have no right to appeal but he may apply for review of the order.

4. (1) A Civil Servant shall be entitled to appeal to the appellate authority from an original order passed by an authority which:-
 - a) alters to his disadvantage, his conditions of service, pay, allowances or pension; or
 - b) interprets to his disadvantage the provisions of any rules whereby his conditions of service, pay, allowances or pension are regulated; or
 - c) reduces or withholds the maximum pension, including an additional pension, admissible to him under the rules governing pension; or
 - d) terminates his employment or gives notice of such termination otherwise than:
 - i) on his reaching the age of superannuation; or
 - ii) in accordance with the provisions of the Civil Servants Act, 1976:

Provided that a person appointed by the Government shall have no right to appeal from an order passed by the Government but he may apply for review of the order;

Provided further that no appeal or review shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

5. (1) The person preferring an appeal shall do so separately and in his own name.
 - (2) The appeal preferred under these rules shall contain all material statements and concise arguments relied upon by the appellant. It shall contain no disrespectful or improper language, and shall be complete in itself.
 - (3) The appeal shall be submitted direct to the Appellate Authority.
 - (4) The appeal shall be submitted within period of sixty days, of the communication of the order appealed against.
 - ¹[(5) A copy of appeal preferred under these rules, shall be forwarded to the Department concerned or the person against whom it is filed, to submit parawise comments on such appeal within thirty days.
 - (6) In case the Department or the person, against whom appeal is filed, fails to submit parawise comments under sub-rule (5), the appellate authority may pass ex-parte order against them.]
6. (1) In the case of an appeal under rule 3, appellate authority shall consider:
 - (a) Whether the facts on which the order appealed against was based have been established.
 - (b) Whether the facts established afford sufficient ground for taking action: and
 - (c) Whether the penalty is excessive, adequate, or inadequate, and, after such consideration, shall confirm, set aside or modify the order under appeal.
 - (2) In the case of an appeal under rule 4, the appellate authority shall pass such order as, having regard to all circumstances of the case, appears, to it, just and equitable.
 - (3) The authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.
7. (1) An appeal may be rejected by the appellate authority without hearing the appellant if:
 - (a) it is an appeal in a case in which no appeal lies under these rules; or
 - (b) it does not comply with the provisions of sub-rule (1), (2), (3) or (4) of rule 5; or
 - (c) It is addressed to authority to which no appeal lies under these rules:

Provided that in every case in which an appeal is rejected under this rule, the appellant shall be informed of the fact and the reasons for it and he shall have no other remedy except review submitted to the appellate authority which passed the order under this rule, within one month of the date on which the appellant is informed of the rejection of the appeal.
 - (2) No appeal shall lie against the order passed on review under this rule.
 - (3) Any order passed on appeal shall be final except otherwise specifically provided under these rules.
8. The provisions relating to appeal in these rules shall apply *mutatis-mutandis* to the review petitions to be preferred under these rules.

¹ Sub-rule (5) and (6) are added vide Notification No. S&GAD/A-4(36) P-II, dated 09.06.2004.

Representation:-

9. (1) The right of representations shall be governed under the provisions of section 21 of the Azad Jammu and Kashmir Civil Servants Act, 1976.
- (2) The Provisions applicable to the appeals shall apply *mutatis-mutandis* to the representations.
- (3) The authority to whom the representation is made shall exercise the same powers as are vested in the appellate authority under these rules.

Revision:-

10. (1) The Government may call for and examine the record of any proceedings before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such authority;
Provided that a revision petition preferred after the laps of a period of three months from the date of the communication of the order to the concerned Civil Servants shall not be entertained.
- (2) On examining any record under this rule, the Government may pass such orders as it may deem fit;
Provided that any order under this rule made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:
Provided further that an order imposing penalty shall not be revised suo motu or otherwise after the lapse of a period of three months from the date of its communication to the accused if no appeal is preferred.
11. The Government in case of review petition or the appellate authority in case of appeal, review or representation itself may give personal hearing to the concerned Civil Servants or direct any other officer sub-ordinate to him to grant a hearing to the concerned Civil Servant and submit the case with his comments for orders.
12. An order passed under these rules on an appeal, review petition or representation shall be final.
13. All appeals, review, revision petitions, and representations pending immediately before the coming into force of these rules shall be processed and finalized under the rules existing before the promulgation of these rule.
14. (1) The Rules 14, 15, 16, 17 and 18 of Azad Jammu and Kashmir (Efficiency & Discipline) Rules, 1977 are hereby repealed, but the repeal thereof shall not affect any action or anything done there-under.
- (2) All Provisions of K.S.R regarding appeal, Review, Revision and representations stand repealed by these rules.
15. The Azad Jammu and Kashmir Civil Servants (Appeals) Rules, 1982 are hereby repealed.

Sd/--
DEPUTY SECRETARY SERVICES
(Regulations)

THE AZAD JAMMU AND KASHMIR (CIVIL SERVICES) DELEGATION OF ADMINISTRATIVE POWERS RULES, 2011

“Muzaffarabad”
Dated: 13th May, 2011

NOTIFICATION:

No. S&GAD/A-4(119)/2008 Part-III. In exercise of the powers conferred under Section 58 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make the following Rules, namely:-

1. **Short Title and Commencement:-** (1) These rules may be called the Azad Jammu and Kashmir (Civil Services) Delegation of Administrative Powers Rules, 2011.
(2) They shall come into force at once.
2. **Definitions:-** (1) In these Rules, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-
 - (i) **“Administrative Secretary”** means a Secretary defined as such under rule 2(1)(xxi) of the Azad Government of the State of Jammu and Kashmir Rules of Business 1985;
 - (ii) **“Chief Secretary”** means a Chief Secretary defined as such under rule 2(1)(vii) of the Azad Government of the State of Jammu and Kashmir Rules of Business, 1985;
 - (iii) **“Controlling Officer”** includes an officer, other than authorities specifically mentioned in clause (i) & (ii) above, who by virtue of holding an office has been designated as Administrative Head or In-charge of a Section, Office or Sub-office established in the Department, Attached Department, District or Divisional Office made responsible for efficient discharge of the functions in distinct sphere under any Statute or who may otherwise be declared as Controlling Officer by the Administrative Secretary;
 - (iv) **“Divisional Commissioner”** means an officer who is designated and appointed as Divisional Commissioner by the Government; and
 - (v) **“Government”** means the Azad Government of the State of Jammu and Kashmir.
3. **Delegation of Powers:-** The powers specified in column 2 of the Schedule I to these rules, shall to the extent mentioned in column 4 thereof, be exercised by the authorities specified in column 3 of the said Schedule.
4. **Repeal:-** The Azad Jammu and Kashmir (Civil Services) Delegation of Powers Rules, 1994 are hereby repealed.

Sd/--
ADDITIONAL SECRETARY SERVICES
(Regulations)

SCHEDULE I

AJK (CIVIL SERVICES) DELEGATION OF ADMINISTRATIVE POWERS RULES, 2011 (ISSUED VIDE NOTIFICATION NO. S&GAD/A-4(119)/2008 PART-III DATED 13.05.2011)

| 1 | 2 | 3 | 4 |
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| Sr. # | Nature of Functions | Authorities To Whom Powers Delegated | Extent of Powers |
| 1. | <u>Administrative Approval in case of:-</u> | | |
| | (a) Abolition of Posts | (i) Chief Secretary (ii) Administrative Secretary | (i) BS-19 & above, subject to substantially justified and valid reasons recorded in writing. (ii) Up to BS-18 |
| | (b) Acquisition of land for Public purpose in pursuance of budgetary provision or under approved scheme /project. | Administrative Secretary | Full Powers. |
| | (c) Creation/ Re-designation/ Annual Renewal /Change of Nomenclature of Posts in accordance with concurrence of Finance Department. | (i) Chief Secretary (ii) Administrative Secretary | (i) Post up to BS-18 (ii) Post up to BS-16 |
| | (d) Initiation of disciplinary proceedings under relevant law against subordinate officers/staff. | (i) Chief Secretary (ii) Administrative Secretary (iii) Appointing Authority | (i) BS-18/19 (ii) BS 12 to 17 (iii) Up to BS-11 |
| | (e) Procurement of Services | Administrative Secretary | Full Powers. |
| | (f) Purchase of Durable Goods/Machinery & Equipment. | (i) Administrative Secretary | (i) Full Powers subject to fund allocated in Budgetary Head. |
| | | (ii) Head of an Attached Deptt./Additional Secretary/ Divisional Commissioner/DIG Police/Controlling Officer BS-19 | (ii) Up to Rs.250,000/- subject to the condition above. |
| | | (iii) Controlling Officer at District Level. | (iii) up to Rs.150,000/- subject to condition above. |
| | (g) Purchase of Motor Vehicle | Administrative Secretary | Full powers subject to funds allocated in Budgetary Head. |
| | (h) Purchase of Stationery/ Periodicals/Newspapers | (i) Administrative Secretary (ii) Head of an Attached Deptt./ Additional Secretary/ Divisional Commissioner/DIG Police/Controlling Officer BS-19 | (i) Full Powers. (ii) Up to Rs. 100,000/- |
| | (i) Re-imbusement of Hospital Charges | Secretary Health. | Full Powers against budgetary allocation |
| | (j) Striking out name of a Government Servant from strength in case of in service death. | (i) Secretary S&GAD (ii) Administrative Secretary Concerned | (i) BS-19 and above (ii) Upton BS-18 |
| | (k) Payment of Death Compensation and waiver of advances. | Administrative Secretary | Full Powers subject to concurrence and provision of funds by the Finance Department. |

AJ&K (Civil Services) Delegation of Administrative Powers Rules, 2011

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| 2. | Appointment:- (a) To make appointment against a duly approved and vacant post in a substantive or officiating capacity in the Civil Secretariat on the recommendations of Public Service Commission or appropriate Selection Board/Committee in the prescribed manner. | Chief Secretary | BS-17 & 18. |
| | ¹ (b) [****] | | |
| | (c) To assign additional charge to the senior most eligible and suitable officer/official against temporary vacant post. | Appointing Authority | Full Powers. |
| 3. | Headquarter:- To determine and declare Headquarter of a civil/ Government Servant. | (i) Administrative Secretary (ii) Head of an Attached Deptt./ Additional Secretary/ Divisional Commissioner/DIG Police/Controlling Officer BS-18/19 | (i) Full Powers (ii) Up to B-16 |
| 4. | Honorarium & Fee/ Remuneration:- (a) To Sanction Honorarium Up to two months only in justified cases to compensate the performance beyond normal working hours & during holidays with the Concurrence of Finance Department. | Administrative Secretary | Full Powers |
| | (b) To sanction undertaking of a work for which a fee is offered. | (i) Administrative Secretary (ii) Head of an Attached Deptt./ Additional Secretary/ Divisional Commissioner/ DIG Police/ Controlling Officer BS-18/19 | (i) Full Powers (ii) Up to Rs.2,000/- |
| | (c) To permit a Government Servant to undertake the writing of books and to receive royalties thereto, | Administrative Secretary | Full Powers. |
| 5. | Implementation of Judgment/ Satisfaction of Court Decree. | Administrative Secretary with concurrence of Finance Department in matter, wherein public finance is involved for due execution of the Judgment/Decree. | Full powers where the Judgment/Decree acquired finality in case of not filing appeal in consultation with Law Department. |
| 6. | Increment:- (a) To allow counting of period spent as extraordinary leave for increments provided leave was obtained on account of illness or any other cause beyond the control of Civil/ Government Servant. | Administrative Secretary | Full powers in consultation of Finance Department. |

¹ Omitted vide Notification No. S&GAD/R/A-4(119)/2008, Part-III dated 27.03.2012.

AJ&K (Civil Services) Delegation of Administrative Powers Rules, 2011

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| | (b) To declare that the service in a lower grade or post shall not count for increment when the degraded Government/ Civil Servant is reinstated. | Administrative Secretary | Full powers. |
| 7. | Leave:- (a) To count former service of a Government/Civil Servant for leave in whole or in part. | Administrative Secretary | Full powers |
| | (b) To permit a Government Servant to accept other employment during leave preparatory to retirement. | Administrative Secretary | Full powers. |
| | (c) To sanction:- (i) all kinds of leave except Study Leave & LPR | (i) Chief Secretary, in favour of Secretaries and Divisional Commissioners. | (i) Full powers. |
| | | (ii) Administrative Secretary in favour of all subordinate officers/staff working in the department. | (ii) Full Powers. |
| | | (iii) Head of an Attached Department/ Additional Secretary/ Divisional Commissioner/ DIG Police/ Controlling Officer BS-19 | (iii) BS-12 to 16 |
| | | (iv) District Officer/ Controlling Officer BS-17/18 | (iv) Up to BS-11 |
| | (ii) Study Leave | (i) Chief Secretary | (i) Full powers in respect of officers BS-17 & above. |
| | | (ii) Administrative Secretary | (ii) In all other cases. |
| | (iii) Leave preparatory to retirement (LPR) | (i) Secretary S&GAD | (i) In case of Head of Attached Departments. |
| | | (ii) Administrative Secretary | (ii) In all other cases. |
| (iv) Casual leave | Immediate officer not below the rank of BS-16 | Full Powers. | |
| 8. | Lien:- To retain or transfer or suspend a lien of Civil/Government Servants. | (i) Chief Secretary. | In respect of:- (i) Administrative Secretary and Head of an Attached Department. |
| | | (ii) Administrative Secretary | (ii) Other officers except those mentioned above. |
| | | (iii) Head of an Attached Deptt/ Additional Secretary/ Divisional Commissioner/ DIG Police/ Controlling Officer BS-18/19 | (iii) Officials Upton BS-15 |
| 9. | Pay and Allowances:- To fix pay and allowance of a Civil/Government Servant reduced in rank as penalty up to maximum of the pay of the lower posts. | Administrative Secretary | Full powers |
| 10. | Pension/Retirement:- (a) Leave encashment as pensionary | (i) Chief Secretary | (i) BS-19 and above |
| | | (ii) Administrative Secretary | (ii) Posts BS 12-18 |

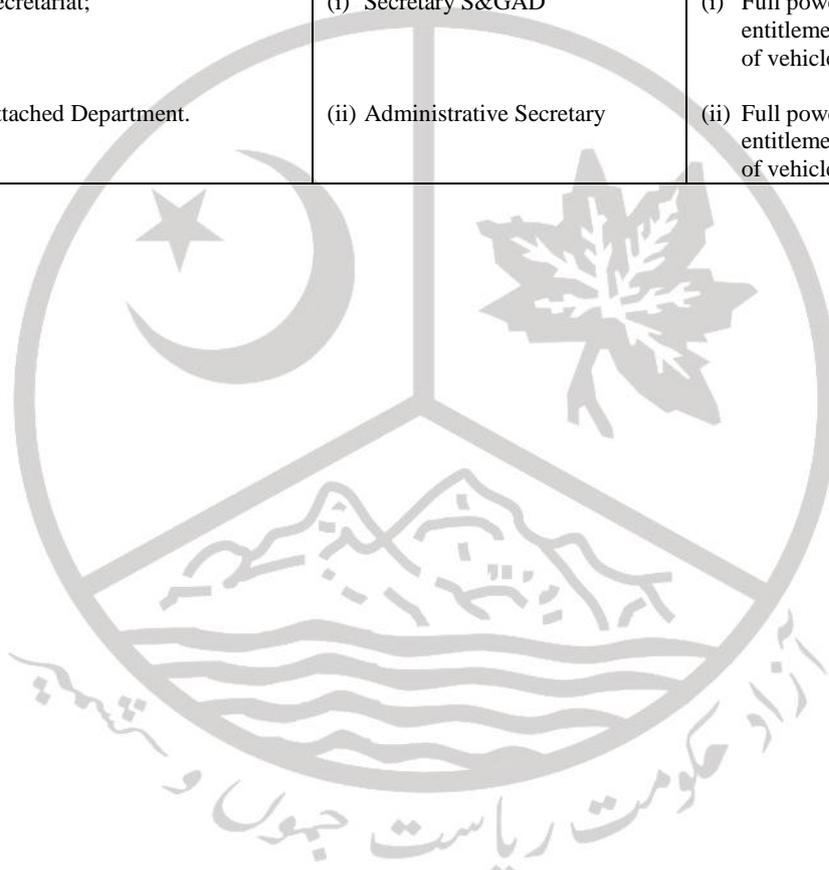
AJ&K (Civil Services) Delegation of Administrative Powers Rules, 2011

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| | benefit. | (iii) Head of an Attached Dept/ Additional Secretary/ Divisional Commissioner/ DIG Police/ Controlling Officer BS-18-19 | (iii) Posts Upton BS-11 |
| | (b) Provisional withholding of pension subject to clearance of Government liabilities. | Administrative Secretary in respect of all subordinate Officers/Officials. | Full powers. |
| | (c) Subject to existing law powers to make an order for retirement of Civil/ Government Servant and sanction all type of pension admissible under rules. | (i) Chief Secretary | (i) In respect of Civil/ Government Servant holding posts of Administrative Secretary/ Head of an Attached Department/Officers of BS-19 and above/ Head of Government owned Corporations/ Autonomous/ semi-Autonomous bodies. |
| | | (ii) Administrative Secretary | (ii) Officers up to BS-18 |
| | | (iii) Head of an Attached Dept./ Additional Secretary/ Divisional Commissioner/ DIG Police/ Controlling Officer BS 18-19. | (iii) Officials up to BS-15 |
| <p>Explanation: Respective appointing authorities of employees of AJK Supreme Court/High Court/Shariat Court shall be competent to sanction pension/retirement, etc.</p> | | | |
| 11. | Seniority: Subject to statutory provisions, powers to determine cadre wise (interim & final) inter-se Seniority of Civil/Government Servants. | Appointing Authority | Full powers |
| 12. | Posting/Transfer:- To make posting/transfer of Civil/Government Servant as per statutory provision and in consonance with policy of the Government issued from time to time. | (i) Chief Secretary | (i) BS-18 in the Civil Secretariat |
| | | (ii) Administrative Secretary | (ii) BS-16-*** [*] |
| | | (iii) Appointing Authority | (iii) Upton BS-15 |
| 13. | Traveling/Daily Allowance:- (a) Advance TA/DA (b) Power to sanction travelling allowance in cases where a suspended Government Servant is required by the suspending authority to make a journey for the purpose of attending a departmental inquiry. (c) To sanction Travelling Allowance for Civil Government Servant summoned by the court in respect of any civil or criminal proceedings in connection with official | (i) Chief Secretary in respect of Administrative Secretary. | (i) Full powers. |
| | | (ii) Administrative Secretary in respect of journey to be under taken by subordinate officers/staff serving in the department. | (ii) Full powers. |
| | | (i) Administrative Secretary | (i) Full powers |

* Omitted vide Notification No. S&GAD/R/A-4(119) 2008, Part-III, dated 27.03.2012.

AJ&K (Civil Services) Delegation of Administrative Powers Rules, 2011

| | | | |
|-----|---|--|--|
| | <p>duties.</p> <p>(d) To grant Travelling Allowance to person not in Government service for attending Commissions of inquiry and performing obligatory functions in an honorary capacity.</p> | <p>(ii) Head of an Attached Dept. / Additional Secretary/ Divisional Commissioner/ DIG Police/ Controlling Officer BS-19</p> <p>Controlling Officers</p> <p>Administrative Secretary</p> | <p>(ii) Upto BS-17</p> <p>Full Powers.</p> <p>Full powers against Budgetary Head.</p> |
| 14. | <p>Powers to allot transport under the transport Policy:-</p> <p>(a) Within Secretariat;</p> <p>(b) For the Attached Department.</p> | <p>(i) Secretary S&GAD</p> <p>(ii) Administrative Secretary</p> | <p>(i) Full powers subject to entitlement and availability of vehicle.</p> <p>(ii) Full powers subject to entitlement and availability of vehicle.</p> |



**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
DELEGATION OF FINANCIAL POWERS RULES, 2011**

“Muzaffarabad”
Dated: 16th May, 2011

NOTIFICATION:

No. FD/R/7724-7823/2011. In exercise of the powers conferred by Section 58, of the Azad Jammu and Kashmir Interim Constitution Act, 1974, and in supersession of all previous rules, orders, instructions, etc. relating to the delegation of powers under the Delegation of Financial Powers Rules, 1994, the President of Azad Jammu and Kashmir is pleased to make the following rules:

1. Short title and Commencement:-

- i). These rules may be called the Azad Jammu and Kashmir Delegation of Financial Powers Rules, 2011.
- ii). These shall come into force at once.

2. Definitions:-

- (1). In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say:-
 - (a) **“Administrative Department”** means a self-contained administrative unit in the Azad Jammu and Kashmir Government Civil Secretariat responsible for the conduct of business of the Government in a distinct and specified sphere. The powers of Administrative Department shall be exercised by the Officers in Schedule-I Part-I.
 - (b) **“Attached Department”** means a department which has direct relation with an Administrative Department and has been declared as such by the Government.
 - (c) **“Additional Chief Secretary”** means Additional Chief Secretary to the Government and includes Additional Chief Secretary (General) and Additional Chief Secretary (Development).
 - (d) **“Audit Officer”** means such Audit Officer as the Auditor General Azad Jammu & Kashmir may, by General or special order, designate in each case.
 - (e) **“Chief Secretary”** mean the Chief Secretary to the Government of Azad Jammu and Kashmir.
 - (f) **“Competent Authority”** in relation to the exercise of any power means the Prime Minister or any authority to whom the power is delegated by or under these rules.
 - (g) **“First Schedule”** and **“Second Schedule”** means respectively the First and the Second Schedules attached to these rules.
 - (h) **“Gazette”** means the official gazette of the Azad Government of the State of Jammu and Kashmir.
 - (i) **“Government”** means the Azad Government of the State of Jammu and Kashmir.
 - (j) **“Head of Department”** means any authority to which the President may, by order

declare to be the Head of Department for the purpose of these rules.

- (k) **“Officers in Category-I”, “Officers in Category-II”, “Officers in Category-III”** and **“Officers in Category-IV”** mean respectively the Officers specified in Part-II, Part-III, Part-IV and Part-V of the First Schedule.
- (l) **“Subordinate Office”** means the Azad Government Office other than an administrative department, or an attached department.
- (m) **“Secretary”** means the Secretary or Acting Secretary to Government, in-charge of an Administrative Department. (Chief Secretary shall be the Secretary to Government so far as establishment is concerned if no other Secretary to the Government in the S&GAD has been so declared as Secretary).

3. Delegation of Powers:-

- (1) The authorities specified in column 3 of the Second Schedule to these rules shall exercise the powers conferred in column 2, to the extent mentioned in column 4 thereof.
- (2) Notwithstanding anything contained in sub-rule (1);
- (a) subject to the superintendence of the Home Department, Inspector General Police may exercise financial powers of an Administrative Department under Part I (Powers common to all departments) of the Second Schedule to these Rules;
- (b) the Senior Member Prime Minister’s Monitoring and Implementation Commission shall exercise the financial powers as of the Administrative Department;
- (c) the Government may, by notification, confer the financial powers of an Administrative Department on any officer;
- (d) the Government may, by notification, confer the financial powers of an officer of a category as mentioned in the First Schedule, to any other officer; and
- (e) the Government may, by notification, confer the special financial powers mentioned in Part -II of the Second Schedule, to any officer.
4. Notwithstanding anything contained in rule 3, the higher authority in a department shall have the same powers as have been delegated to an authority subordinate to it under the said rule. The powers conferred under these rules on a higher authority shall not be in derogation of, but in addition to, the powers of the subordinate authority.
5. The powers delegated under rule 3 shall be exercised subject to any general or specific conditions laid down in the Second Schedule to these Rules or in any other Rules made by the Government.
6. The Azad Jammu and Kashmir Delegation of Financial Powers Rules, 1994, are hereby repealed.

Sd/--
(MUMTAZ AHMED MIR)
Senior Additional Secretary
(Finance)

FIRST SCHEDULE

[See Rule 2(1)(a)(e)]

PART - I

HEADS OF ADMINISTRATIVE DEPARTMENT

1. Chief Justice, Supreme Court, High Court, and Shariat Court.
2. Mohtasib (Ombudsman).
3. Chief Secretary.
4. Chairman Public Service Commission.
5. Additional Chief Secretaries (General/ Development).
6. Senior Member Board of Revenue.
7. Secretaries to the Government.
8. Chairman Service Tribunal.
9. Chief Election Commissioner.
10. Chairman Council of Islamic Ideology.
11. Custodian Evacuee Property.
12. Secretary Legislative Assembly.

PART - II

OFFICERS IN CATEGORY - I

1. All officers of grade BPS-20 in their executive capacity as heads of Office, Division, District or Institution.
2. Divisional Commissioner.
3. Registrar Supreme Court, High Court, Shariat Court.
4. All Heads of Attached Departments.
5. Secretary Election Commission.
6. Election Commissioner Local Bodies.
7. Secretary Public Service Commission.
8. Secretary Ombudsman.
9. Additional Secretaries.
10. District & Session Judges.
11. Principal Postgraduate Colleges.

PART – III

OFFICERS IN CATEGORY – II

1. All Officers in-charge of independent offices in Basic Pay Scale-19 and above not included in Part-II.
2. Deputy Commissioner.
3. Deputy Secretaries.
4. Director of Land Records.
5. Principals of Degree Colleges / Principal of Training Colleges/ Institutes, having grade BPS-19.
6. District Education Officers.
7. Director, Local Funds Audit.
8. Superintendent Police.
9. District Health Officers.
10. Collector Land Acquisition.
11. Medical Superintendent DHQ Hospitals.
12. Principal College of Education Afzalpur.
13. Principal Higher Secondary School having grade BPS-19.

PART – IV

OFFICERS IN CATEGORY – III

1. Officers in-charge of independent offices in Basic Pay Scales-18 and above not included in Part-II.
2. Divisional Forest Officers.
3. Assistant Commissioners.
4. Senior Civil Judges/ Civil Judges.
5. Section Officers
6. Headmasters/ Headmistresses of High Schools.
7. Principal Intermediate Colleges.
8. Assistant Superintendent/ Deputy Superintendent Police.

PART - V

OFFICERS IN CATEGORY - IV

All Drawing and Disbursing Officers other than those specified in Parts I, II and III.

SECOND SCHEDULE
[See Rule 3(1)]
PART-I POWERS COMMON TO ALL DEPARTMENTS

1. **Sanctioning expenditure debitable to the object classification other than purchase/replacement of vehicles/machinery/tools/plants etc. and employees related expenditure**

a) **To sanction expenditure on items specifically shown in the current budget estimates, against detailed objects.**

- | | |
|-------------------------------|---|
| i). Administrative Department | Full Powers |
| ii). Officers in Category-I | Full Powers |
| iii). Officers in Category-II | Each Item not exceeding Rs.0.500 million. |
| iv). Officers in Category-III | Each item not exceeding Rs.0.300 million. |
| v). Officers in Category-IV | Each Item not exceeding Rs.0.150 million. |

Note: These powers are subject to any general or specific conditions mentioned elsewhere in this schedule or any other rules of the Government.

b) **Sanctioning expenditure on local purchase of items as under:**

i). **Local purchase of stationery including Toners, Ribbons and Computer related stationery/ items.**

- | | |
|-------------------------------|--|
| i). Administrative Department | Up to Rs. 0.200 million during the financial year. |
| ii). Officers in Category-I | Up to Rs. 0.100 million during the financial year. |
| iii). Officers in Category-II | Up to Rs. 50,000/- during the financial year. |
| iv). Officers in Category-III | Up to Rs. 20,000/- during the financial year. |
| v). Officers in Category-IV | Up to Rs. 10,000/- during the financial year. |

ii). **Sanctioning expenditure on local purchase/ addition to stores, durable goods, equipments, instruments, typewriters, photostat machines, printers, fax machines, duplicators, computer accessories, motor cycles and commodities (not involving expenditure in foreign exchange).**

- | | |
|-------------------------------|--|
| i). Administrative Department | Up to Rs. 0.500 million during the financial year for one article/ item or class of similar articles of stores/ commodities. |
| ii). Officers in Category-I | Up to Rs. 0.400 million during the financial year for one article/ item or class of similar articles of stores/ commodities. |
| iii). Officers in Category-II | Up to Rs. 0.300 million during the financial year for one article/ item or class of similar articles of stores/ commodities. |
| iv). Officers in Category-III | Up to Rs. 0.100 million during the financial year for one article/ item or class of similar articles of stores/ commodities. |
| v). Officers in Category-IV | Up to Rs.50,000/- during the financial year for one article/ item or class of similar articles of stores/ commodities. |

For procurement purposes, the following procedure shall be adhered to:

- (a) Purchase of stores and stocks valuing 10.000 million shall be referred to Central Purchase Committee for the approval of the cases of purchase.
- (b) Following procedure shall be adopted to regulate the tendering for procurement of stores stock, allotment of work, repair and maintenance of vehicles etc.:

| <u>S. No</u> | <u>Kind of Tender</u> | <u>Monetary Limits</u> |
|--------------|-----------------------|---|
| (i) | Open Tender | Rs. 100,000/- or over by advertisement in national daily newspaper. |

- (ii) Limited Tender Less than Rs. 100,000/-
 (iii) Single Tender up to Rs. 25,000/-
 (c) These powers shall be exercised subject to prescribed rules.
 (d) The concerned departments shall ensure that the tendering process for procurement, allotment of work, repair and maintenance etc. is conducted in a fair, transparent, efficient and economical manner.

- iii). **Powers of sanctioning expenditure on repair of articles of stores etc. mentioned above in Sr. No. 2(b)(ii) above.**
- | | | |
|-------|---------------------------|---------------------------------------|
| i). | Administrative Department | Full Powers |
| ii). | Officers in Category-I | Up to Rs. 0.100 million in each case. |
| iii). | Officers in Category-II | Up to Rs. 20,000/- in each case. |
| iv). | Officers in Category-III | Up to Rs. 15,000/- in each case. |
| v). | Officers in Category-IV | Up to Rs. 10,000/- in each case. |
- iv). **Expenditure on utility charges i.e. Electricity, sui gas, water charges and taxes.**
- | | | |
|-------|---------------------------|-------------|
| i). | Administrative Department | Full Powers |
| ii). | Officers in Category-I | Full Powers |
| iii). | Officers in Category-II | Full Powers |
| iv). | Officers in Category-III | Full Powers |
| v). | Officers in Category-IV | Full Powers |
- v). **Service, Postage, telegraphic charges on Courier Service, Fax, Internet/Email (for official business only), computer services, both customized and licensed, publicity and advertisement and office telephone charges other than those for residential telephone.**
- | | | |
|-------|---------------------------|-------------|
| i). | Administrative Department | Full Powers |
| ii). | Officers in Category-I | Full Powers |
| iii). | Officers in Category-II | Full Powers |
| iv). | Officers in Category-III | Full Powers |
| v). | Officers in Category-IV | Full Powers |

Note-1: Residential telephone charges shall be sanctioned by the Administrative Department and designated officers up to the extent of Official Residential Telephone facility approved by the Services & General Administration Department.

Note-2: Office telephone will be sanctioned by officers in Category-I and residential telephones will be sanctioned by the Services & General Administration Department.

Note-3: In emergencies, like floods, epidemics and earthquake, Officer Category-I will have the powers to sanction installation of residential telephones for Government Officers up to the period of three months.

- vi). **POL including CNG charges (not exceeding the rates announced by the Government).**
- | | | |
|-------|--|--------------|
| i). | Administrative Department | Full powers |
| ii). | Officers in Category-I | Full powers |
| iii). | Officers in Category-II | Full powers |
| iv). | ¹ [Officers in Category III | Full Powers] |

- vii). **Charges for Printing at Private Press other than Government Press.**
- | | | |
|------|---------------------------|---------------------------------------|
| i). | Administrative Department | Full Powers |
| ii). | Officers in Category-I | Up to Rs. 0.100 million in each case. |

¹ Added vide Notification No. FD/ R/ 16893-16992/ 2011 dated 03-11-2011.

- | | |
|-------------------------------|----------------------------------|
| iii). Officers in Category-II | Up to Rs. 50,000/- in each case. |
| iv). Officers in Category-III | Up to Rs. 25,000/- in each case. |
| v). Officers in Category-IV | Up to Rs. 5,000/- in each case. |

Note-1: Administrative Department will be empowered to have printing done at Private Presses up to the value of Rs. 0.100 million and officers in Category I & II will be empowered to get printing done at Private Presses up to the extent of their respective local powers as indicated above without obtaining No Objection Certificate from the Government Printing Press on usual terms & conditions. The Government Printing Press, while getting the work of printing done from the Private Presses, shall follow that prescribed procedure for getting competitive rates from the bidders (Private Printing Press) before entering into rate contract with the lowest successful bidders.

Note-2: Administrative Department and designated officers may exercise full powers to sanction expenditure on printing done at Government Printing Press.

viii). Law Charges.

- | | |
|-------------------------------|----------------------------------|
| i). Administrative Department | Full Powers |
| ii). Officers in Category-I | Up to Rs. 25,000/- in each case. |
| iii). Officers in Category-II | Up to Rs. 10,000/- in each case. |
| iv). Officers in Category-III | Up to Rs. 5,000/- in each case. |
| v). Officers in Category-IV | Up to Rs. 5,000/- in each case. |

Note: Where Law Charges have to be paid in relaxation of rules. Orders of the Government shall be necessary.

ix). Fees to Law Officers.

- | | |
|-------------------------------|--|
| i). Administrative Department | Full powers in accordance with the prescribed scales for payment of fee. |
| ii). Officers in Category-I | Full powers in accordance with the prescribed scales for payment of fee. |
| iii). Officers in Category-II | Full powers in accordance with the prescribed scales for payment of fee. |

x). Fees in connection with departmental examination/ trainings in accordance with the rules.

- | | |
|-------------------------------|---------------------------------|
| i). Administrative Department | Full Powers |
| ii). Officers in Category-I | Full Powers |
| iii). Officers in Category-II | up to Rs. 5,000/- in each case. |
| iv). Officers in Category-III | Up to Rs. 1,000/- in each case. |

xi). Fees in other cases in lieu of service rendered.

- | | |
|-------------------------------|---------------------------------|
| i). Administrative Department | Up to Rs. 5,000/- in each case. |
| ii). Officers in Category-I | Up to Rs. 5,000/- in each case. |
| iii). Officers in Category-II | Up to Rs. 1,000/- in each case. |

xii). Compensation payable to any individual under law/ rules or judgment of Courts.

- | | |
|-------------------------------|----------------------------------|
| i). Administrative Department | Full Powers |
| ii). Officers in Category-I | Full Powers. |
| iii). Officers in Category-II | Up to Rs. 15,000/- in each case. |
| iv). Officers in Category-III | Up to Rs. 2,500/- in each case. |

xiii). Payment of scholarships

- | | |
|-------------------------------|--|
| i). Administrative Department | Full Powers within the number of scholarships sanctioned by the Administrative Department. |
| ii). Officers in Category-I | Full Powers within the number of scholarships sanctioned by the Administrative |

| | | |
|---|-------------------------------|--|
| | | Department. |
| | iii). Officers in Category-II | Full Powers within the number of scholarships sanctioned by the Administrative Department. |
| xiv). To sanction and incur expenditure on purchase of Periodicals and Newspapers (Printed/ Electronic). | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Two Daily Newspapers. |
| | iii). Officers in Category-II | Two Daily Newspapers. |

Note: Administrative Department and Officers in Category-I & II may exercise full powers to sanction expenditure on the purchase of newspapers and periodicals for library in accordance with the scale prescribed by the Government.

| | | |
|---|-------------------------------|---|
| xv). Purchase of books, maps and teaching materials. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |
| | iii). Officers in Category-II | Full Powers |
| | iv). Officers in Category-III | Up to Rs. 25,000/- during the financial year. |
| | v). Officers in Category-IV | Up to Rs. 15,000/- during the financial year. |

Note: Administrative Department and Officers in Category-I to IV may exercise full powers to sanction expenditure on the purchase of Library Books/ Maps as per requirements in accordance with the scale prescribed by the Government.

| | | |
|---|-------------------------------|-------------|
| xvi). Copying and photostat charges. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |
| | iii). Officers in Category-II | Full Powers |
| | iv). Officers in Category-III | Full Powers |
| | v). Officers in Category-IV | Full Powers |

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|--|-------------------------------|--|
| xvii). Hire charges of furniture and tentage etc. | i). Administrative Department | Up to Rs. 50,000/- per annum in each case. |
| | ii). Officers in Category-I | Up to Rs. 25,000/- per annum in each case. |
| | iii). Officers in Category-II | Up to Rs. 10,000/- per annum in each case. |
| | iv). Officers in Category-III | Up to Rs. 5,000/- per annum in each case. |
| | v). Officers in Category-IV | Up to Rs.2,500/-per annum in each case. |

Note: Hiring of furniture should be avoided. Delegations are meant to cover the period till the furniture is purchased.

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| xviii). Expenditure on carriage of records and movable assets/ property of the Government. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |
| | iii). Officers in Category-II | Full Powers |
| | iv). Officers in Category-III | Full Powers |
| | v). Officers in Category-IV | Full Powers |

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|---|-------------------------------|-------------|
| xix). Engagement of contingent paid staff at the rate approved by the competent authority, | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |

| | | |
|--|-------------------------------|---|
| from time to time. | iii). Officers in Category-II | Full Powers |
| Note-1: These powers are subject to the availability of funds. | | |
| Note-2: Subject to amendment from time to time in the limit of monthly wages under the AJ&K Minimum Wages for Unskilled Workers Act, 1975. | | |
| xx). Hot and cold weather charges. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |
| | iii). Officers in Category-II | Full Powers |
| | iv). Officers in Category-III | Full Powers |
| | v). Officers in Category-IV | Full Powers |
| xxi). Charges for remittance of pay and allowances of establishment or stipends to the trainees at Government Training Centers/ Institutes. | i). Administrative Department | Full Powers where such remittances are authorized by rules. |
| | ii). Officers in Category-I | Full Powers where such remittances are authorized by rules. |
| | iii). Officers in Category-II | Full Powers where such remittances are authorized by rules. |
| | iv). Officers in Category-III | Full Powers where such remittances are authorized by rules. |
| | v). Officers in Category-IV | Full Powers where such remittances are authorized by rules. |
| xxii). Freight for movement of Government Property. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |
| | iii). Officers in Category-II | Full Powers |
| | iv). Officers in Category-III | Full Powers |
| | v). Officers in Category-IV | Full Powers |
| xxiii). Expenditure in emergent cases on account of binding work executed locally. | i). Administrative Department | Up to Rs. 10,000/- in each case. |
| | ii). Officers in Category-I | Up to Rs. 10,000/- in each case. |
| | iii). Officers in Category-II | Up to Rs. 5,000/- in each case. |
| | iv). Officers in Category-III | Up to Rs. 2,500/- in each case. |
| | v). Officers in Category-IV | Up to Rs. 1,250/- in each case. |
| xxiv). Contributions & subscriptions in accordance with the rules/ governmental instructions and availability of funds. | Administrative Department | Full powers |
| xxv). Conference, Seminars/ Workshops/ Symposia. | Administrative Department | Up to Rs. 0.100 million during financial year. |
| xxvi). Others (items not mentioned in Sr. 1(b)(i) to (xxv)) | | |
| a. Non-recurring items. | i). Administrative Department | Up to Rs. 0.300 million in each case. |
| | ii). Officers in Category-I | Up to Rs. 0.150 million in each case. |

- iii). Officers in Category-II Up to Rs. 0.100 million in each case.
- iv). Officers in Category-III Up to Rs. 40,000/- in each case.
- v). Officers in Category-IV Up to Rs. 20,000/- in each case.

b. Recurring Items.

- i). Administrative Department Up to Rs. 80,000/- in each case.
- ii). Officers in Category-I Up to Rs. 40,000/- in each case.
- iii). Officers in Category-II Up to Rs. 20,000/- in each case.
- iv). Officers in Category-III Up to Rs. 10,000/- in each case.
- v). Officers in Category-IV Up to Rs. 2,000/- in each case.

Note: No item of expenditure may be sanctioned under Sr. No. 2(a) & (b) and purchased from contingencies on unusual or novel/luxuries items except with the prior approval of Administrative Department.

- 2. **Purchase and replacement of machinery, tools, plants and vehicles including commercial vehicles, Jeeps and Land Rovers.**
 - i). Administrative Department Full Powers
 - ii). Officers in Category-I Full powers

Provided that:

- i. The strength of vehicles in the Department has been sanctioned by the Finance Department and the purchase/ replacement is required for keeping up the sanctioned strength.
- ii. The vehicle, machinery etc. to be replaced has been condemned/ declared surplus by the competent authority.
- iii. The sanctioning authority is satisfied that the work for which the vehicle/ machinery etc. was originally sanctioned has not undergone a substantial reduction making it redundant to replace the vehicle/ machinery etc.
- iv. Minimum distance of two Lac Kilometers for all motor cars, jeeps and motor cycle/ scooter with engine power up to 1600 cc and of two lac and fifty thousand kilometers for all other motor vehicles shall be observed as a uniform criterion for replacement of vehicles.

- 3. **Powers to sanction and incur expenditure on addition to or repairs/ replacement of parts and overhauling etc. of the machinery, tools and plants and motor vehicles subject to the restrictions that:-**
 - i). **The repairs are carried in the Departmental Workshop;**
 - i). Administrative Department Up to Rs.0.200 million or 50% of the un-depreciated book value (cost of purchase) in each case, whichever is less.
 - ii). Officers in Category-I Up to Rs. 0.150 million or 50% of the un-depreciated book value (cost of purchase) in each case, whichever is less.
 - iii). Officers in Category-II Up to Rs. 0.100 million or 25% of the un-depreciated book value (cost of purchase) in each case, whichever is less.
 - iv). Officers in Category-III Up to Rs. 50,000/- or 20% of the un-depreciated book value (cost of purchase) in each case, whichever is less.
 - v). Officers in Category-IV Up to Rs. 30,000/- in each case.
 - ii). **In absence of Govt. workshop, open tenders and quotations may be invited.**
 - iii). **The expenditure is economical with reference to the service period of the tools, plants, machinery and vehicle.**
- 4. **To approve and sanctioning expenditure on rent of non-residential buildings and land.**
 - i). Administrative Department Full Powers
 - ii). Officers in Category-I Full powers
 - iii). Officers in Category-II Up to Rs. 0.100 million per annum in each case
 - iv). Officers in Category-III Up to Rs. 75,000/- per annum in each case.

v). Officers in Category-IV

Up to Rs. 30,000/- per annum in each case.

For Buildings: Subject to the conditions that (i) the accommodation is according to the scale approved by the Government; (ii) the rent does not exceed the tax assessed by the Excise & Taxation Department for the purpose of urban immovable property tax. In case the rent exceeds from the rent assessed by the Excise & Taxation Department, the Administrative Department shall give rent reasonability certificate; (iii) the rent is made on the basis of property tax; and (iv) non-availability certificate is obtained from the Physical Planning and Housing Department.

For Land: Subject to the condition that rent reasonability certificate is given by an officer of the Revenue Department exercising powers of the Collector under Land Revenue Act 1967.

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|----|--|---|---|
| 5. | Cash rewards and incentive bonuses (in cases where grant of rewards or bonuses is permissible under the rules). | i). Administrative Department ii). Officers in Category-I iii). Officers in Category-II | Up to Rs. 25,000/- in each case during the financial year. Up to Rs. 10,000/- in each case during the financial year. Up to Rs. 5,000/- in each case during the financial year. |
| 6. | Grants-in-Aid. | Administrative Department | Full Powers in accordance with the rules. |
| 7. | Powers of Administrative approval (for maintenance and repair works of residential and non-residential buildings chargeable to current budget of the department concerned). | i). Administrative Department ii). Officers in Category-II iii). Officers in Category-III iv). Officers in Category-IV | Full powers Up to Rs. 1.500 million Up to Rs. 1.000 million Up to Rs. 0.500 million |

Note-I: These powers may be exercised by the designated officers in the Line Departments, in respect of maintenance and repair works executed by the Physical Planning and Housing Departments;

Note-II: No administrative approval and technical sanction in the line departments would be required for maintenance and repair works Up to Rs.50,000/- and Institutions may carry out these works on a quarterly basis, if required;

Note-III: Certificate of satisfactory completion of work from the concerned Head of the office / institution requisitioning the execution of work shall be required for final payments and closing of the accounts by the executing agency; and

Note-IV: 10% and 4.5% cushion admissible for original works for technical sanction and acceptance of tender respectively shall not be allowed for maintenance and repair works.

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|----|-----------------------------------|--|----------------------------|
| 8. | Re-appropriation of funds. | i). Administrative Department ii). Officers in Category-I | Full Powers Full Powers |
|----|-----------------------------------|--|----------------------------|

Re-appropriation of funds shall be subject to the following conditions:-

- (1). No re-appropriation will be made from one Grant to another.
- (2). No re-appropriation will be made from the funds allocated for a particular financial year after the expiry of that financial year.
- (3). Re-appropriation will not be made between funds authorized for expenditure charged upon the Consolidated Fund and other expenditure.
- (4). No re-appropriation will be made to meet expenditure not sanctioned by an authority competent to sanction it. (If the authority sanctioning re-appropriation of funds for a particular purpose is authorized to sanction expenditure for that purpose, its order of re-appropriation will operate as sanction for such expenditure also).
- (5). Re-appropriation will not be made to meet expenditure on purposes not contemplated in the Schedule of Authorized Expenditure pertaining to a particular financial year. If funds to meet such expenditure are available under the relevant grant, re-appropriation to meet such expenditure may be made but only after a token sum has been authorized through a Supplementary Grant.
- (6). No re-appropriation will be made to meet expenditure for a purpose the allotment for which was specifically reduced or refused by the Legislative Assembly.
- (7). Re-appropriation will not involve under-taking of recurring liability.
- (8). Re-appropriation will not be made out of lump sum provision.
- (9). No authority subordinate to the one which reduced an allocation will increase such reduced allocation by means of re-appropriation.
- (10). No re-appropriation will be made to or from "Basic Pay of Officers" and "Basic Pay of Staff" and Regular Allowances.
- (11). Re-appropriation will not be made from and to the provisions for secret service expenditure.
- (12). Re-appropriation will not be made so as to divert the provision for specified new items to other purposes.
- (13). Re-appropriation will not be made so as to convert the provision specifically made for expenditure in foreign exchange into expenditure in local currency.

- (14). No re-appropriation will be made from the sub-head "Surrenders or Withdrawals within the Grant".
- (15). No re-appropriation will be made from a unit with intention of restoring the diverted appropriation to that unit when savings become available under other units later in the financial year.
- (16). In the case of expenditure on works:-
- No re-appropriation will be made to meet any expenditure which is likely to involve further outlay in a future financial year.
 - No re-appropriation will be made from or to the units "Major Works", "Minor Works", "Repairs" and "Maintenance and Repairs".
 - No re-appropriation will be made from the allotment for a new original major work to any other work or item or vice versa and
 - Re-appropriation can be made from an original major work in progress only to a work or works of the same category.
- (17). The matters regarding the re-appropriation for development schemes shall remain to be regulated according to Government Order No. Dev-Gen.907-47/77 dated 14-04-1977 and Notification No. Dev/Gen.3913-48/92 dated 22-06-1992 issued from Planning and Development Department.
- (18). No re-appropriation will be made out of the budgetary allocations under "Electricity, POL, Gas and Telephone Charges, Rent, Rates & Taxes" without the prior approval of the Finance Department.
- (19). No re-appropriation will be made from one detailed function to another.

Note: The Chief Justice Supreme Court, High Court and Shariat Court shall have full powers to re-appropriate funds from one head of account to another head of account within the allocated budget of the respective Courts and no additional grants shall be provided in any head during the financial year.

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| 9. Power to declare motor vehicles, T&P, machinery, equipment, spares, stores/ stocks etc., as surplus and/or unserviceable. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Up to the value of Rs. 0.500 million per item. |

Note: - In case of motor vehicles, minimum distance of two hundred thousand kilometers for all motor cars, jeeps and motor cycle/ scooter with engine power up to 1600 cc and of two hundred fifty thousand kilometers for all other motor vehicles shall be observed as a uniform criterion for replacement / declaring of vehicles as surplus.

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| 10. Powers to sell surplus or unserviceable motor vehicles, T&P, machinery, equipment, spares, stores/stocks etc. by auction. | i). Administrative Department | Full Powers. |
| | ii). Officers in Category-I | Up to Rs. 0.200 million at a time. |
| | iii). Officers in Category-II | Up to Rs. 40,000/- at a time. |

Note-1: The amounts indicated above refer to un-depreciated book value (cost of purchase). Further, reserve price for auction of condemned/ surplus/stolen vehicles, machinery, tools/plants and durable goods may be assessed in accordance with yardstick prescribed for the purpose. The powers for sale or auction of vehicles/motors, cars etc shall be exercised subject to the condition that it has covered at least two hundred thousand kilometers distance.

Note-2: Open auction will be held for disposal of condemned / surplus items.

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| 11. Powers to order refund in accordance with the rules or in pursuance of decisions of courts in respect of which no appeal is proposed to be filed. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |
| | iii). Officers in Category-II | Up to Rs. 0.400 million in each case. |
| | iv). Officers in Category-III | Up to Rs. 0.200 million in each case. |

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| 12. Powers to suspend collection of Government dues. | i). Administrative Department | For a period not exceeding one year. |
| | ii). Officers in Category-I | For a period not exceeding 3 months. |

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| 13. Remission of Government dues in accordance with the rules. | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full Powers |

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| 14. To sanction advance to Government Servants for construction/purchase of a house or purchase of | i). Administrative Department | Full Powers |
| | ii). Officers in Category-I | Full powers to sanction the above-stated advances to the Civil Servants to whom |

motor car or any other means of conveyance or purchase of computers.

iii). Officers in Category-II

iv). Officers in Category-III

they are competent to appoint

Full powers to sanction the above-stated advances to the Civil Servants to whom they are competent to appoint.

Full powers to sanction the above-stated advances to the Civil Servants to whom they are competent to appoint.

Note: The above powers are to be exercised subject to the availability of funds and in accordance with the scale of advance prescribed by the Finance Department.

- To write off losses on account of negligence and fraud.** i). Administrative Department Up to Rs. 0.100 million in each case provided an inquiry committee, comprising members from Finance Department, Audit Office and technical expert of the Department, is constituted and inquiry report is sent to the Accountant General and Finance Department.
16. **To write off losses other than those due to negligence and fraud.** i). Administrative Department Up to Rs. 0.500 million in each case provided the Administrative Secretary certifies that responsibility to the loss does not lie on any individual.
ii). Officers in Category-I Up to Rs. 0.100 million in each case provided the Category-I Officer certifies that responsibility to the loss does not lie on any employee of the Government.
17. **Powers to sanction investigation of claims of Government servants to arrears of pay, allowances etc** i). Administrative Department Full Powers in respect of T.A. claims not more than 3 years old and other claims not more than 6 years old.
ii). Officers in Category-I Full Powers in respect of T.A. claims not more than 3 years old and other claims not more than 6 years old.
18. **(a). Leases of Land pertaining to Government buildings.** i). Administrative Department Full Powers subject to leases being openly auctioned for a period not exceeding one year at a time.
(b). Auctioning of service outlet/canteen, leases of fruit trees and sale of grass growing in the compounds of Government Buildings/Land. ii). Officers in Category-I Full Powers subject to leases being openly auctioned for a period not exceeding one year at a time.
iii). Officers in Category-II Full Powers subject to leases being openly auctioned for a period not exceeding one year at a time.
19. **Power to dismantle and sell unserviceable buildings.** i). Administrative Department Up to the value of Rs.1.000 million in each case.
ii). Officers in Category-I Up to the value of Rs.0.750 million in each case.
20. **Power to sanction expenditure on entertainment.** i). Administrative Department Full powers subject to the availability of funds in the sanctioned Budget Estimates.
ii). Head of Attached Department Up to Rs. 20,000/-

SECOND SCHEDULE
[See Rule 3(1)]
PART-II SPECIAL POWERS TO CERTAIN DEPARTMENTS AND OFFICERS

AGRICULTURE DEPARTMENT

Note-1: Wherever the term "Director" is used, it will include all Directors of Agriculture & other officers of the Agriculture Department of equivalent rank and status and In-charge of independent office.

Note-2: Wherever the term "Deputy Director" is used, it will include all Deputy Directors of Agriculture and other officers of the Agriculture Department of equivalent rank and status and in-charge of independent offices.

Note-3: Whenever the term "Assistant Director" is used, it will include all Assistant Directors of Agriculture and other officers of the Agriculture Department of equivalent rank and status and in-charge of independent offices.

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| 1. | To sanction prizes for fruit and agricultural produce competitions. | i). Director General ii). Director iii). Deputy Director | Full Powers. Full Powers Up to Rs. 25,000/- in each case. |
| 2. | To sanction expenditure on the purchase (at fixed rates) of improved seeds and other seed depots commodities, including bags (under Seed Depots Rules) for distribution to the growers. | i). Director ii). Deputy Director iii). Assistant Director | Full Powers Up to Rs. 15,000/- in each case. Up to Rs. 5,000/- in each case. |
| 3. | To sanction expenditure on the purchase of seeds, manures, implements, the insecticides, the bags for general use in the Department. | Director of Agriculture and other Drawing & Disbursing Officer of the Agriculture Department. | Full Powers |
| 4. | To sanction expenditure for purchase of livestock for use at department/ institutions/ organization. | i). Director ii). Deputy Director iii). Other Drawing & Disbursing Officers | Full powers Up to Rs. 25,000 in each case. Up to Rs. 5,000 in each case. |
| 5. | To sanction expenditure on: | i). Director General | Full Powers subject to the conditions that the purchase should be made in accordance with the rules/Prescribed procedure. |
| a) | Purchase of chemicals, equipments and apparatus required for research laboratory, training institutes and other departmental offices. | ii). Director iii). Deputy Director | Full Powers subject to the conditions that the purchase should be made in accordance with the rules/ prescribed procedure. Up to Rs. 50,000/- in each case subject to the conditions that the purchase should be made in accordance with the rules/ prescribed procedure. |
| b) | Purchase of photographic material for publicity works; | iv). Other Drawing & Disbursing Officers | Up to Rs. 20,000/- in each case subject to the conditions that the purchase should be made in accordance with the rules/ prescribed procedure. |
| c) | Purchase of aviation spirit for aerial sprays; | v). Agriculture Engineer | Full powers in respect of items at (e) to (g) subject to the conditions that purchase should be made in accordance with the rules/ prescribed procedure. |
| d) | Purchase of Tarpaulins required for | | |

- department experimental research and seed farms and covers for vehicles;
- e) Purchase of petrol, oil, lubricants and spare parts of vehicles and agricultural machinery and incurring of other expenditure on their general overhauling and repair.
- f) Purchase of tyres and tubes for vehicle and tractors and similar other agricultural machinery.
- g) Building of bodies on trucks.

6. **To sanction expenditure on purchase of earth moving machinery including bulldozers.** Administrative Department Full powers subject to the condition that the prescribed procedure is adopted.

7. **To accord technical sanction to construction of buildings and execute the works themselves.**

| | |
|-------------------------------|---------------------------------------|
| i). Administrative Department | Full Powers |
| ii). Director General | Full Powers |
| iii). Director | Up to Rs. 0.300 million in each case. |
| iv). Deputy Director | Up to Rs. 0.100 million in each case. |

Note: The detailed estimates and supervision will be given/ carried out by the Building Department.

8. **Powers to approve estimates in case of ordinary and special repair of office buildings.**

| | |
|-----------------------|---------------------------------------|
| i). Director General | Full powers |
| ii). Director | Up to Rs. 0.500 million in each case. |
| iii). Deputy Director | Up to Rs. 0.150 million in each case. |

Note: The detailed estimates will be given by the Building Department.

9. **Powers to approve estimates in case of ordinary and special repair to residential buildings for execution of maintenance and repair work.**

| | |
|-----------------------|---------------------------------------|
| i). Director General | Up to Rs. 0.150 million in each case. |
| ii). Director | Up to Rs. 60,000/- in each case. |
| iii). Deputy Director | Up to Rs. 30,000/- in each case. |

Note: The detailed estimates will be given by the Building Department.

10. **Powers to declare surplus and sell agricultural produce and depot commodities.**

| | |
|---|---|
| i). Director General | Full Powers |
| ii). Director/ Deputy Director/ Agriculture Engineer/ Assistant Director if specially nominated by Director General or Director. | Full Powers to sell farm produce by open auction through a committee constituted by Director General/ Director. |

11. **To sanction dismantling and selling unserviceable building constructed out of departmental funds**

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|----------------------|---------------------------------------|
| i). Director General | Full Powers |
| ii). Director | Up to Rs. 0.200 million in each case. |

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|-----|---|--------------------------------------|--|
| | under minor head "Works". | iii). Deputy Director | Up to Rs. 0.100 million in each case. |
| 12. | Powers to accord technical sanction for soil and water conservation works. | i). Director ii). Deputy Director | Full powers Up to Rs. 0.750 million in each case. |

Note: Provided that excess over the amount for which the administrative approval has been accorded does not exceed 10 percent. In case the excess exceeds 10 percent, fresh administrative approval will be required.

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| 13. | To accord technical sanction to estimate for construction of a water course. | i). Administrative Department ii). Director General iii). Director | Full Powers Full Powers Up to Rs. 0.100 million in each case. |
| 14. | To sanction expenditure on purchase of material to be used on works (each Water Course to be considered as an independent work). | i). Administrative Department ii). Director General iii). Director | Full Powers Full Powers Up to Rs. 60,000/- in each case. |
| 15. | Expenditure on carriage and handling of various stock materials. | i). Director ii). Deputy Director | Full Powers Up to Rs. 30,000/- in each case. |
| 16. | To accord technical sanction of estimates for installation of Pressurized Irrigation System (Sprinkler/Drip/ Bubbler, Gates Pipe etc.) | i). Director General ii). Director iii). Deputy Director | Full powers. Up to Rs. 5.000 million. Up to Rs. 2.000 million. |
| 17. | To sanction expenditure on purchase of material to be used for installation of Pressurized Irrigation System (Sprinkler/Drip/Bubbler, Gates Pipes etc.) | i). Director General ii). Director iii). Deputy Director | Full powers Up to Rs. 1.500 million Up to Rs. 1.000 million |

Note: Each site/scheme to be considered as an independent work.

ANTI-CORRUPTION DEPARTMENT

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|----|--|--|--|
| 1. | Grant of rewards admissible under the rules. | i). Administrative Department ii). Director General iii). Director | Up to Rs. 25,000/- in each case. Up to Rs. 20,000/- in each case. Up to Rs. 10,000/- in each case. |
|----|--|--|--|

COMMUNICATION AND WORKS DEPARTMENT

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|----|--|-------------------------------|-------------|
| 1. | Technical Sanction:- | i). Administrative Department | Full Powers |
| | a) In the case of original works. | ii). Chief Engineer | Full Powers |

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|-------|-------------------------|---|
| iii). | Superintending Engineer | Up to Rs. 30.000 million both for Highways and Buildings. |
| iv). | Executive Engineer | Up to Rs. 7.500 million both for Highways and Buildings. |

Note:-The powers under Sr. No. 1(a) are subject to the condition that the excess over the amount for which the administrative approval has been accorded does not exceed 10 percent. In case the excess exceeds 10 percent fresh administrative approval will be required.

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|---|-------|---------------------------|---|
| b) In the case of Ordinary and Special Repairs (Non-residential buildings, machinery and equipment). | i). | Administrative Department | Full Powers |
| | ii). | Chief Engineer | Full Powers |
| | iii). | Superintending Engineer | Up to Rs. 1.500 million in each case. |
| | iv). | Executive Engineer | Up to Rs. 0.300 million in each case. |
| c) Powers for ordinary and special repairs to Residential Buildings. | i). | Administrative Department | Full powers |
| | ii). | Chief Engineer | Up to Rs. 0.150 million in case of each building during a year. |
| | iii). | Superintending Engineer | Up to Rs. 60,000/- in case of each building during a year. |
| | iv). | Executive Engineer | Up to Rs. 30,000/- in case of each building during a year. |
| d) In case of ordinary and special repairs to roads. | i). | Chief Engineer | Full powers |
| | ii). | Superintending Engineer | Up to Rs. 2.000 million in each case. |
| | iii). | Executive Engineer | Up to Rs. 0.500 million in each case. |

2. **Acceptance of tenders.**

a) Original Works.

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|-------|---------------------------|---|
| i). | Administrative Department | Full powers |
| ii). | Chief Engineer | Full powers |
| iii). | Superintending Engineer | Powers equal to value of the Technical Sanction for such works. |
| iv). | Executive Engineer | Powers equal to value of the Technical Sanction for such works. |

These powers are subject to the conditions that:-

- i). the normal procedure laid down for invitation of tenders is followed,
- ii). the rates quoted and/ or amounts tendered are such that the total cost of project/ work will not exceed, the amount for which technical sanction (Work out lay only) has been accorded, by more than 4.5%.
- iii). Where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted reasons should be recorded and further approval should be obtained from; (a) the Chief Engineers for tenders up to the value of Rs. 1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs. 1.000 million, but not more than Rs. 2.000 million; and (c) the Finance Department if the value of the tender exceeds Rs. 2.000 million.

b) Maintenance & Repair:

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|--|-------|---------------------------|--|
| i). In the case of Ordinary and Special Repairs (Non-residential buildings, machinery and equipment). | i). | Administrative Department | Full powers |
| | ii). | Chief Engineer | Full powers |
| | iii). | Superintending Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |
| | iv). | Executive Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |
| ii). In case of ordinary and special repairs to Residential Buildings. | i). | Administrative Department | Full powers |
| | ii). | Chief Engineer | Powers equal to the powers for the grant of Technical Sanction of ordinary and special repairs to non-residential buildings viz Full Powers. |
| | iii). | Superintending Engineer | Powers equal to the powers for the grant of Technical Sanction of ordinary and |

special repairs to non-residential buildings viz up to Rs. 1.500 million in each case.

iv). Executive Engineer

Powers equal to the powers for the grant of Technical Sanction of ordinary and special repairs to non-residential buildings viz up to Rs.0.300 million in each case.

iii). In case of ordinary and special repairs to roads.

i). Chief Engineer

Full powers

ii). Superintending Engineer

Powers equal to the powers for the grant of Technical Sanction for such works.

iii). Executive Engineer

Powers equal to the powers for the grant of Technical Sanction for such works.

These powers are subject to the conditions that:-

i). the normal procedure laid down for invitation of tenders is followed;

ii). the rates quoted and/ or amounts tendered are such that the total cost of project/ work will not exceed, the amount of technically sanctioned estimates; and

iii). Where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted reasons should be recorded and further approval should be obtained from; (a) the Chief Engineers for tenders up to the value of Rs.1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs.1.000 million, but not more than Rs.2.000 million; and (c) the Finance Department if the value of the tender exceeds Rs. 2.000 million.

3. To sanction employment of work charged

establishment subject to the condition that:-

a) Provision exists in the sanctioned estimates.

b) The power is exercised only when the order to commence the work has been received.

c) The monthly wages allowed do not exceed the emoluments including allowances admissible to regular establishment of the same category.

d) Method of recruitment Terms and Conditions prescribed in the preface of schedule of Wages Rates shall be followed.

i). Administrative Department

Full powers

ii). Chief Engineer

Full powers

iii). Superintending Engineer

On salaries up to Rs.7,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.

iv). Executive Engineer

On salaries up to Rs.6,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.

4. Power to sanction fixation of stock limits of various Divisions.

i). Administrative Department

Full powers including powers to decrease any stock limits temporarily or permanently.

ii). Chief Engineer

Full powers including powers to decrease any stock limits temporarily or permanently.

5. Powers to sanction Tools and plants, ordinary and special.

ORDINARY

i). Administrative Department

Up to Rs. 1.000 million in each case.

ii). Chief Engineer

Up to Rs. 0.500 million in each case.

iii). Superintending Engineer

Up to Rs. 0.150 million in each case.

iv). Executive Engineer

Up to Rs. 0.050 million in each case.

SPECIAL

Up to Rs. 2.000 million in each case.

i). Administrative Department

Up to Rs. 1.000 million in each case.

ii). Chief Engineer

Up to Rs. 0.200 million in each case.

iii). Superintending Engineer

Up to Rs. 0.100 million in each case.

iv). Executive Engineer

Up to Rs. 0.100 million in each case.

| | | | |
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| 6. | Powers to sanction repairs and carriage of Tools and Plants. | i). Administrative Department ii). Chief Engineer iii). Superintending Engineer iv). Executive Engineer | Up to Rs. 0.500 million in each case. Up to Rs. 0.300 million in each case. Up to Rs. 0.100 million in each case. Up to Rs. 50,000/- in each case. |
| 7. | Payment of compensation under the Workmen Compensation Act. | i). Administrative Department ii). Chief Engineer iii). Superintending Engineer | Full powers to the amount admissible under the Act, provided that the payment in each case is pre-audited and all cases in which there is a doubt as to the applicability of the Act, are referred to the Chief Engineer for obtaining legal advice. |
| 8. | Administrative approval for Works (Major and Minor Works). | Superintending Engineer | Up to Rs. 1.500 million in each case |
| Note-1: These powers shall be subject to the conditions that:- | | | |
| a) No expenditure shall be incurred on a scheme unless necessary provision for such expenditure exists in the Development Budget or the Non-Development Budget of that year, as the case may be and | | | |
| b) In case of Development Scheme, copies thereof shall be sent to the Planning and Development Department and the Finance Department for their record. | | | |
| Note-2: The scheme involving new posts shall be got cleared from the Finance Department. | | | |
| 9. | Lease of surplus buildings. | i). Administrative Department ii). Chief Engineer iii). Superintending Engineer | Full powers for a period not exceeding one year after obtaining competitive offer. Full powers for a period not exceeding one year after obtaining competitive offer. Full powers for a period not exceeding one year after obtaining competitive offer. |
| 10. | a) Leases of land along Highways for petrol pumps at the prescribed rates. | i). Administrative Department | Full powers for a period of 3 years. |
| Subject to the conditions that:- | | | |
| i). The site is approved by the concerned Site Selection Committee. | | | |
| ii). The land is under the control of the Communications and Works Department. | | | |
| iii). The relevant Oil Company certifies that no Government dues are in arrears from it on account of petrol pumps constructed on Government/ Private land along Highways. | | | |
| iv). Lease agreement shall be signed. | | | |
| 10. | b) Renewal of leases for petrol pumps along Highways at the prescribed rates. | i). Administrative Department ii). Chief Engineer iii). Superintending Engineer | Full powers for a period of 3 years subject to the conditions as mentioned at 10(a). Full powers for a period of 3 years subject to the conditions as mentioned at 10(a). Full powers for a period of one year Subject to the conditions as at 10(a). |
| 11. | Leases of land along Highways for approach to industrial units, mills, factories, grid stations of WAPDA, private houses and other similar premises. | Chief Engineer Highways | Full powers at the prescribed rates. The rate shall be reviewed by the Administrative Department in consultation with the Finance Department |

after every two years

12. **To issue work orders for works & repair.**
- i). Executive Engineer Up to Rs. 50,000/- in each case
 - ii). Sub-Divisional Officer Up to Rs. 20,000/- in each case.
13. **To divert provision for contingencies of a sanctioned estimate for purchase of new items, provision for which could not be made in the original estimates, e.g. stationery surveying equipment, testing instruments, computers, printers, plotters and scientific drawing instruments required for the preparation of estimates, furniture and equipment for site office, etc. for the same work/estimates.**
- i). Superintending Engineer Full powers
 - ii). Executive Engineer Up to Rs. 25,000/- in each case.

Provided that:

- i). Expenditure on survey of scientific drawing testing instruments and computers, printers and plotters does not exceed 1% of the approved estimates;
 - ii). Diversion would not be for the purchase of vehicles or for the construction of residential or office accommodation other than the site office for the same work/project; and
 - iii). Diversion would not be for acceptance of tender in any case.
14. **To divert provision for contingencies of a sanctioned estimate for meeting expenditure on minor additions to the work and for repairs necessary for the execution/ completion of the work.**
- i). Superintending Engineer Full powers.
 - ii). Executive Engineer Up to Rs. 25,000/- in each case.
15. **To sanction sale of trees whether standing or fallen, green or dead by public auction.**
- i). Superintending Engineer Full powers.
 - ii). Executive Engineer Up to Rs.10,000/- during the financial year.

EDUCATION DEPARTMENT

1. **Purchase of scientific equipments and apparatus, furniture, instruments and teaching material.**
- i). Administrative Department Full powers
 - ii). Director, Public Instructions Rs. 0.100 million in each case.
 - iii). Divisional Directors of Education Rs. 50,000/- in each case.
 - iv). Director Curriculum Research Rs. 50,000/- in each case.
 - v). Director Technical Education Rs. 50,000/- in each case.
 - vi). Principals of Degree & Intermediate Colleges, Training Colleges, Higher Secondary Schools, Agro-technical Center and Education Extension Centers, Rs. 50,000/- in each case.

Head Masters/ Head Mistresses of High Schools, Principal Govt. Technical Teachers Training Colleges).

- vii). District Education Officer Rs. 50,000/- in each case.
viii). All other Drawing & Disbursing Officers under DPI and Divisional Director of Education. Rs. 25,000/- in each case.

Note: These powers shall be exercised with the concurrence of the Purchase Committee constituted by the Education Department.

2. **Payment of Scholarships.** Administrative Department Full powers subject to budget provision to determine the number of scholarships. The scholarships to be paid in accordance with the existing rules.
3. **Award of Scholarship to individual scholars within the number sanctioned by the Administrative Department.** i). District Education Officer Award of Primary/ Middle Schools Scholarships tenable in Primary and Secondary classes.
ii). Divisional Director of Education. Award of other Scholarships above the level of Middle Schools Scholarships.
4. **i). To give technical sanction to the estimates for expenditure on painting and replacement of glass panes of doors and windows of educational institutions other than Polytechnic Institutes and acceptance of tenders thereof.** i). Administrative Department Full powers
ii). Director Education Up to Rs. 15,000/- in each case.
iii). District Education Officer/ Principal of Colleges & Higher Secondary Schools/ Director, Educational Extension Center, Principal Agro-technical Center. Up to Rs. 7,500/- in each case.
iv). Head Master of High Schools Up to Rs. 10,000/- in each case.
- ii). Annual/ special repairs of buildings of Polytechnic Institutes.** i). Administrative Department Full powers
ii). Director of Technical Education Up to Rs. 15,000/- in each case.
iii). Principal of Poly-technical Institutes Up to Rs. 7,500/- in each case.
- iii). Technical sanction for ordinary and special repairs of non-residential buildings.** i). Superintending Engineer Rs. 1.000 million in each case.
ii). Executive Engineer Rs. 0.500 million in each case.
- Note:** However, the powers of technical sanction and acceptance of tender in the above cited offices shall be exercised in the prescribed manner.
5. **Grant-in-Aid** i). Administrative Department Full powers in accordance with the rules.
ii). Director of Education Full powers in accordance with the rules.
6. **Leases of land belonging to Education Department in forest area and not borne on the books of the Forest or any other department, by** i). Administrative Department/ Director, Public Instructions Full powers subject to rules and policy laid down.

auction.

FOOD DEPARTMENT

1. i). **Powers to accept tenders in respect of transportation, handling and labour charges (including charges for loading, unloading, stocking, un-stocking, weighing, up-gradation/sieving for the purposes of exports or supply to an International Agency, sieving if required on account of infestation etc) of Government stocks.**
- | | |
|--------------------------------|--|
| i). Administrative Department | Full powers:- provided the prescribed procedure for invitation of tenders is followed. |
| ii). Director Food | Full powers:- provided the prescribed procedure for invitation of tenders is followed. |
| iii). Additional Director Food | Full powers:- provided the prescribed procedure for invitation of tenders is followed. |
- ii). **Powers to accept quotations in respect of transportation of Govt. stocks and labour, handling and labour activity (including charges for loading, unloading, stocking, un-stocking, weighing, up-gradation/sieving for the purposes of exports or supply to an International Agency, sieving if required on account of infestation etc) in cases where tenders have been invited but no response is received.**
- | | |
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| i). Administrative Department | Full powers |
| ii). Director Food | Full powers |
| iii). Additional Director Food | Up to Rs. 0.100 million for each storage centre subject to approval by the Director Food. |
- Note-1:** For transportation of stocks between places connected by rail and where rail transport is cheaper than road transport these powers shall be exercised only in case where railway wagons are not available.
- Note-2:**
- i). In case of emergency the Administrative Department, may accept quotations for the transportation of stocks without going through the prescribed procedure of inviting tenders;
- ii). In case of sieving on account of infestation responsibility for negligence and action thereof shall be fixed / initiated; and
- iii). In case of emergency declared by the Administrative Department, Deputy Director Food In-charge of the Region may accept quotation for transportation, handling, sieving/ up-gradation of wheat for export purposes, sieving for removal of infestation and labour charges (including loading, un-loading stocking, un-stocking weighing etc) up to Rs.1.000 million at a time without going through the prescribed procedure of inviting tenders. Provided further that the Director Food shall be required to submit a proposal to the Administrative Department to seek declaration of any such emergency.
- iii). **Powers to accept quotations in respect of handling and labour charges (including charges for loading, unloading, weighing etc) of Government stocks in cases where tenders have been invited but no response is received.**
- | | |
|-------------------------------|---------------------------------------|
| i). Administrative Department | Full powers |
| ii). Director Food | Up to Rs. 0.150 million in each case. |
| iii). Deputy Director Food | Up to Rs. 75,000/- in each case. |
| iv). District Food Controller | Up to Rs. 50,000/- in each case. |
2. **To write off losses on account of shortage enroute or in storage due to dryage, weevil and other similar causes e.g. damage due to heating excessive moisture left in bags destruction by insects other than weevils destruction by rodents**
- | | |
|--|--|
| a) For stock stored house type godowns/ bins/ ganjies over one year. | |
| i). Administrative Department | Up to 0.50% of the total stock in a unit/ ganji subject to maximum value of Rs. 0.150 million. |
| ii). Director Food | Up to 0.30% of the total stock in a unit/ ganji subject to maximum value of Rs. 0.100 |

difference in weight due to variation in scales.

- iii). Deputy Director Food Incharge of Region million.
Up to 0.20% of the total stock in a unit/ ganji subject to maximum value of Rs. 52,500/-.

Note: The above powers are subject to the condition that the handling staff is proceeded against under the Removal from Service Special Power Act 2001.

- b) Enroute/ transit losses of Government stocks duly verified by the dispatching end staff/ officer nominated by the competent authority for verification at the spot:
- i). Administrative Department Up to Rs.0.150 million in each case.
 - ii). Director Food Up to Rs. 75,000/- in each case.
 - iii). Deputy Director Up to Rs. 37,500/- in each case.

Provided the total weight of the consignment is not less than one thousand tons.

3. **Power to sanction transfer of stocks.**
- i). Administrative Department Full powers
 - ii). Director Food. Full powers within the State.
 - iii). Deputy Director Full powers within their respective jurisdiction.
 - iv). Assistant Director Full powers within their respective jurisdiction.
4. **Powers to purchase gunny bags, fumigants, tarpaulins, weighing scales, etc.**
- i). Administrative Department Full powers
 - ii). Director Food Up to Rs. 0.100 million
 - iii). Deputy Director Up to Rs. 75,000/- according to the prescribed procedure.
5. **Powers to release of forfeited securities of food grains agents.**
- i). Administrative Department Full powers
 - ii). Director Food Up to Rs. 0.100 million
6. **Powers to fix the sale price of Flour (Atta), allied commodities and by products.**
- i). Administrative Department Full powers
 - ii). Director Food Full powers

WILDLIFE & FISHERIES DEPARTMENT

1. **Power to fix rates for disposal of fish seed.**
- i). Administrative Department Full powers to determine rates at which fish caught on Government account may be sold.
 - ii). Director

Note: The Administrative Department will ensure that rates so fixed are not below market rates.

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|----|---|---|---|
| 2. | To sanction expenditure on purchase of fish seed, manure, fishing implements and breed fish, etc. | (i) Administrative Department (ii) Director (iii) Deputy Director, (iv) Assistant Director | Full Powers Up to Rs. 0.100 million in each item. Up to Rs. 30,000/- in a year Up to Rs 20,000/- in a year |
| 3. | To sanction expenditure on purchase of chemicals, equipment and apparatus required at Research Stations, Hatcheries, Nurseries and Training Centers. | (i) Administrative Department (ii) Director | Full Powers Up to Rs. 0.150 million in a year |
| 4. | To accept tenders of fishing on share basis from government farms and other public waters reserved for departmental operations. | i). Administrative Department | Full Powers |
| 5. | Lease of land for grazing of cattle or cultivation of fruit trees in fisheries project areas. | i). Administrative Department | Full Powers by open auction or tenders for one year |
| 6. | Sale of trees and other products in fisheries project areas. | i). Administrative Department | Full Powers by open auction or tenders for a period of one year. |
| 7. | To approve highest bid of fishing leases in open auction. | i). Administrative Department ii). Deputy Director, Fisheries iii). Assistant Director, Fisheries | Full Powers Up to Rs. 0.100 million each case Up to Rs. 50,000/- in each case. |

These powers are subject to the condition that the highest bid is more than 10% of the last auction or average bid of last 3 years, whichever is more. Provided further that the highest bid of those water areas which do not fulfill the above criteria would be approved by the Administrative Department on the recommendations of the Special Committee comprising. Director General (Convener), Finance Department and Administrative Department.

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|----|----------------------------------|---------------------------|-------------|
| 8. | To auction fishing rights | Administrative Department | Full Powers |
|----|----------------------------------|---------------------------|-------------|

Subject to condition that open auction is held by the Auction Committee as under: -

Auction Committee

- | | | |
|-------|---|-------------------|
| i). | Director Wildlife and Fisheries | Chairman |
| ii). | Deputy Secretary Finance | Member |
| iii). | Deputy Secretary Wildlife and Fisheries | Member/ Secretary |
| iv). | Deputy Director Wildlife and Fisheries | Member |

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|-----|---|---------------------------|--|
| 9. | To write off the mortality of fish fry during artificial fish breeding at hatcheries/ nurseries. | Administrative Department | Up to Rs.0.500 million on the recommendations of Administrative Department Fisheries after investigation/ enquiry. |
| 10. | Renting out departmental accommodation to the departmental contractors during the period of | Administrative Department | Full Powers on competitive rates. |

contract.

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| 11. | Cutting/ pruning/ disposal of green trees for better management of departmental installations and for the development projects. | (i) Director | Full Powers on competitive rates. |
| 12. | Approval of disposal of under size fish i.e. less than one kilogram caught during netting of Government Water bodies and sold through open auction. | (i) Director | Up to Rs. 50,000/- during the year |
| 13. | Excavation of new ponds or repair of ponds. | (i) Administrative Department (ii) Director | Full powers Up to Rs. 50,000/- in each case. |
| 14. | To sanction dismantling and selling unserviceable buildings, tanks and other civil work constructed out of departmental funds under minor head "Works" | (i) Administrative Department (ii) Deputy Director (iii) Assistant Director | Rs. 0.100 million Rs. 50,000/- Rs. 25,000/- |
| 15. | Power to accord technical sanctions in respect of works chargeable to preservation of wildlife and control of hunting in development & non development budget. | | |
| | a) For original work | (i) Administrative Department (ii) Director Wildlife (iii) Deputy Director wildlife | Full Powers 0.500 million 0.100 million |
| | | | Provided that excess over the amount for which Administrative approval has been accorded does not exceed 10% (in case the excess exceeds 10% fresh administrative approval will be required. |
| | b) For special and ordinary repairs including replacement/ renewal of existing work/ structure. | (i) Administrative Department (ii) Director Wildlife (iii) Deputy Director Wild Life | Full Powers Up to Rs. 50,000/- in each case. Up to Rs. 25,000/- in each case |
| 16. | Power to sanction purchase of feed for animals/ birds chemicals, medicines, baits, cartridges and other materials. | (i) Administrative Department (ii) Director Wildlife (iii) Deputy Director Wildlife | Full powers Full Powers Up to Rs. 50,000/- each time for the items and the rates approved by the Administrative Department. |
| 17. | To sanction all usual payments on sowing, planting afforestation, under "preservation of Wildlife & control of Hunting". | (i) Administrative Department (ii) Director Wildlife (iii) Deputy Director Wildlife | Full Powers Full Powers Full powers |
| 18. | To sanction sale of livestock/ wildlife/ species and its products. | (i) Administrative Department (ii) Director Wildlife | Full Powers Full Powers |

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| 19. | Powers to write off losses of wild animals/ birds and other exhibits due to natural causes other than negligence or fraud. | Administrative Department | Full Powers on the recommendations of Director Wildlife after investigation/ enquiry in the prescribed manner and the report shall be sent to Finance Department and Audit. |
| 20. | Powers to write off irrecoverable wildlife revenue. | Administrative Department | Up to Rs.1.000 million on the recommendations of Director Wildlife after investigation/ enquiry in the prescribed manner and the report shall be sent to Finance Department and |
| 21. | Powers to sanction culling of crippled, aged and disabled animals/ birds etc. | Administrative Department | Full Powers after investigation/ enquiry in the prescribed manner and the report shall be sent to Finance Department and Audit. |
| 22. | Lease of premises for Canteens, Cycle Stands, Car Parking, Jhoolas and Fruit Trees etc. | (i) Administrative Department | Full Powers at competitive rates. |
| 23. | Purchase of Livestock and Wildlife species. | Director Wildlife | Full powers |
| 24. | Supply of wildlife free or at favorable rates for special purposes of public utility/ scientific purposes. | (i) Administrative Department | Full powers |
| | | (ii) Director Wildlife | Rs. 0.100 million. |
| 25. | Acceptance of tenders for the works of development of wildlife and construction of buildings, quarters, cages, enclosures and breeding farms. | (i) Administrative Department | Rs. 2.500 million |
| | | (ii) Director Wildlife | Rs. 5.000 million |
| | | | These powers are subject to the conditions that: |
| | | | i). The normal procedure laid down for invitation of tenders is followed. |
| | | | ii). The rates quoted and/ or amounts tendered are such that the total cost of the project/ work will not exceed the amount for which technical sanction has been accorded by more than 4.5%. |
| | | | iii). Where competitive tenders are invited under the rules in case the lowest tender from an approved contractor is not accepted, reason should be recorded and further approval should be obtained from (a) the Administrative Department if the value of the tender is up to Rs.20 lac and (b) the Finance Department if the value of the tender is more than Rs. 20 lac. |
| 26. | Powers to sanction rewards for destruction of verminous. | (i) Director Wildlife | Full powers according to the scale prescribed by the Government. |
| | | (ii) Deputy Director Wildlife | Full powers according to the scale prescribed by the Government. |
| 27. | To grant cash rewards for informers other than Government servants who are instrumental in detecting and bringing notice breaches, contraventions and infringements of the rules and give useful and correct information. | (i) Director Wildlife | Full powers in accordance with the rules. |
| | | (ii) Deputy Director Wildlife | Full powers in accordance with the rules. |
| 28. | Fixing of prices for the sale of wild animals, produce and by products. | Director Wildlife | Full powers |

FOREST DEPARTMENT

| | | | |
|-----|--|---------------------------------|--|
| 1. | Powers to sanction employment of work charged establishment subject to the conditions that: - | | |
| (a) | Provision exists in the sanctioned estimates; | i) Administrative Department | Full Powers |
| (b) | the power is exercised only when the order to commence the work has been received; | ii) Chief Conservator of Forest | Full Powers |
| (c) | the monthly wages allowed do not exceed the | Conservator of Forest | On salaries up to Rs. 7,000/- per mensem or prescribed from time to time under the |

- emoluments including allowances admissible to regular establishment of the same category;
- (d) method for recruitment terms and conditions prescribed in the preface of schedule of Wage Rates shall be followed; and
- (e) duration of seasonal posts does not exceed six months.

provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.

On salaries up to Rs. 6,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.

2. Power of technical sanction in respect of works chargeable in "51700" Forestry construction works in the Development and non-development budgets

- | | | |
|--|-----------------------------------|-----------------------------------|
| (a) For original works | (i) Administrative Department | Full Powers |
| | (ii) Chief Conservator of Forests | Up to 5.000 million in each case. |
| | (iii) Conservator of Forest | Up to 1.500 million in each case |
| | (iv) Divisional Forest Officers | Up to 0.100 million in each case |
| (b) For special and ordinary repairs including replacements and renewal of existing works. | (i) Administrative Department | Full Powers |
| | (ii) Chief Conservator of Forests | Up to 0.250 million in each case |
| | (iii) Conservator of Forest. | Up to 0.150 million in each case |
| | (iv) Divisional Forest Officers | Up to Rs. 50,000/- in each case |

3. Power to enter into Forest contracts (for disposal of forest produce) and to fix the terms of the contracts.

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|-----------------------------------|-----------------------------------|
| (i) Administrative Department | Full Powers |
| (ii) Chief Conservator of Forests | Up to 5.000 million in each case |
| (iii) Conservator of Forest. | Up to 1.500 million in each case. |
| (iv) Divisional Forest Officers | Up to 0.200 million in each case. |

Note: The Powers shall be exercised subject to the condition that open auction takes place or tenders are invited and the highest bid or offer is accepted.

4. (a) Sale of Forest produce to Government Departments, Autonomous Bodies/ Institutions.

- | | |
|---------------------------------|--|
| (i) Chief Conservator | Full Powers at the rates obtained in the last auction or at average rate of last 4 auctions whichever is higher. |
| (ii) Conservator of Forest | Full Powers at the rates obtained in the last auction or at average rate of last 4 auctions whichever is higher. |
| (iii) Divisional Forest Officer | Up to Rs. 50,000/- per contract |

(b) Sale of minor forest produce, e.g. seed, stamps, grazing, grass. Kerries, brushwood, etc. at fixed rates.

- | | |
|----------------------------------|-------------|
| (i) Chief Conservator of Forests | Full Powers |
| (ii) Conservator of Forest | Full Powers |

5. Powers to sanction expenditure on tools and plants and tents for various forest works at rest house and purchase of office furniture.

- | | |
|----------------------------------|---------------------------------------|
| (i) Administrative Department | Up to Rs. 1.250 million in each case |
| (ii) Chief Conservator of Forest | Up to Rs. 0.600 million in each case. |
| (iii) Conservators of Forest | Up to Rs. 0.200 million in each case. |
| (iv) Divisional Forests Officers | Up to Rs. 50,000/- in each case. |

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|-----|---|--|--|
| 6. | Power to sanction purchase of feed/ ration for animals/ birds, chemicals medicines and other materials etc. | (i) Chief Conservator of Forest (ii) Conservators of Forest (iii) Divisional Forest Officers | Full Powers Up to Rs. 0.100 million at a time at competitive rates. Up to Rs. 50,000/- at a time at competitive rates. |
| 7. | Power to sanction all usual payments on sowing or planting etc. under "51700" Forestry Works/ Operations in development and non-development budget . | (i) Chief Conservator of Forest (ii) Conservators of Forest (iii) Divisional Forests Officers | Full Powers Full Powers Full Powers |
| 8. | Lease of land in Forests areas. | (i) Chief Conservator of Forest (ii) Conservators of Forest (iii) Divisional Forests Officers | Full powers by auction or tenders Up to 5 years for irrigated lands and up to 15 years for Barani Lands. By auction or tenders for one year By auction or tenders up to 50 acres in each case for one year. |
| 9. | Powers to sanction special grant of timber or other forests produce free or at favourable rates for special purposes of public utility. | (i) Administrative Department (ii) Chief conservator of Forests (iii) Conservators of Forests | Up to Rs. 0.050 million during a financial year. Up to Rs. 30,000/- during a financial year. Up to Rs. 20,000/- during a financial year. |
| 10. | Powers regarding acceptance of tenders for forest work (or civil works of Forest Department such as construction of buildings and conservancy work etc.) | (i) Administrative Department (ii) Chief Conservator of Forests (iii) Conservator Forests (iv) Divisional Forest Officers | Equal to the powers for the grant of Technical Sanction. Equal to the powers for the grant of Technical Sanction. Equal to the powers for the grant of Technical Sanction. Equal to the powers for the grant of Technical Powers. |

These powers are subject to the conditions that: -

- (i) The normal procedure laid down for invitation of tenders is followed;
- (ii) the rates quoted and/ or amounts tendered are such that the total cost of the project/ work will not exceed the amount for which technical sanction has been accorded by more than 4.5%; and
- (iii) where competitive tenders are invited under the rules, in case the lowest tender from an approved contractor is not accepted, reasons should be recorded and further approval should be obtained from (a) the Chief Conservator of Forest for tenders up to the value of Rs. 1.000 million; (b) the Administrative Department if the value of the tender is more than Rs. 1.000 million but not more than Rs. 2.000 million; and (c) the Finance Department if the value of the tender is more than Rs. 2.000 million.

| | | | |
|-----|--|--|--|
| 11. | To sanction leases for specific purposes such as Mills, timber depots, etc. | (i) Administrative Department (ii) Chief Conservator of Forests | Full Powers Up to Rs.50,000/- per month |
| 12. | To sanction sale and purchase of livestock/ wildlife and its products in open auction. | (i) Administrative Department (ii) Chief Conservator of Forests (iii) Conservator of Forests (iv) Divisional Forest Officer | Full Powers Up to Rs. 0.100 million in each case. Up to Rs. 50,000/- in each case. Up to Rs. 25,000/- in each case. |
| 13. | Powers to write off losses of irrecoverable forest revenue wild animals/ birds and other exhibits due to natural causes other than negligence or fraud. | (i) Administrative Department (ii) Chief Conservator of Forests (iii) Conservator of Forests | Up to Rs. 0.250 million in each case. Up to Rs. 0.100 million in each case. Up to Rs. 0.025 million in each case. |

Note: Provided the inquiry is conducted by an independent inquiry committee comprising members from Finance Department, Audit Office and technical expert of the Department and inquiry report is sent to the Audit

Office and Finance Department with the certification by the sanctioning authority that the loss was due to the natural causes other than fraud or negligence.

14. **Lease of premises for Canteens, Cycle Stands, Car Parking, Jhoolas etc.**
- | | |
|-----------------------------------|-------------|
| (i) Administrative Department | Full Powers |
| (ii) Chief Conservator of Forests | Full Powers |

Note 1: Subject to leasing being openly auctioned for a period of one year at a time.

15. **To sanction rewards in Forest cases.**
- | | |
|-----------------------------------|---|
| (i) Administrative Department | Full Powers not exceeding 20% of the proceeds/ fine realized in each case. |
| (ii) Chief Conservator of Forests | Rs. 50,000/- not exceeding 20% of the proceeds/ fine realized in each case. |
| (iii) Conservator of Forests | Rs. 20,000/- not exceeding 20% of the proceeds/ fine realized in each case. |

Note: The grant of reward shall be subject to the following conditions: -

- (i) No reward shall be admissible to any officer/ official of Forest Department if the damage detected belongs to his area of jurisdiction;
- (ii) No reward shall be sanctioned unless the entire amount of fines/ proceeds of confiscated property are realized from the offenders and deposited in the government treasury; and
- (iii) The reward shall be sanctioned only on the recommendations of the "Reward Scrutiny Committee" consisting of the following officers: -
- | | |
|--|----------|
| • Secretary Forest Department | Convener |
| • Chief Conservator of Forests | Member |
| • Conservator of Forests of the respective circle | Member |
| • Divisional Forest Officer of the respective Division | Member |

HEALTH DEPARTMENT

1. **Powers to accept tenders for consumable stores other than drugs and medicines for hospitals and sanction expenditure thereof.**
- | | |
|-------------------------------|---------------------------------------|
| (i) Head of Institution | Full Powers |
| (ii) Officers in Category-I | Full Powers |
| (iii) Officers in Category-II | Up to Rs. 0.150 million in each case. |
| (iv) Officers in Category-III | Up to Rs. 50,000/- in each case. |
| (v) Officers in Category-IV | Up to Rs. 25,000/- in each case. |

Note: Provided that the lowest tender is accepted in all cases.

2. **Powers to sanction expenditure on purchase of pharmaceuticals.**
- | | |
|-------------------------------|--|
| (i) Administrative Department | Full Powers. |
| (ii) Officers in Category-I | Purchase shall be made in accordance with the Government Instructions. Full Powers |
| (iii) Officers in Category-II | Purchase shall be made in accordance with the Government Instructions. Up to Rs. 50,000/- at a time |
| (iv) Officers in Category-III | Up to Rs. 25,000/- at a time |
| (v) Officers in Category-IV | Up to 5,000/- at a time |

Note: Provided that the lowest tender is accepted in all cases and the purchases of Rs. 10.000 million or more will be carried out after the approval of CPC.

3. a) **Power to sanction reimbursement of medical**
- | | |
|-------------------------------|---------------------------------------|
| i). Administrative Department | Up to Rs. 0.500 million in each case. |
|-------------------------------|---------------------------------------|

charges of Government Servants.

- b) **Power to sanction advance of treatment of Government Servants.** i). Administrative Department Up to Rs. 0.500 million in each case.

Note: This power at serial No. 3 (b) shall be subject to the concurrence of Finance Department.

4. **To accord Technical sanction to construction of buildings and execute the works themselves.** (i) Director General Rs. 60,000/-
(ii) Deputy Director Rs. 10,000/-
5. **To incinerate the use / infectious linen articles of the hospitals subject to recommendations of condemnation committee to be constituted by Health Department.** (iii) Administrative Department Full Powers.
(iv) Head of attached Department Full Powers.
(v) Head of Institution Full Powers.
(vi) Officers in Category-I Full Powers.
(vii) Officers in Category-II Full Powers.
(viii) Officers in Category-III Full Powers.
(ix) Officers in Category-IV Full Powers.
6. **Approval and sanctioning of expenditure for repairs and maintenance of machinery, equipments, instruments** (i) Administrative Department Full Powers
(ii) Director General Health Up to Rs. 1.000 million in each case.
(iii) Officers in Category-I Up to Rs. 0.500 million in each case.



SUPREME COURT, HIGH COURT AND SHARIAT COURT

The Chief Justice of Azad Jammu & Kashmir Supreme Court/ High Court/ Shariat Court shall exercise following financial powers:

- i). Full powers to re-appropriate funds from one head of account to another head of account within the allocated budget of the Supreme Court/ High Court/ Shariat Court, AJ&K.
- ii). Full powers to sanction expenditure on any item from within the allocated budget of Supreme Court/ High Court/ Shariat Court, AJ&K.
- iii). Full powers to create new posts and abolish old posts; provided that expenditure is met from within the allocated budget of Supreme Court/ High Court/ Shariat Court, AJ&K.
- iv). Full powers to change nomenclature and up-grade/ downgrade any post; provided expenditure is met from within the overall allocated budget of Supreme Court/ High Court/ Shariat Court, AJ&K.

HOUSING AND PHYSICAL PLANNING DEPARTMENT

1. **Technical Sanction**

(a) In the case of original works

- | | |
|-------------------------------|--|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Full Powers |
| (iii) Superintending Engineer | Up to Rs. 30.000 million in each case. |
| (iv) Executive Engineer | Up to Rs. 7.500 million in each case. |

Note: The Powers under serial No. 1 (a) shall be exercised subject to the condition that the excess over the amount for which administrative approval has been accorded does not exceed 10 percent. In case the excess exceeds 10 percent fresh administrative approval shall be required.

(b) In case of ordinary and special repairs to non residential buildings, machinery and equipment.

- | | |
|------------------------------|---------------------------------------|
| (i) Chief Engineer | Full Powers |
| (ii) Superintendent Engineer | Up to Rs. 1.000 million in each case. |
| (iii) Executive Engineer | Up to Rs. 0.200 million in each case. |

(c) Powers for ordinary and special repairs to residential buildings.

- | | |
|-------------------------------|---|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Up to Rs. 0.150 million in case of each building during a year. |
| (iii) Superintendent Engineer | Up to Rs. 60,000/- in case of each building during a year. |
| (iv) Executive Engineer | Up to Rs. 30,000/- in case of each building during a year. |

2. **Acceptance of tenders:-**

(a) In case of Original Works

- | | |
|-------------------------------|---|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Full Powers |
| (iii) Superintendent Engineer | Powers equal to the power for the grant of Technical Sanction for such works. |
| (iv) Executive Engineer | Powers equal to the power for the grant of Technical Sanction for such works. |

These powers are subject to the condition that: -

- (i) The normal procedure laid down for invitation tenders is followed;
- (ii) The rates quoted and/ or amount tendered are such that the total cost of project work will not exceed the amount for which technical sanction has been accorded by more than 4.5%; and

- (iii) Where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted reason should be recorded and further approval should be obtained from (a) the Chief Engineer for tenders Up to the value of Rs. 1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs. 1.000 million, but not more than Rs. 2.000 million; and (c) the Finance Department, if the value of tender exceeds Rs. 2.000 million.

| | | |
|---|------------------------------|--|
| (b) Maintenance & Repair in case of ordinary and special repairs | (i) Chief Engineer | Full Powers |
| | (ii) Superintendent Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |
| | (iii) Executive Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |

These powers are subject to the conditions that: -

- (i) The normal procedure laid down for invitation of tenders is followed;
- (ii) the rates quoted and/ or amounts tendered are such that the total cost of a project/ work will not exceed the amount of technical sanction estimates; and
- (iii) where competitive tenders are to be invited under the rules, in case the lowest tenders from an approved contractors is not accepted reasons should be recorded and further approval should be obtained from (a) the Chief Engineers for tenders Up to the value of Rs. 1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs. 1.000 million, but not more than Rs. 2.000 million; and (c) the Finance Department, if the value of the tender exceeds Rs. 2.000 million.

3. **To sanction employment of work charged establishment subject to the condition that: -**

| | | |
|--|-------------------------------|---|
| (a) Provision exists in the sanctioned estimates; | (i) Administrative Department | Full Powers |
| (b) the power is exercised only when the order to commence the work has been received; | (ii) Chief Engineer | Full Powers |
| (c) the monthly wages allowed do not exceed the emoluments including allowances admissible to regular establishment of the same category; and | (iii) Superintendent Engineer | On salaries Up to Rs.7,000/- per mensum or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975. |
| (d) method of recruitment terms & conditions prescribed in the preface of schedule of Wages Rates, shall be followed. | (iv) Executive Engineer | On salaries Up to Rs.6,000/- per mensum or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975. |

| | | |
|---|-------------------------------|-------------|
| 4. Powers to sanction fixation of stock limits of various District level Offices or project divisions. | (i) Administrative Department | Full powers |
| | (ii) Chief Engineer | Full Powers |

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|---|---------------------------------------|---------------------------------------|
| 5. Power to sanction tools and plants ordinary and special including furniture & accessories for Rest Houses and Government Buildings. | A). Ordinary | |
| | (i) Administrative Department | Up to Rs. 1.000 million in each case. |
| | (ii) Chief Engineer | Up to Rs. 0.600 million in each case. |
| | (iii) Superintendent Engineer | Up to Rs. 0.100 million in each case. |
| | (iv) Executive Engineer | Up to Rs. 50,000/- in each case. |
| | B). Special | |
| | (i) Administrative Department | Up to Rs. 1.500 million in each case. |
| | (ii) Chief Engineer | Up to Rs. 1.000 million in each case. |
| (iii) Superintendent Engineer | Up to Rs. 0.200 million in each case. | |
| (iv) Executive Engineer | Up to Rs. 0.050 million. | |

| | | |
|--|-------------------------------|---------------------------------------|
| 6. Powers to sanction repairs and carriage of tools and plants. | (i) Administrative Department | Up to Rs. 0.500 million in each case. |
| | (ii) Chief Engineer | Up to Rs. 0.300 million in each case. |
| | (iii) Superintendent Engineer | Up to Rs. 0.100 million in each case. |
| | (iv) Executive Engineer | Up to Rs. 50,000/- in each case. |

7. **Payment of compensation under the Workmen Compensation Act, 1975.** (i) Administrative Department Full Powers Up to the amount admissible under the Act, provided that the payment in each case is pre-audited and all cases in which there is a doubt as to the applicability of Act are referred for legal advice.
(ii) Chief Engineer
(iii) Superintendent Engineer
8. **Administrative Approval for Housing Schemes.** Superintendent Engineer Up to Rs. 1.500 million in each case.
Note 1: These powers shall be subject to the following conditions: -
(a) Non expenditure on a scheme shall be incurred unless necessary provision for such expenditure exists in the Development Budget or Non Development Budget of that year, as the case may be; and
(b) in case of Development Schemes copies thereof shall be sent to the Planning and Development Department and the Finance Department for their record.
Note 2: The scheme involving new posts shall be got cleared from the Finance Department.
9. **Lease of surplus buildings** (i) Administrative Department Full Powers for a period not exceeding one year after obtaining competitive offers.
(ii) Chief Engineer Full powers for a period not exceeding one year after obtaining competitive offers.
(iii) Superintendent Engineer Full power for a period not exceeding one year after obtaining competitive offers.
10. **To remit the penalties imposed on account of deviation by the prospective builders in Housing scheme of the H&PP Department.** Chief Engineer Full Powers at prescribed rates. These powers shall be reviewed by the Administrative Department in consultation with the Finance Department after every two years.
11. **To issue work orders for works and repairs.** (i) Executive Engineer Up to Rs. 50,000/- in each case.
(ii) SDO Up to Rs. 35,000/- in each case.
12. **To divert provision for contingencies of a sanctioned estimate for purchase of new items, provision for which could not be made in the original estimate, e.g. stationery, surveying equipment, testing instruments and scientific drawing instruments required for the preparation of estimates furniture and equipment for site office, etc for the same work/ estimate.** (i) Superintendent Engineer Full powers
(ii) Executive Engineer Up to Rs. 25,000/- in each case.
- Provided that:
(i) Expenditure on survey, scientific drawing and testing instruments does not exceed 1% of the approved estimate;
(ii) Diversion would not be for the purchase of vehicles or for the construction of residential or office accommodation other than the site office for the same work/ project; and
(iii) Diversion would not be for acceptance of tender in any case.
13. **To divert provision for contingencies of a sanctioned estimate for meeting expenditure on minor additions to the work and for repairs necessary for the execution/ completion of the work.** (i) Superintendent Engineer Full Powers.
(ii) Executive Engineer Up to Rs. 25,000/- in each case.
14. **To sanction sale of trees whether standing or fallen, green or dead by public auction.** (i) Superintendent Engineer Full powers.
(ii) Executive Engineer Up to Rs. 10,000/- during the financial year.
15. **Lease of Land for Petrol pumps at the prescribed rates.** (i) Administrative Department Full powers for a period of 3 years, subject to the condition that site is approved by the concerned site selection committee and the land is under the control of Housing & Physical Planning Department.
(ii) Chief Engineer Full powers for a period of 3 years, subject to the condition that site is approved by the concerned site selection committee and the land is under the control of Housing &

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|-----|--|-------------------------------|---|
| 16. | Renewal of leases for Petrol pumps granted under item 15 above. | (i) Administrative Department | Physical Planning Department. For a period of 3 years at a time. |
| | | (ii) Chief Engineer | For a period of 3 years at a time. |
| | | (iii) Superintendent Engineer | For one year at a time. |

SPORTS, CULTURE AND YOUTH AFFAIRS DEPARTMENT

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| 1. | Technical Sanction: - a) In case of works (original/ special repair) of conservation of the Historical Monuments (Protected under Special Premises Ordinance) and other residential / non residential buildings. | (i) Director General | Full Powers |
| | | (ii) Director | Up to Rs. 2.000 million in each case. |
| | | (iii) Deputy Director | Up to Rs. 1.000 million in each case. Provided that the excess over the amount for which the administrative approval has been accorded does not exceed 10% in case the excess exceeds 10% fresh administrative approval will be required. |
| 2. | Acceptance of tenders: In case of works (original/ special) of conservation of the Historical Monuments (Protected under Special Premises Ordinance) and other residential/ non- residential buildings. | (i) Director General | Equal to the powers for the grant of Technical Sanctioned for such works. |
| | | (ii) Director | Equal to the powers for the grant of Technical Sanctioned for such works. |
| | | (iii) Deputy Director | Equal to the powers for the grant of Technical Sanctioned for such works. |

Note: the normal procedure laid down for invitation of tenders is followed:

- (i) The rates quoted and or amounts tendered are such that the total cost of a project/ work shall not exceed the amount for which technical sanctioned has been accorded by more than 4.5%; and
- (ii) where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted reasons should be recorded and further approval should be obtained from (a) the Director General for tenders Up to the value of Rs.1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs. 1.000 million, but not more than Rs.2.000 million; and (c) the Finance Department, if the value of the tender exceeds Rs. 2.000 million.

ELECTRICITY DEPARTMENT

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|----|---|-------------------------------|---|
| 1. | Technical Sanction (a) In case of original works | (i) Administrative Department | Full powers provided the excess over the amount for which the administrative approval has been accorded does not exceed 10%. (In case the excess exceeds 10% fresh administrative approval will be required). |
| | | (ii) Chief Engineer | Full powers provided the excess over the amount for which the administrative approval has been accorded does not exceed 10%. (In case the excess exceeds 10% fresh administrative approval will be required). |
| | | (iii) Superintending Engineer | Up to Rs.30.000 million in each case. |
| | | (iv) Executive Engineer | Up to Rs.7.500 million in each case. |

Note: The powers under Sr. No.1 (a) are subject to the condition that the excess over the amount for which the administrative approval has been accorded does not exceed 10 percent.

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| (b) In case of ordinary and special repairs of non-residential buildings, machinery and | (i) Administrative Department | Full Powers |
| | (ii) Chief Engineer | Full Powers |

equipments.

- (iii) Superintendent Engineer Up to Rs. 1.500 million in each case.
- (iv) Executive Engineer Up to Rs. 0.300 million in each case.

(c) Special and ordinary repairs of residential buildings

- (i) Administrative Department Full Powers
- (ii) Chief Engineer Up to Rs. 0.150 million in case of each building during the year
- (iii) Superintendent Engineer Up to Rs. 60,000/- in case of each building during the financial year
- (iv) Executive Engineer Up to Rs. 30,000/- in case of each building during the financial year.

2. Acceptance of tenders:

(a) Original Works

- (i) Administrative Department Full Powers
- (ii) Chief Engineer Full Powers
- (iii) Superintending Engineer and other officers in corresponding ranks holding independent charges. Powers equal to the powers for the grant of Technical Sanction for such works
- (iv) Executive Engineer Powers equal to the powers for the grant of Technical Sanction for such works.

The powers are subject to the conditions that: -

- (i) The normal procedure laid down for invitation of tenders is followed;
- (ii) The rates quoted and/ or amounts tendered are such that the total cost of a project/ work will not exceed, the amount for which the technical sanction has been accorded, by more than 4.5%;
- (iii) where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted reason should be recorded and further approval should be obtained from (a) the Chief Engineer, for tenders up to the value of Rs. 1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs. 1.000 million, but not more than Rs. 2.000 million; and (c) the Finance Department, if the value of the tender exceeds Rs. 2.000 million.

(b) Maintenance & Repair works:

(i) In the case of Ordinary and Special Repairs (Non residential buildings, machinery and equipment).

- (i) Administrative Department Full Powers.
- (ii) Chief Engineer Full Powers.
- (iii) Superintendent Engineer Powers equal to the powers for the grant of Technical Sanction for such works.
- (iv) Executive Engineer Powers equal to the powers for the grant of Technical Sanction for such works.

(ii) In case of ordinary and special repairs of Residential buildings.

- (i) Administrative Department Full Powers
- (ii) Chief Engineer Powers equal to the powers for the grant of Technical Sanction of ordinary and special repairs to non- residential building viz Full Powers.
- (iii) Superintendent Engineer Powers equal to the powers for the grant of Technical Sanction of ordinary and special repairs to non-residential buildings viz up to Rs. 1.500 million in each case.
- (iv) Executive Engineer Powers equal to the powers for the grant of Technical Sanction of ordinary and special repairs to non residential buildings viz up to Rs.0.300 million in each case.

These powers are subject to the conditions that: -

- (i) The normal procedure laid down for invitation of tenders is followed;
- (ii) the rate quoted and / or amounts tendered are such that the total cost of a work will not exceed the amount of technically sanctioned estimates; and
- (iii) where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted, reasons should be recorded and further approval should be obtained from (a) the Chief Engineer for tenders up to the value of Rs. 1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs.1.000 million, but not more than Rs. 2.000 million; and (c) the Finance Department if the value of the tender exceeds Rs. 2.000 million.

3. **To sanction employment work Charged establishment subject to the conditions that:-**
- (a) **Provision exists in the sanctioned estimates;** (i) Administrative Department Full Powers
- (b) **The powers is exercised only when the order to commence the work has been received;** (ii) Chief Engineer Full Powers
- (c) **The monthly wages allowed do not exceed the emoluments including allowances admissible to regular establishment of the same category; and** (iii) Superintending Engineer On salaries Up to Rs.7,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.
- (d) **Method of recruitment terms and conditions prescribed in the preface of schedule of Wages Rates shall be followed.** (iv) Executive Engineer On salaries up to Rs.6,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.
4. **Powers to sanction fixation of stock limit of various divisions.**
- (i) Administrative Department Full powers including powers to decrease any stock limits temporarily or permanently.
- (ii) Chief Engineer Full powers including powers to decrease any stock limit temporarily.
5. **Powers to sanction tools and plants, ordinary and special.**
- ORDINARY**
- (i) Administrative Department Up to Rs. 1.250 million in each case.
- (ii) Chief Engineer Up to Rs. 1.000 million in each case.
- (iii) Superintending Engineer Up to Rs. 0.150 million in each case.
- (iv) Executive Engineer Up to Rs. 50,000/- in each case.
- SPECIAL**
- (i) Administrative Department Up to Rs. 2.000 million in each case.
- (ii) Chief Engineer Up to Rs. 1.500 million in each case.
- (iii) Superintending Engineer Up to Rs. 0.300 million in each case.
- (iv) Executive Engineer Up to Rs. 0.100 million in each case.
6. **Payment of compensation under the Workmen's Compensation Act.**
- (i) Administrative Department Full Powers up to the amount admissible under that Act provided that the payment in each case is pre-audited and all cases in which there is a doubt as to the applicability of the Act are referred to the Chief Engineer for obtaining legal advice.
- (ii) Chief Engineer
- (iii) Superintending Engineer and other officers in corresponding ranks holding independent charges.
7. **Administrative approval for works.** Superintending Engineer Up to Rs. 1.500 million in each case.

Note 1: These powers shall be subject to the following conditions: -

- (i) No expenditure shall be incurred on a scheme unless necessary provision for such expenditure exists in the Development Budget or the Non-Development Budget of that year, as the case may be;
- (ii) in case of development schemes copies thereof shall be sent to the Planning and Development Department and the Finance Department for their record.

Note 2: The schemes involving new post shall be got cleared from the Finance Department.

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| 8. | Powers to write off losses due to depreciation of serviceable stock (i.e. book losses only as opposed to actual losses). | (i) Chief Engineer (ii) Superintending Engineer (iii) Executive Engineer | Up to Rs. 0.200 million in each case. Up to Rs. 0.100 million in each case. Up to Rs. 25,000/- in each case. |
| 9. | Leases of Buildings, land or other immovable property belonging to Government by auction or competitive tenders. | (i) Administrative Department (ii) Chief Engineer (iii) Superintending Engineer and other officers in corresponding ranks hold independent charges. (iv) Executive Engineer | Full Powers provided the lease is for a period, not exceeding 5 years. Lease agreement shall be signed. Full Powers provided the lease is for a period, not exceeding 3 years. Lease agreement shall be signed. Up to 3 years, provided the rent of the property does not exceed Rs.20,000/- per month. Up to 3 years, provided the rent of the property does not exceed Rs.10,000/- per month. |
| 10. | Powers to sanction repairs, replacement, overhauling etc. of light machinery, motor vehicles and other tools and plants subject to the restrictions: - | (i) Administrative Department | Up to Rs. 1.000 million or 50% of the book value of the machinery whichever is less. |
| | i). That the repairs are carried out in the Government Workshops; | ii). Chief Engineer | Up to Rs. 0.750 million or 50% of the book value of the machinery whichever is less. |
| | iii). In the absence of Government Workshop open tenders are invited and; | iv). Superintending Engineer | Up to Rs. 0.150 million or 25% of the book value of the machinery whichever is less. |
| | v). The expenditure is economical with reference to the service period of the tools, plants or machinery; | vi). Executive Engineer | Up to Rs. 50,000/- or 10% of the book value of the machinery whichever is less. |
| 11. | To sanction estimates for purchase or manufacture of materials to be used on work. | (i) Superintending Engineer | Full Power within the limits of sanctioned for reserve stock. |
| 12. | To purchase or manufacture material to be used on works. | (i) Executive Engineer | Full Powers within the limits sanctioned for reserve stock subject to the approval or sanction of the estimate being obtained where required by the provisions of the prescribed rules/ code. |
| 13. | To sanction the carriage and handling charges of stock materials chargeable to stock. | (i) Executive Engineer | Full Powers |
| 14. | To sanction purely temporary increase of reserve stock limits of a Division, such increase to be absorbed within six months from the date | (i) Superintending Engineer | Up to 20% increase over the sanctioned permanent limit of any Division. |

of the increase.

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| 15. | Powers to sanction carriage of tools and plants. | (i) Administrative Department (ii) Chief Engineer (iii) Superintending Engineer (iv) Executive Engineer | Up to Rs. 0.750 million in each case. Up to Rs. 0.500 million in each case. Up to Rs. 0.300 million in each case. Up to Rs. 50,000/- in each case. |
| 16. | To sanction sale of trees whether standing or fallen, green or dead by public auction. | (i) Superintending Engineer (ii) Executive Engineer | Full Powers Up to Rs. 10,000/- during the Financial year. |
| 17. | To sanction sale proceeds of thinning and pruning of standing trees. | (i) Executive Engineer | Full Powers |
| 18. | To issue work orders for works and repairs. | (i) Executive Engineer (ii) Sub-Divisional Officer | Up to Rs. 50,000/- in each case. Up to Rs. 20,000/- in each case. |
| 19. | To divert provision for contingencies of sanctioned estimate for purchase of new items, provision for which could not be made in the original estimate, e.g. stationery, surveying equipment, instrument required for the preparation of estimates furniture and equipment for site office, etc. for the same work/ estimate. | (i) Superintending Engineer (ii) Executive Engineer | Full Powers Up to Rs. 25,000/- in each case. |
- Provided that: -
- (i) Expenditure on survey, scientific drawing and testing instruments does not exceed 1% of the approved estimates;
 - (ii) Diversion would not be for the purchase of vehicle or for the construction of residential or office accommodation other than the site office for same work/ project; and
 - (iii) Diversion would not be made for acceptance of tender in any case.
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| 20. | To divert provision for contingencies of a sanctioned estimate for meeting expenditure on minor additions to the work and for repairs necessary for the execution/ completion of the work. | (i) Superintending Engineer (ii) Executive Engineer | Full Powers Up to Rs. 25,000/- in each case. |
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ANIMAL HUSBANDRY DEPARTMENT

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|----|--|-------------------------------|--------------------------------------|
| 1. | Power to undertake departmentally petty | (i) Administrative Department | Up to Rs. 0.200 million in each case |
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| | construction and repair works. | (ii) Director General (iii) Director (iv) Deputy Director | Up to Rs. 0.100 million in each case. Up to Rs. 60,000/- in each case. Up to Rs. 30,000/- in each case. |
| 2. | Power to invite tenders and Acceptance thereof for the purchase of consumable stores | (i) Head of Institutions in BPS-18 and above. (ii) Other Head of Institutions who are drawing & disbursing officers | Full Powers. Up to Rs. 50,000/- in each case. |
| 3. | Fixation of prices for the sale of animal produce and by products. | (i) Director (ii) Officer in Category-II and III | Full Powers on the basis of the rates prevailing in the market. Powers Up to Rs.25,000/- in each case on the basis of the rates prevailing in the market. |
| 4. | Writing off loss of livestock due to natural causes, other than negligence or fraud | (i) Administrative Department (ii) Director General (iii) Director | Up to Rs. 0.300 million in each case. Up to Rs. 0.100 million in each case. Up to Rs. 50,000/- in each case. |

Note: Subject to the condition that the matter is investigated by constituting an inquiry committee comprising members from Finance Department, Audit Office and technical expert of the department and report thereof is submitted to the Finance Department and D.G Audit with the certification by the respective authority that the loss was due to natural causes other than negligence and misconduct of the staff concerned.

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| 5. | To sanction expenditure for purchase of Livestock / Poultry Birds for use at department / institution / Public organization. | Director | Full Powers |
| 6. | To declare animals / birds culled and surplus. | Director | Full Powers |
| 7. | To sell culled and surplus animals / birds by auction. | Director | Full Powers |
| 8. | To sanction disposal of animals / birds for breeding purposes. | Director | Full Powers |
| 9. | To declare farm produce as surplus. | Director | Full Powers |
| 10. | To sell the surplus farm produce through auction. | Director | Full Powers |
| 11. | To declare Trees as surplus. | Director | Full Powers |
| 12. | To declare standing crops as surplus. | Director | Full Powers |
| 13. | To sell the surplus standing crops through open auction. | Director | Full Powers |

Note: The Powers at Sr. No 6 to Sr. No. 13 shall be exercised on the recommendation of a committee consisting of Deputy Director, Economist, Rep. from the Agriculture / Forest Department as the case may be, In-charge of concerned farm.

LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT

The Engineers of Local Government & Rural Development Department may exercise the powers of Technical Sanction, acceptance of tender and sanction expenditure to the extent of powers as delegated to the Engineers of Corresponding rank in Communication & Works and Public Health Engineering Department for identical work/items of expenditure.

POLICE DEPARTMENT

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|----|--|---|---|
| 1 | Payment of rewards where granting of rewards is permissible under the police rules. | (i) Administrative Department (ii) Inspector General Police (iii) Deputy Inspector General Police (iv) Superintendent of Police | Full Powers Full Powers Up to Rs. 50,000/- in each case. Up to Rs. 10,000/- in each case. |
| 2 | (a) Powers to invite tenders in prescribed form for consumable stores required for the Police. | Head of Office | Full Powers |
| | (b) Powers to accept above mentioned tenders. | (i) Inspector General Police (ii) Deputy Inspector General Police | Full Powers Full Powers |
| | (c) Powers to sanction expenditure on consumable dietary articles / items. | (i) Head of the Police College (ii) Head of the Police School | Up to Rs. 100/- per trainee per day Up to Rs. 100/- per trainee per day |
| | Note: Purchase of dietary articles / items shall be made as prescribed by Rules. | | |
| 3 | To give technical sanction to estimates for expenditure on all petty and annual repairs as well as original works for special repairs to building in the charge of Police Department. | (i) Inspector General Police (ii) Deputy Inspector General Police (iii) Superintendent Police and Principal, Police Training School Muzaffarabad. | Up to Rs. 0.200 million in each case. Up to Rs. 0.100 million in each case. Up to Rs. 50,000/- in each case. |
| 4. | To sanction and incur expenditure for the purchase of uniforms. | (i) Administrative Department (ii) Inspector General Police (iii) Deputy Inspector General Police (iv) Superintendent of Police | Full powers provided the purchases are made in accordance with rules/ instructions. Full powers provided the purchases are made in accordance with rules/ instructions. Up to Rs. 0.200 million at a time provided the purchases are made in accordance with rules/ instructions. Up to Rs. 0.150 million at a time. Provided the purchases are made in accordance with rules/ instructions. |
| | Note: The purchases of Rs. 10.000 million or more shall be carried out after the approval of Central Purchase Committee. | | |
| 5 | To sanction and incur expenditure on repairs and replacement of equipment. | (i) Inspector General Police (ii) Deputy Inspector General Police (iii) Superintendent of Police | Full Powers Up to Rs. 0.150 million in each case. Up to Rs. 50,000/- in each case. Provided the purchases are made in accordance with the rules/ instructions. |
| 6 | (a) To sanction initial uniform allowance to Police officers/ Police force. | Inspector General Police | Full Powers subject to the conditions laid down in rule 4.5 of the Police Rules. |
| | (b) To sanction renewal of Summer and Winter uniforms allowance to Police Officers and Police force. | Inspector General Police | Full Powers subject to the conditions laid down in rule 4.5 of the Police Rules. |
| 7 | To sanction the expenditure on "Cost of Investigation". | (i) Inspector General Police (ii) Deputy Inspector General Police (iii) SSP/ SP Investigation | Full Powers Up to Rs. 50,000/- in each case. Up to Rs. 25,000/- in each |

8. **Powers to sanction expenditure on procurement of arms & ammunition.**
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|----------------------------------|-------------------------|
| (i) Administrative Department | case. |
| (ii) Inspector General of Police | Full powers |
| | Up to Rs. 4.000 million |

Note: Provided that the lowest tender is accepted in all cases and the purchases of Rs. 10.000 million or more will be carried out after the approval of CPC.

PRINTING PRESS DEPARTMENT

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|---|--|--|-----------------------------------|
| 1 | Power to sanction Tools and Plants. | (i) Administrative Department | Up to Rs. 0.500 million per item. |
| | | (ii) Controller of Printing and Stationery | Up to Rs. 0.200 million per item. |
| 2 | To sanction expenditure on account of printing and binding work at private presses. | (i) Administrative Department | Full Powers. |
| | | (ii) Controller of Printing and Stationery | Full Powers. |
| | | (iii) Superintendent/ Manager Govt. Press | Up to Rs. 50,000/- in each case. |

Note: Subject to the condition that reasons are recorded for not getting the job done at Government press and prescribed procedure for open tender shall be adopted for getting the work done at private presses in most economical manner.

PRISONS DEPARTMENT.

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|---|--|-----------------------------------|---|
| 1 | To grant rewards to Warders and Head Warders for good work within the course of their ordinary duty. | Inspector General of Prisons | Up to Rs. 500/- in any case. Total rewards not to exceed Rs.5000/- per person per annum. |
| 2 | To sanction expenditure of the following nature on detenues. | | |
| | (a) Purchase of articles of games. | Inspector General of Prisons | Up to Rs. 1,000/- per annum. |
| | (b) Special medical treatment. | Inspector General of Prisons | Up to Rs. 10,000/- per head per annum. |
| 3 | To sanction purchase of tools and implements. | Inspector General of Prisons | Full Powers provided the prescribed procedure is followed. |
| 4 | To grant technical sanction to estimates of expenditure on minor repair/ works executed departmentally. | (i) Administrative Department | Full powers |
| | | (ii) Inspector General of Prisons | Up to Rs. 0.300 million in each case provided the estimates are duly verified by the Engineer concerned |
| 5 | Powers to invite and accept tenders of dietary articles and sanction expenditure thereof. | (i) Inspector General of Prisons | Full Powers |
| | | (ii) DIG (Prisons) | Up to Rs. 0.150 million at a time for an article or each class of similar articles. |
| | | (iii) Superintendent Jail Class-I | Up to Rs. 0.100 million at a time for an article or each class of similar articles. |
| | | (iv) Superintendent Jail Class-II | Up to Rs. 50,000/- at a time for an article or each class of similar article. |

Note I:

- (i) The DIG (Prisons) and Superintendent Jails shall exercise the aforesaid powers in emergency only.
- (ii) The emergency powers shall be further subject to following conditions:
- (a) The extent of power at a time means to meet the emergent expenditure for at least 10 days:

- (b) A class of similar articles means dietary articles of similar character such as wheat flour and its products, Dal all types etc:
- (c) The emergency purchases will be made with the prior intimation to the DIG/I.G. Prisons; and
- (d) I.G. Prisons shall take immediate steps for calling of tenders and effecting rate/running contracts.

Note II: The expenditure made during emergency shall be subject to special audit by the audit authorities.

PUBLIC HEALTH ENGINEERING DEPARTMENT

1 Technical Sanction:

(a) In the case of original works.

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|-------------------------------|---|
| (i) Administrative Department | Full Powers. |
| (ii) Chief Engineer | Full Powers. |
| (iii) Superintending Engineer | Up to Rs.30.000 million in each case. |
| (iv) Executive Engineer | Work Up to Rs.7.500 million in each case. |

Note: The powers under Sr.No.1 (a) are subject to the condition that the excess over the amount for which administrative approval has been accorded does not exceed 10 percent. In case the excess exceeds 10%, fresh administrative approval will be required.

(b) In the case of ordinary and special repairs (Non residential buildings equipment and machinery).

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|-------------------------------|---------------------------------------|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Full Powers |
| (iii) Superintending Engineer | Up to Rs. 1.000 million in each case. |
| (iv) Executive Engineer | Up to Rs. 0.300 million in each case. |

(c) Powers for ordinary and special repairs to residential buildings.

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|-------------------------------|---|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Up to Rs. 0.120 million in the case of each building during a year. |
| (iii) Superintending Engineer | Up to Rs.60,000/- in case of each building during a year |
| (iv) Executive Engineer | Up to Rs. 30,000/- in the case of each building during a year. |

2 Acceptance of tender :

(a) Original Works.

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|-------------------------------|--|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Full Powers |
| (iii) Superintending Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |
| (iv) Executive Engineer | Powers equal to the powers for the grant of Technical sanction for such works. |

These powers are subject to the conditions that:

- (i) the normal procedure laid down for invitation of tenders is followed:
- (ii) the rates quoted and /or amounts tenders are such that the total cost of a project work will not exceed the amount to which the technical sanction has been accorded by more than 4.5%;
- (iii) where competitive tenders are to be invited under the rules, in case the lowest tender from an approved contractor is not accepted reason should be recorded and further approval should be obtained from (a) the Chief Engineer. For tenders up to the value of Rs.1.000 million; (b) the Administrative Department if the value of the tender is more than Rs.1.000 million but not more than Rs.5.000 million; and (c) the Finance Department, if the value of the tender exceeds Rs.5.000 million ;and
- (iv) Single tender shall be accepted by next higher authority subject to conditions laid down by the Govt.

b) Maintenance & Repair

i) In the case of Ordinary and Special Repairs. (Non-residential building & machinery and equipment).

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|-------------------------------|--|
| (i) Administrative Department | Full Powers |
| (ii) Chief Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |
| (iii) Superintending Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |
| (iv) Executive Engineer | Powers equal to the powers for the grant of Technical Sanction for such works. |

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| ii) | In case of ordinary repairs to Residential buildings. | (i) Administrative Department | Full Powers |
| | | (ii) Chief Engineer | Powers equal to the powers for the grant of Technical Sanctioned of ordinary and special repairs to non-residential buildings viz Full Powers. |
| | | (iii) Superintending Engineer | Powers equal to the powers for the grant of Technical Sanctioned of ordinary and special repairs to non-residential buildings up to Rs.1.500 million in each case. |
| | | (iv) Executive Engineer | Powers equal to the powers for the grant of Technical Sanctioned of ordinary and special repairs to non-residential buildings up to Rs.0.300 million in each case. |

These power are subject to the conditions that:

- (i) the normal procedure laid down for invitation of tenders is followed;
- (ii) the rates quoted and/or amounts tendered are such that the total cost of a project/work will not exceed the amount of technical sanction estimates; and
- (iii) Where competitive tenders are to be invited under the rules, In the case the lowest tender from an approved contractor is not accepted reasons should be recorded and further approval be obtained from (a) the Chief Engineer, for tenders up to the value of Rs.1.000 million; (b) the Administrative Department, if the value of the tender is more than Rs.1.000 million, but not more than Rs.2.000 million; and (c) the Finance Department, if the value of the tender exceeds Rs.2.000 million.

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| 3 | To sanction employment of work charged establishment subject to the condition that: | (a) provision exists in the sanctioned estimates; | (i) Administrative Department | Full Powers |
| | | (b) the power is exercised only when the order to commence the work has been received; | (ii) Chief Engineer | Full Powers |
| | | (c) the monthly wages allowed do not exceed the emoluments including allowances admissible to regular establishment of the same category; and | (iii) Superintending Engineer | On salaries up to Rs.7,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975. |
| | | (d) Method for recruitment Terms & conditions prescribed in the preface of schedule of Wage Rates shall be followed. | (iv) Executive Engineer | On salaries up to Rs.6,000/- per mensem or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975. |
| 4 | Power to sanction fixation of stock limits of various Divisions. | (i) Administrative Department | Full Powers including Powers to decrease any stock limits temporarily or permanently | |
| | | (ii) Chief Engineer | Full Powers including Powers to decrease any stock limits temporarily or permanently. | |
| 5 | Powers to sanction tools and plants, ordinary and special. | ORDINARY | | |
| | | (i) Administrative Department | Up to Rs. 0.750 million in each case. | |
| | | (ii) Chief Engineer | Up to Rs. 0.600 million in each case. | |
| | | (iii) Superintending Engineer | Up to Rs. 0.100 million in each case. | |
| | | (iv) Executive Engineer | Up to Rs. 50,000/- in each case. | |
| | | SPECIAL | | |
| | | (i) Administrative Department | Up to Rs. 1.500 million in each case. | |
| | | (ii) Chief Engineer | Up to Rs. 1.000 million in each case. | |
| | | (iii) Superintending Engineer | Up to Rs. 0.200 million in each case. | |
| | | (iv) Executive Engineer | Up to Rs. 0.100 million in each case. | |

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| 6 | Powers to sanction repairs and carriage of Tools and Plants. | (i) Administrative Department (ii) Chief Engineer (iii) Superintending Engineer (iv) Executive Engineer | Up to Rs. 0.500 million in each case. Up to Rs. 0.300 million in each case. Up to Rs. 0.100 million in each case. Up to Rs. 50,000/- in each case. |
| 7 | Payment of compensation under the Workmen's Compensation Act. | (i) Chief Engineer (ii) Superintending Engineer | Full Powers up to the amount admissible under the Act, provided that the payment in each case is pre-audited and all cases in which there is a doubt as to the applicability of the Act are referred for obtaining legal advice. |
| 8 | Administrative approval for works. | (i) Superintending Engineer | Up to Rs. 1.200 million in each case. |
| | Note 1: These power shall be subject to the following conditions: | | |
| | (a) No expenditure shall be incurred on scheme unless necessary provision for such expenditure exists in the Development Budget or the Non-Development Budget of the year, as the case may be; and | | |
| | (b) in case of Development Scheme, copies thereof shall be sent to the Planning and Development Department and the Finance Department for their record. | | |
| | Note 2: The schemes involving new posts shall be got cleared from the Finance Department with regard to the proposed expenditure on staff only. | | |
| 9 | Leases of surplus buildings. | (i) Administrative Department (ii) Chief Engineer (iii) Superintending Engineer | Full powers for a period, not exceeding one year after obtaining competitive offers. Full powers for a period, not exceeding one year after obtaining competitive offers. Full powers for a period, not exceeding one year after obtaining competitive offers. |
| 10 | To issue work orders for work & repairs. | (i) Executive Engineer (ii) Sub Divisional Officer | Up to Rs. 50,000/- in each case. Up to Rs. 20,000/- in each case. |
| 11 | To divert provision for contingencies of a sanctioned estimate for purchase of new items, provision for which could not be made in the original estimate, e.g. stationery, surveying equipment, scientific drawing instruments required for the preparation of estimates, furniture and equipment for site office, etc. for the same work/ estimate. | (i) Superintending Engineer (ii) Executive Engineer | Full Powers. Up to Rs. 25,000/- in each case. |
| | Provided that: - | | |
| | (i) Expenditure on survey, scientific, drawing & testing instruments does not exceed 1% of the approved estimate. | | |
| | (ii) Diversion would not be for the purchase of vehicles or for the construction of residential or office accommodation other than the site office for the same work/ project; and | | |
| | (iii) Diversion would not be for acceptance of tender in any case. | | |
| 12. | To divert provision for contingencies of a sanctioned estimate for additions to the work and for repairs necessary for the execution/ completion of the work. | (i) Superintending Engineer (ii) Executive Engineer | Full Powers Up to Rs. 25,000/- in each case. |
| 13. | To sanction sale of trees whether standing or fallen, green or dead by public auction. | (i) Superintending Engineer (ii) Executive Engineer | Full Powers Up to Rs.10,000/- during the financial year. |

PUBLIC SERVICE COMMISSION

| | | | | |
|----|---|------|-----------|-------------|
| 1. | Advertisement charges | (i) | Chairman | Full Powers |
| | | (ii) | Secretary | Full Powers |
| 2. | To sanction expenditure on payment of remuneration to government servants and/ or to persons other than government servants; employed in connection with the examination held by the commission. | (i) | Chairman | Full Powers |
| | | (ii) | Secretary | Full Powers |
| 3. | Hiring of furniture, stadium/ halls labour charges for carriage of furniture, etc. and provision of other essential facilities connected with examination held by the Commission. | (i) | Chairman | Full Powers |
| | | (ii) | Secretary | Full Powers |

REVENUE DEPARTMENT
(GENERAL)

| | | | | |
|----|---|-------|-------------------------|--|
| 1. | Remission of revenue in accordance with the rules. | (i) | Board of Revenue | Full Powers |
| | | (ii) | Divisional Commissioner | Full Powers |
| 2. | Remission of land revenue due to calamities | (i) | Board of Revenue | Full Powers |
| | | (ii) | Divisional Commissioner | Up to Rs. 10,000/- in each case. |
| | | (iii) | Deputy Commissioner | Up to Rs. 1,000/- in each case. |
| 3. | Remission of revenue other than calamities, in accordance with the rules, but not in relaxation of any rules. | (i) | Board of Revenue | Up to Rs. 2,000/- in each case. |
| | | (ii) | Divisional Commissioner | Up to Rs. 1,000/- in each case. |
| 4. | Refund of revenue otherwise than in accordance with the rules, but not in relaxation of rules. | (i) | Board of Revenue | Up to Rs. 2,000/- in each case. |
| 5. | Powers to sanction loans under the Agriculturist Loans Act. | (i) | Board of Revenue | Full Powers |
| | | (ii) | Divisional Commissioner | Up to Rs. 50,000/- |
| | | (iii) | Deputy Commissioner | Up to Rs. 15,000/- |
| | | (iv) | Assistant Commissioner | Up to Rs. 10,000/- in each case. |
| | | (v) | Tehsildar | Up to Rs. 1,000/- |
| 6. | Powers to sanction loans under the Land improvement Loan Act. | (i) | Board of Revenue | Up to Rs. 0.100 million in each case. |
| | | (ii) | Divisional Commissioner | Up to Rs. 50,000/- in each case. |
| | | (iii) | Deputy Commissioner | Up to Rs. 15,000/- in each case. |
| | | (iv) | Assistant Commissioner | Up to Rs. 10,000/- in each case. |
| 7. | Powers to sanction suspension of recoveries of loan under the Land Improvement Loans Act and the Agriculturist Loan Act. | (i) | Board of Revenue | Full powers but in accordance with the Taccavi Acts and Rules |
| | | (ii) | Divisional Commissioner | Full powers but in accordance with the Taccavi Acts and Rules |
| | | (iii) | Deputy Commissioner | Up to extent of 03 installments in each case irrespective of the |

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| 8. | Powers to sanction the remission of disallowances by Audit Officers. | (i) Board of Revenue (ii) Divisional Commissioner | amount of loans. Up to the sum of Rs.100/- in individual cases. Up to the sum of Rs.100/- in individual cases. |
| 9. | To sanction refund of court fee stamps affixed unnecessarily, in consequence of an order of a Court. | (i) Board of Revenue (ii) Collector | Full Powers on production of an order of the Court. Full Powers on production of an order of the Court. |
| 10. | To sanction refund of mutation fee in case of rejection of mutation in accordance with the rules. | (i) Board of Revenue (ii) Assistant Commissioner | Full Powers Full Powers |
| 11. | To sanction refund or renewal of impressed or adhesive court fee stamps which have been spoiled, or rendered useless or unfit for the purpose intended or for which the purchaser has not immediate use. | (i) Board of Revenue (ii) Collector | Full Powers Full powers |
| | Subject to the deduction of 6% of face value in the case of refund, except in case of court fee, stamps not spoiled or rendered unfit for the returned in Collector, store on: - | | |
| | (i) Expiration of licence; or | | |
| | (ii) Revocation of licence for any reason other than fault of the licensee. | | |
| 12. | To sanction expenditure in cases in which money is credited to Government treasury for purchase of stamps, but stamps are not actually purchased. | (i) Board of Revenue (ii) Divisional Commissioner | Full Powers Full powers |
| 13. | To sanction writing off of the value of: | | |
| | (i) Non postal stamps that are obsolete, unserviceable or spoiled. | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Up to Rs. 500/- Up to Rs. 500/- Up to Rs. 300/- |
| | (ii) Water marked plain paper which is damaged and unfit for use. | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Up to Rs. 300/- Up to Rs. 300/- Up to Rs. 100/- |
| | (iii) (a) Stamps lost in transit. | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Up to Rs. 500/- Up to Rs. 500/- Up to Rs. 300 |
| | (b) loss of stamps forming part of the stock in a local Branch Depot | (i) Board of Revenue (ii) Divisional Commissioner | Up to Rs. 300/- Up to Rs. 300/- |
| 14. | To write off irrecoverable loss of stamps revenue | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Up to Rs. 500/- Up to Rs. 500/- Up to Rs. 300/- |
| 15. | Lease of surplus buildings | Board of Revenue | For a period not exceeding one year after obtaining competitive offers. |

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| 16. | Administrative approval of works. | Deputy Commissioner | Up to Rs. 50,000/- |
| 17. | Grant-in-Aid | Divisional Commissioner | Full powers in accordance with the rules. |
| 18. | To sanction expenditure on account of binding work of revenue/ settlement record. | (i) Director Land Record (ii) Deputy Commissioner/ Settlement Officer | Rs. 2,000/- in each case. Rs. 1,000/- in each case. |

DISPOSAL OF LAND

| | | | |
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| 1. | To sanction grant of State Agricultural lands in colonies. | (i) Board of Revenue (ii) Divisional Commissioner | Full powers subject to the condition that the grant is made in accordance with standing orders or a Scheme approved by the Revenue Department in consultation with the Finance Department. Full powers subject to the condition that the grant is made in accordance with standing orders or a Scheme approved by the Revenue Department in consultation with the Finance Department. |
| 2. | To sanction grant of nazul lands free of cost to Local Government. | (i) Board of Revenue/ Administrative Department (ii) Divisional Commissioner | Full powers. Up to the value of Rs.10,000/- |
| 3. | To allot land for graveyards and cremation grounds. | (i) Board of Revenue (ii) Collector | Full Powers. Full Powers. |
| 4. | To allot land for kanals (tanning yards). | (i) Board of Revenue (ii) Collector (iii) Divisional Commissioner | Full Powers Up to limit of Two kanals in each case subject to standing orders of Board of Revenue. Full Power subject to standing orders of Board of Revenue. |
| 5. | To sell State Land for agricultural purposes. | (i) Board of Revenue (ii) Divisional Commissioner | Up to 50 acres. Up to 50 acres. |

Provided that:

(a) The land is sold by auction held in accordance with condition approved by Government or the Board of Revenue; and

(b) The reserve price is approved by the Board of Revenue before the auction is held.

Note: The result of such auction should be reported to the Board of Revenue in such form as may be prescribed by it.

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| 6. | To sanction sale of awkward plots of State land for agricultural purpose by private treaty. | (i) Board of Revenue/ Administrative Department (ii) Divisional Commissioner | Full Powers Full Powers |
|----|--|---|--------------------------------|

(a) The price is charged on the basis of the previous year's average auction price (wherever is higher) in same or adjoining chak or village.

(b) 10% of the price is charged in addition on account of concession to sell by private treaty.

(c) If the land is encroached upon in addition, 10% of price of unintentional encroachment and 50% of the price for intentional encroachment.

(d) The sale is in accordance with the policy laid down by Government or Board of Revenue.

Note: Result of such auction should be reported to the Board of Revenue in such form as may be prescribed by it.

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| 7. | To sanction sale of escheated land | (i) Board of Revenue (ii) Collector | Full Powers Up to the value of Rs.15000/- subject to the condition that land is sold by public auction after full publicity. |
| 8. | To sanction sale of nazul land by:- | | |
| | (i) Public auction; and | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Full Powers Site up to 5 acres Site up to 2 acres |
| | (ii) Private treaty at market value. | (i) Board of Revenue (ii) Divisional Commissioner | (i) In a First Class Municipality Sites up to half an acre. (ii) In a Second Class Municipality and other urban area Sites Up to one acre; (iii) In rural areas Sites up to five acres. |
| 9. | To sanction or cancel sale of old wells | (i) Board of Revenue (ii) Collector | Full Powers Full Powers |
| 10. | To sanction sale of State land for non agricultural purposes by: - | | |
| | (i) Public Auction; and | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Full Powers Site up to 5 acres Site up to 2 acres |
| | (ii) Private treaty at market value. | Board of Revenue | (i) In a First Class Municipality Sites up to half an acre; (ii) In Second Class Municipality and other urban areas sites Up to one acre; (iii) In rural areas sites up to five acres. |
| 11. | To sanction sale of sites required exclusively for the purpose of a mosque, temple, church or other religious building in state owned towns, i.e., towns built mainly on state owned land colonies. | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Full Powers subject to the condition that the first four kanals are paid for at half of the market value and any area in excess is paid for at full market rates. Up to 4 kanals in any individual case at the half market value of the land. Up to 2 kanals in any individual case at the half market value of the land. |
| 12. | To sanction sales of land required exclusively for the purpose of a mosque, temple or church in areas other than those specified in item 11. | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Up to 12 kanals subject to the condition that the first 4 kanals are paid for at half of the market value and any area in excess at full market rates. Up to 12 kanals subject to the condition that the first 4 kanals are paid for at half of the market value and any area in excess at full market rates. Up to 4 kanals at half of the market value of the land. |
| 13. | To sanction reserve price of land to be sold by auction. | (i) Administrative Department (ii) Board of Revenue (iii) Divisional Commissioner | Full Powers Full Powers For land they are competent to sell. |
| 14. | To sanction sale of village residential shod site by private treaty. | (i) Board of Revenue (ii) Collector | Full Powers subject to the order of the Commissioners regarding the price. Full Powers subject to the order of the Commissioners regarding the price. |

15. **To fix amount of compensation cases involving breach of the conditions of sale.** (i) Administrative Department Up to Rs. 10,000/- in each case.
(ii) Board of Revenue Above Rs. 10,000/- in each case.
16. **To cancel sale of State land and refund the price already paid in cases in which: -** (i) Board of Revenue Full powers provided that: -
(1) **The land is sold and after sale it transpires that:** (ii) Divisional Commissioner Full powers provided that: -
a) **It, or a part of it, is owned by another person; or** (a) The cancellation is of the whole and not a part of it; and
b) **It, or a part of it, is already allotted or leased out to another person or it has already been sold on installment basis to another person; or** (b) The price paid is refunded without any interest there on or compensation.
c) **A part, or whole of it, is a graveyard.** Full powers provided that: -
(2) **The land is sold as commanded by a canal but it is found later on as a result of the irrigation department's report that a major part of it is situated outside the irrigation boundary of the canal.** (a) The cancellation is of the whole and not a part of it; and
(3) **The land is sold erroneously under some mistake of fact.** (b) The price paid is refunded without any interest thereon or compensation.

Note: A copy of the order cancelling sale stamps in each case, be supplied to the Board of Revenue.

EXCHANGE

17. **To sanction exchanges of Nazul land of equal value.** Board of Revenue (a) In First Class Municipality sites Up to half an acre;
(b) In a Second Class Municipality and other urban areas sites Up to one acre;
(c) Other areas sites Up to five acres.
18. **To sanction exchange of land under the peasant grant of occupancy with state land in colony areas.** (i) Board of Revenue Full Powers in the following cases: -
(a) Where land has been acquired for public purposes.
(b) Where the irrigation department finds difficulty in maintaining irrigation; and
(c) Where the land has been adversely affected by water logging, and the sub soil water is reported by the irrigation department or any other agency of Government dealing with water logging and salinity control to be within five feet of the surface and the area affected has become banjar to the extent of 1/3rd of the total holding and is incapable of bearing 25 paisa crop owing to the presence of thur.
(ii) Divisional Commissioner Up to 25 acres within 10 years of the grant and subject to the limitation given in 18 (i) above.

LEASE

19. **To sanction lease of:**
- (1) **Land under the rules contained in Appendix III to the Land Administration Manual other than land included in a colonization scheme or which is likely to come under perennial** (i) Board of Revenue Full powers in accordance with the Rules for the lease of waste lands contained in Appendix II to the land Administration Manual.
(ii) Divisional Commissioner

irrigation in the force able future.

| | | |
|---|--|---|
| (2) Land for grazing of cattle | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Full Powers in accordance with the Rules for the lease of waste lands contained in Appendix II to the land Administration Manual Full Powers Up to 10 acres for a period not exceeding 2 years |
| (3) Fruit trees not in the compound of Government Buildings | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Full Powers Full Powers For one year |
| 20. To lease out State agricultural land by tenders in colonies. | (i) Board of Revenue (ii) Divisional Commissioner (iii) Collector | Full Powers provided that the area to be held at one time by a lease shall not exceed the limit fixed under the Land Revenue Orders. Full Powers subject to any order issued by Government or Board of Revenue and provided that the area to be held at one time by a lease shall not exceed the limit fixed under the Land Revenue Orders. Up to 100 acres for a period not exceeding ten harvests. |
| 21. To lease out State Land for agricultural purposes by private treaty | (i) Board of Revenue (ii) Collector (iii) Divisional Commissioner | Full Powers Up to five years. Up to 50 acres for a period of one year only in respect of land for which offers by tenders or auctions fail to attract a bidder, provided that no second lease of the same land to the same lease in continuation of the first lease should be allowed without the sanction of the Commissioners. Up to 50 acres for a period of two years only in respect of land for which offers by tenders or auctions fail to attract a bidder, provided that no lease of the land beyond two years allowed in continuation of the same lease without the sanction of the Board of Revenue. |
| 22. To sanction long lease with special conditions under a scheme approved by Government. | (i) Board of Revenue (ii) Divisional Commissioner | Full Powers. Full Powers subject to standing order of Board of Revenue. |
| 23. To sanction lease of nazul land. | (i) Board of Revenue / Administrative Department (ii) Divisional Commissioner | Full Powers Lease of areas up to five acres for a period not exceeding 5 years, provided that lease does not involve erection of a building. |
| 24. To sanction lease of state land for non-agricultural purpose. | (i) Board of Revenue (ii) Divisional Commissioner | Full Powers subject to the condition that the lease does not involve the erection of a building a) In a Municipal Corporation or a first class Municipality leases of areas up to two acres for a period not exceeding five years, provided that the lease does not involve the erection of a building. |

b) In a 2nd class Municipality and other areas leases of areas up to 5 acres for a period not exceeding five years, provided that the lease does not involve the erection of a building.

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| 25. | To sanction lease of land to Local Government/ Local Bodies. | (i) Board of revenue (ii) Divisional Commissioner (iii) Collector | Full Powers Full powers subject to the standing orders issued from time to time by Govt. or the Board of Revenue. Up to 2 acres for a period of 5 years, provided the lease does not involve the erection of a building |
| 26. | To lease out State land for brick kilns. | (i) Board of Revenue (ii) Collector | Full powers Full powers subject to the standing orders of the Board of Revenue. |

Note: Powers regarding lease of land shall be subject to AJ&K Grant of Khalsa Land, Ground Rent and Lease Rules 1985.

CONCESSIONS AND REMISSIONS

- | | | | |
|-----|--|--|--|
| 27. | To sanction renewal, for the terms of the new settlement of land revenue, assignments enjoyed by religious and charitable institutions or rest houses the terms of which have expired (with the expiring settlement). | Board of Revenue | Grants of the annual value of Rs. 50/- or under. |
| 28. | To convert an assignment of land revenue released for the life or lives of the Manager or Managers of any religious and charitable institution or rest house into an assignment for the term of the new settlement on the condition of its proper maintenance even though one or more of the grantees is still alive. | Board of Revenue | Grants of the annual value of Rs.50 or under, provided that a grant of which the condition have been so altered shall in no case be resumed until it is liable to resumption under the conditions on which it was originally made. |
| 29. | To sanction continuance of village service grants at a general re-assessment of a district. | Board of Revenue | All grants of the annual value of Rs.20 or under for any period not exceeding the terms of the new settlement. |
| 30. | To sanction continuance of religious and charitable grant for the remainder of terms of settlement if the original terms of release expires during the period of settlement. | Board of Revenue | All grants of the annual value of Rs.50/- or under. |
| 31. | To remit acreage rate. | (i) Board of Revenue (ii) Commissioner (iii) Collector | To remit up to Rs.100/- per harvest in a single case. To remit up to Rs.100/- per harvest in a single case. Up to Rs. 50/- per harvest in a single case. |

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|-----|---|--|--|
| 32. | To levy or remit acreage rate. | Board of Revenue | Full Powers. |
| 33. | To sanction remission of rent on temporary cultivation | (i) Board of Revenue (ii) Commissioner (iii) Collector | Full powers. Full powers subject to the standing orders issued by the Board of Revenue from time to time (return of remission granted should be furnished to the Board of Revenue. Up to Rs. 100/- |
| 34. | Shifting of installments connected with disposal of land. | (i) Board of Revenue (ii) Commissioner (iii) Collector | Up to three years. Up to 2 years. Up to one year. |
| 35. | Increase in number of installment connected with the disposal of land. | (i) Board of revenue (ii) Commissioner | Up to 14 half yearly installments. 10 half yearly installments. |

MISCELLANEOUS POWERS

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| 36. | Powers to sanction financial assistance to the distressed persons under Distressed Person's Relief Act and Rules made there under. | (i) Board of Revenue (ii) Divisional Commissioner | Full Powers Full Powers subject to the instructions issued by the Board of Revenue |
| 37. | Powers to sanction Financial assistance under cease fire line incidence relief Act and rules made there under. | (i) Board of Revenue (ii) Divisional Commissioner | Full Powers Full Powers subject to the instruction issued by the Board of Revenue |

SECRETARIAT (SERVICES AND GENERAL ADMINISTRATION DEPARTMENT)

| | | | |
|----|--|-----------------|--|
| 1. | Sanctioning expenditure debitable to contingencies: - | | |
| | (i) Local Purchase of stationery | Chief Secretary | Full Powers |
| | (ii) Addition to or repairs of instruments and furniture. | Chief Secretary | Full Powers Note: Hiring of furniture should be avoided. The delegation is meant to cover the period till furniture is purchased. |
| | (iii) Expenditure on rent of residential buildings | Chief Secretary | Up to 20 percent of the pay of the occupant, or the intending occupant subject to a certificate from the Executive Engineer that the rent is reasonable. |
| | (iv) Ceremonial functions and state entertainment. | Chief Secretary | Full powers subject to the availability of funds in the sanctioned Budget Estimates. |
| 2. | Powers to sanction expenditure on purchase of gifts. | Secretary S&GAD | Up to Rs. 1.000 million in each case through negotiation. |

Subject to the condition that:

- (a) The kind of gift may be approved by the Prime Minister, AJ&K; and
- (b) In cases where the cost of gift exceeds Rs. 0.500 million, the rate will be negotiated with the supplier, by the Secretary S&GAD and a nominee of the Principal Secretary to the Prime Minister, not below the rank of Additional Secretary.
- (c) These powers may be exercised by the Administrative Secretaries of the President and Prime Minister Secretariat.

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| 3. | Powers to sanction expenditure on | (i) Chief Secretary | Full powers |
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arrangements and entertainment for the guests of the Government.

- (ii) Secretary S&GAD
- (iii) Director (Protocol)

Exceeding Rs.0.200 million in each case.
Up to Rs. 0.100 million in each case.

Note:

- (i) The Director Protocol shall obtain ex post facto approval of the Secretary S&GAD within one month of the sanction of payment accorded by him.
- (ii) Details of the hotels/ guests houses, hired for the accommodation of the distinguished guests of the government shall be provided to the Secretary S&GAD prior to the conduct of visits; and
- (iii) Monthly statements of all expenses incurred on the accommodation of guests shall be furnished to the Secretary S&GAD and Chief Secretary.

TOURISM AND ARCHEOLOGY DEPARTMENT

1. **Appointment of work charge establishment.**
 - (i) Director General Full Powers
 - (ii) Director Up to Rs. 7,000/- p.m., or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975.
 - (iii) Deputy Director Up to Rs. 6,000/- p.m. or prescribed from time to time under the provisions of the AJ&K Minimum Wages for Unskilled Workers Act, 1975. These powers are subject to the following conditions:
 - (i) Funds are available in the sanctioned estimates.
 - (ii) Powers are exercised only when order to commence work have been received.
 - (iii) Monthly wages allowed to the work charged establishment do not exceed the emoluments including allowances admissible to the regular establishment of the same category
 - (iv) Duration of the seasonal posts does not exceed six months.
2. **Powers of technical sanction in respect of Normal & Development works.**
 1. **For Original Works.**
 - (i) Administrative Department/ Director General Full Powers
 - (ii) Director Rs. 0.200 million
 - (iii) Deputy Director Rs. 0.100 millionProvided that excess over the amount for which administrative approval has been accorded does not exceed 10% (in case excess exceeds 10% fresh administrative approval will be required).
 2. **For Special & Ordinary repairs i.e. replacement & renewal of existing works/ buildings, roads, gardens, forts & other works etc.**
 - (i) Administrative Department Full Powers.
 - (ii) Director General Rs. 0.100 million
 - (iii) Deputy Director Rs. 10,000/-
3. **Powers to enter into contract e.g. construction, repairs & to fix the terms of contracts etc.**
 - (i) Administrative Department Full powers
 - (ii) Director General Rs. 5.000 million
 - (iii) Deputy Director Rs. 0.200 million
4. **Power to Sanction all kind of purchase of machinery, tools, stock, furniture, crockery for rest houses and office & purchase of tents and other equipments.**
 - (i) Administrative Department Rs. 1.000 million
 - (ii) Director General Rs. 0.800 million in accordance with the rules.
 - (iii) Deputy Director Rs. 20,000/-
5. **Power regarding acceptance of tenders and to grant administrative approval for construction of Civil and other works.**
 - (i) Director General Full Powers
 - (ii) Deputy Director Rs. 1.000 millionThese powers are subject to the conditions:
 - i). The normal procedure laid down for invitation of tender is followed
 - ii). The rates quoted and/ or amounts tendered are such that the total cost of the project/work will not exceed the amount for which technical sanction has been accorded by more than

4.5%.

iii). Where competitive tenders are invited under the rules, in case the lowest tender from an approved contractor is not accepted, reasons should be recorded and further approval should be obtained from (a) the Director General for tender Up to the value of Rs.0.100 million (b) the Administrative Department if the value of the tender, is more than Rs. 1.000 million but not more than Rs.2.000 million; (c) the Finance Department if the value of the tender is more than Rs. 2.000 million.

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| 6. | To sanction all usual payments on preparation of the lawn of Rest Houses, Offices and Purchases of Seeds and Plants | (i) Director General (ii) Deputy Director | Full Powers Full Powers |
| 7. | (a) Power to sanction expenditure on account of printing of publicity/ informative material regarding Tourism at Private Press. | (i) Administrative Department (ii) Director General | Full Powers Full Powers |
| | (b) Power to sanction expenditure on preparation of sign publicity boards, etc. | (i) Administrative Department (ii) Director General | Full Powers Full Powers |
| 8. | Power to sanction expenditure regarding Tourism Seminars, Conventions, Workshops and National Shows. | (i) Administrative Department (ii) Director General | Full Powers Rs. 0.100 million |
| 9. | Lease of Tourism land rest houses, motels etc. | (i) Administrative Department | Up to Rs. 24,000/- pm by open auction subject to the rules and prescribed policy. |
| 10. | Powers to dismantle & sell unserviceable tourism building and installations. | (i) Administrative Department (ii) Director General | Full Powers Rs. 1.000 million in each case. |
| 11. | Power to Auction or sell unserviceable stock/ goods etc. | (i) Director General (ii) Deputy Director | Full Powers Rs. 40,000/- in each case. |
| 12.. | Power to write off all kind of stock furniture, crockery etc. | (i) Director (ii) Deputy Director | Full Powers Rs. 40,000/- |

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 21.03.2017

No. LD/Legis-Act/128-143/2017. The following Act of Assembly received the assent of the President on the 16th day of March 2017, is hereby published for general information.

[Act VIII of 2017]

An

Act

to provide for the establishment of the Public Procurement Regulatory Authority in the Azad Jammu and Kashmir;

Whereas, it is expedient to provide for the establishment of the Public Procurement Regulatory Authority for regulating procurement of goods, services and works in the public sector and for matters connected therewith:

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.-

- (1) This Act may be called the Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017.
- (2) It extends to the whole of the Azad Jammu and Kashmir.
- (3) It shall come into force at once.

2. Definitions.-

In this Act,-

- (a) “Authority” means the Azad Jammu and Kashmir Public Procurement Regulatory Authority established under Section 3;
- (b) “Board” means the Board of Management constituted under Section 6;
- (c) “Chairperson” means the Chairperson of the Board;
- (d) “Corrupt practice” means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official, bidder or contractor in the procurement process or in contract execution to the detriment of the procuring agency, or misrepresentation of facts in order to influence a procurement process or the execution of a contract, collusive practices among bidders (prior to or after bid submission) designed to establish bid prices at artificial, non-competitive levels and to deprive the procuring agency of the benefits of free and open competition and any request for, or solicitation of anything of value by any public official in the course of the exercise of his duty; it may include any of the following:

- (i) coercive practice by impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence the actions of a party to achieve a wrongful gain or to cause a wrongful loss to another party;
 - (ii) collusive practice by arrangement between two or more parties to the procurement process or contract execution, designed to achieve with or without the knowledge of the procuring agency to establish prices at artificial, non-competitive levels for any wrongful gain;
 - (iii) offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence the acts of another party for wrongful gain;
 - (iv) any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
 - (v) obstructive practice by harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in a procurement process, or affect the execution of a contract or deliberately destroying, falsifying, altering or concealing of evidence material to the investigation or making false statements before investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation, or acts intended to materially impede the exercise of inspection and audit process;
- (e) “Fund” means the Public Procurement Fund;
- (f) “Goods” means articles and objects of every kind and description including raw materials, products, equipment, machinery, spares and commodities in any form and includes services incidental to installation, transport, maintenance and similar obligations related to the supply of goods if the value of these services does not exceed the value of such goods;
- (g) “Government” means the Azad Government of the State of Jammu and Kashmir;
- (h) “Managing Director” means the Managing Director of the Board;
- (i) “Member” means a member of the Board;
- (j) “Mis-procurement” means public procurement in contravention of any provision of the Act, rules, regulations, orders or instructions made there under or any other law in respect of, or relating to the public procurement;
- (k) “Prescribed” means prescribed by the rules made under this Act;
- (l) “Procuring Agency” means:
- (i) A department, attached department of the Government;
 - (ii) An autonomous body or a special institution of the Government;
 - (iii) A court or tribunal financed by the Azad Jammu and Kashmir;
 - (iv) Consolidated Fund;
 - (v) Azad Jammu and Kashmir Legislative Assembly;
 - (vi) A local government;

- (vii) A body corporate owned or controlled by the Government or a local government; or
- (viii) A private organization financed by the Government or a local government where such finance is not less than five million rupees and constitutes not less than fifty percent of the expenditure of the organization in the financial year;
- (m) “Public Procurement” means procurement of goods, works or services by a procuring agency wholly or partly financed out of the Azad Jammu and Kashmir Consolidated Fund or the Public Account of the State or funds of a procuring agency;
- (n) “Regulations” means regulations made under this Act;
- (o) “Rules” means rules made under the Act;
- (p) “Services” includes physical, maintenance, professional, intellectual, consultancy or advisory services but does not include appointment of an individual to a post or office, advertisement, arbitration, conciliation or mediation services, services of an advocate in a court case or any other services specifically excluded under the rules;
- (q) “State” means the State of Azad Jammu and Kashmir; and
- (r) “Works” means a construction work adding consisting of erection, assembly, repair, renovation or demolition of a building or structure or part thereof, such as site preparation, excavation, installation of equipment or materials and decoration, finishing and includes incidental services such as drilling, mapping, satellite photography, seismic investigations and similar activities, if the value of those services does not exceed that of the works themselves.

3. Establishment of Authority.—

- (1) The Government shall, by notification, establish an Authority to be called the Azad Jammu and Kashmir Public Procurement Regulatory Authority for carrying out the purposes of this Act.
- (2) The Authority shall be a body corporate, having perpetual succession and common seal with power to enter into contract; and it may sue or be sued by the said name.

4. Directions by the Government.—

The Government may issue directive to the Authority on a matter of policy and the directive shall be binding on the Authority.

5. Functions and powers of the Authority.—

- (1) The Authority may take measures and exercise powers as may be necessary for improving governance, management, transparency, accountability and quality of public procurement.
- (2) Subject to sub-section (1), the Authority may,—
 - (a) monitor application of the laws, rules, regulations, policies and procedures in respect of, or relating to the public procurement;
 - (b) monitor the implementation of and evaluate laws, rules, regulations, policies and procedures in respect of, or relating to, inspection or quality of goods, services and works and recommend reformulation thereof or revisions therein as it deems necessary;
 - (c) recommend to the Government revisions in or formulation of new laws, rules and policies in respect of or related to public procurement;

- (d) make regulations and lay down codes of ethics and procedures for public procurement, inspection or quality of goods, services and works;
- (e) establish performance indicators for procurement performance of the Procuring Agencies and monitor compliance with these indicators through independent third party evaluation and make recommendations for improvement of procurement performance of the Procuring Agencies;
- (f) issue guidance and instructions regarding the interpretation and implementation of this Act, rules and regulations;
- (g) provide assistance and coordinate with the Procuring Agencies for developing and improving their institutional framework and public procurement activities;
- (h) prepare standard documents to be used in connection with public procurement;
- (i) present an annual report to the Government regarding the overall functioning of the public procurement system, including recommendations on measures to be taken by the Government to enhance the quality of procurement work;
- (j) call a functionary of a Procuring Agency to provide assistance in its functions and call for information from a Procuring Agency pursuant of its objectives and functions;
- (k) develop, promote and support training and professional development policy of officials and other persons engaged in public procurement; and
- (l) perform other function as may be assigned to it by the Government.

6. Board.–

- (1) The management and administration of the Authority shall vest in the Board.
- (2) The Board shall consist of:-
 - (a) Chief Secretary Chairperson
 - (b) Additional Chief Secretary (Gen.) Member
 - (c) Additional Chief Secretary (Dev.) Member
 - (d) Secretary Finance Member
 - (e) Secretary Services and General Administration Member
 - (f) Secretary Law Member
 - (g) Secretary Communication and Works Member
 - (h) Managing Director Secretary/Member
 - (i) Two Members of Azad Jammu and Kashmir Legislative Assembly to be nominated by the Government.
 - (h) One Member from Chamber of Commerce and Industry.
- (3) A casual vacancy in the Board shall be filled through nomination by appropriate authority for the residue of the term of the outgoing Member.
- (4) The existing of a vacancy in the constitution of the Board shall not invalidate an act or proceedings of the Board.

7. Meeting of the Board.–

- (1) The meetings of the Board shall be presided over by the Chairperson or in his absence by a member nominated by the Chairperson.
- (2) Six Members shall constitute the quorum for a meeting of the Board.
- (3) An *ex-officio* Member may nominate an officer, not below the rank of an Additional Secretary, to attend the meeting.
- (4) The Board shall take decision by a simple majority of the Members present and voting.
- (5) The Managing Director shall record the minutes of the meeting.

8. Managing Director.–

- (1) The Government shall appoint an *ex-officio* Managing Director of the Board for a period of three years on the terms and conditions as it may determine.
- (2) The Government shall not vary, alter or modify the terms and conditions of service of the Managing Director during his term of office.
- (3) The Managing Director shall be responsible for day to day administration of the Authority.
- (4) The Managing Director shall be eligible for re-appointment but his total tenure shall not exceed six years.
- (5) The Government shall not appoint a person as the *ex-officio* Managing Director, if he,—
 - a) has been convicted of an offence involving moral turpitude;
 - b) has been removed from a service for misconduct;
 - c) has been adjudged as un-discharged insolvent;
 - d) is incapable of discharging his duties by reasons of physical or mental incapacity in the opinion of a Medical Board constituted by the Government; or
 - e) has a conflict of interest with the Authority.
- (6) The Managing Director shall not have a direct or indirect financial interest or connection with a Company engaged in public procurement activity during the term of his office and for a period of one year thereafter.
- (7) The Managing Director shall,—
 - a) exercise administrative control over the personnel of the Authority;
 - b) exercise, in respect of the Authority, such other management, administrative and financial powers as may be determined by the Board;
 - c) submit the annual budget proposals of the Authority to the Board;
 - d) prepare the annual report of the Authority for the Board and the Government;
 - e) exercise such powers as the Board may delegate to him; and
 - f) act on behalf of the Authority, in any emergency, subject to the obligation to report the action to the Board at its next meeting and to seek ratification of his action.

9. Appointment and remuneration of the third party evaluation firms.–

(1) The Authority may appoint a firm for conducting a third party evaluation of public procurement contracts of a Procuring Agency against payment of appropriate remuneration.

(2) Subject to sub-section (3), the criteria for the selection and appointment of a firm for third party evaluation shall be prescribed.

(3) A firm that submitted bid for the award of a public procurement contract of a Procuring Agency shall not be eligible for appointment as evaluator of the contracts of the Procuring Agency.

(4) The firm shall submit its evaluation report to the Authority.

10. Training.–

The Authority shall formulate training policies and launch training programmes for the relevant personnel of the Procuring Agencies.

11. Maintenance of website.–

(1) The Authority shall maintain a website for the procurement activities.

(2) The Procuring Agency shall update the procurement activities on the website in the prescribed manner.

12. Fund.–

(1) The Authority shall establish a Fund to be known as the Public Procurement Fund.

(2) The sources of income of the Fund shall be,–

- a) grants made by the Government;
- b) donations, endowments and grants from any individual or organization except from those dealing with public procurement;
- c) income from investment by the Authority; and
- d) all other sums or properties which may in any manner become payable to, or vest in the Authority.

(3) The Authority shall keep, maintain and spend the Fund in the prescribed manner.

(4) The Authority shall exercise prudence in all financial transactions.

(5) The Authority shall spend the Fund for the purpose of,–

- a) paying an expenditure lawfully incurred by the Authority, relating to remuneration of its Members, employees, advisers and consultants of the Authority, legal fees and costs as well as other fees and costs;
- b) paying any other expenses, costs or expenditure properly incurred by the Authority in the performance of its functions or exercise of its powers;
- c) purchasing or hiring equipment, machinery and any other work and undertakings in the performance of its functions or exercise of its powers;
- d) payment of a financial obligation; and
- e) Payment of an expense for carrying out the provisions of this Act.

13. Power to obtain finances and receive grants.—

The Authority may, with the approval of the Government, accept grants from entities both domestic and international, including multilateral agencies, except those connected with public procurements, for meeting its obligations or performing its functions.

14. Investment.—

The Authority may invest its surplus funds in the prescribed manner.

15. Budget and accounts.—

(1) The Managing Director shall maintain the accounts of the Authority in the prescribed manner.

(2) The Managing Director shall prepare, for approval of the Government, by such date and in such form as may be specified by the Government, a statement showing the estimated receipts and current expenditures and the sums required by the Authority from the Government during the next financial year.

16. Audit of the Authority.—

(1) The Government shall appoint a firm of chartered accountants for the annual audit of the accounts of the Authority.

(2) Annual audit report of the accounts of the Authority shall be laid before the Board for approval.

17. Information.—

(1) The Authority may call for an information required by it for carrying out the purposes of this Act, from a person or an institution concerned with the public procurement and the person or the institution shall provide the requisite information.

(2) The Authority shall furnish information to the Government, as the Government may require.

18. Blacklisting.—

(1) A Procuring Agency may, for a specified period and in the prescribed manner, debar a bidder or contractor from participating in any public procurement process of the procuring agency, if the bidder or contractor indulges in corrupt practice or any other prescribed practice.

(2) The Managing Director may, in the prescribed manner, debar a bidder or contractor from participating in any public procurement process of all or some of the procuring agencies for a specified period.

(3) Any person, aggrieved from a decision of a Procuring Agency, may within prescribed period prefer a representation before the Managing Director.

(4) A Procuring Agency or any other person, aggrieved from a decision of the Managing Director, may within prescribed period prefer a representation before the Chairperson whose decision on such representation shall be final.

19. Annual report.—

(1) The Authority shall, before the end of October, prepare its annual performance report of the preceding financial year which shall include inquiries and investigations made by the Authority during the financial year.

(2) The Authority shall submit to the Government its annual audit report and the annual performance report.

(3) The Government shall lay the annual audit report and the annual performance report in the Azad Jammu and Kashmir Legislative Assembly.

20. Ethical considerations.—

A Procuring Agency shall observe ethical standards and principles of conduct as laid down by the Authority.

21. Appointment of officers and staff, etc.—

The Authority may appoint such *ex-officio* officers, servants, advisers, consultants and experts, as it may consider necessary for performance of its functions in accordance with the criteria and procedure as may be provided in the Regulations.

22. Members, officers, etc. to be the public servants.—

The Chairperson, Members, Managing Director, officers, servants, advisers, consultants and experts of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the Rules and Regulations made there under, be deemed to be the public servants within the meaning of Section 21 of the Azad Penal Code, 1860 (XLV of 1860).

23. Delegation.—

The Board may, by such conditions and limitations as it may deem fit to impose, delegate any of the functions or powers of the Authority to the Managing Director, or one or more Members or any of the officers of the Authority except the power to,—

- (a) approve audited accounts of the Authority;
- (b) recommend exemption under Section 24; and
- (c) make, amend or repeal Regulations.

24. Exemption.—

(1) The Board may, for reasons to be recorded in writing, recommend to the Government to exempt any public procurement from the application of any Rule or Regulation made under this Act.

(2) The Government may, on the recommendation of the Board and by notification, exempt application of any Rule or Regulation made under this Act in any public procurement by specifying alternate mode of the public procurement.

(3) The notification under sub-section (2) shall immediately be published in the official Gazette and on the websites of the Government and the Authority.

25. Indemnity.—

No suit, prosecution or other legal proceedings shall lie against the Authority, the Board, the Chairperson or any member, officer, servants, advisers or consultants of the Authority in respect of anything done in good faith in public interest or intended to be done under this Act, the Rules or the Regulations.

26. Common seal.–

(1) The Managing Director or such other person, as the Chairperson may authorize, shall keep the common seal of the Authority.

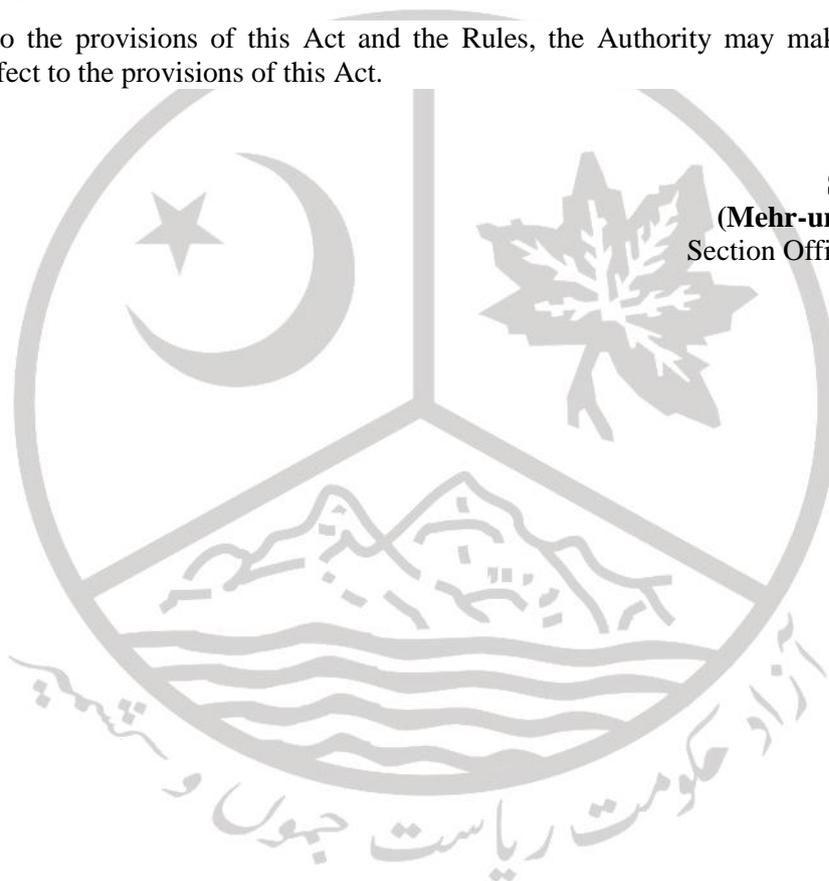
(2) The seal shall be authenticated in the same manner as may be prescribed by Regulations and a document, pertaining to the public procurement, authenticated with the seal of the Authority shall be admissible as evidence of the contents of the document.

27. Rules.–

The Government may, by notification, make rules for carrying out the purposes of this Act.

28. Regulations.–

Subject to the provisions of this Act and the Rules, the Authority may make Regulations for giving effect to the provisions of this Act.



Sd/--
(Meh-r-un-Nisa Qadri)
Section Officer (Legislation)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**



“Muzaffarabad”
February 7, 2018

NOTIFICATION

No.S&GAD/R/A-4(397)2017. In exercise of the powers conferred by Section 27 of the Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Rules, namely:-

1. Short title and commencement.-

- (1) These Rules may be called the AJ&K Public Procurement Rules, 2017.
- (2) These shall come into force at once.

GENERAL PROVISIONS

2. Definitions.-

- (1) In these Rules, unless there is anything repugnant in the subject or context, following expressions shall have the meaning as hereby respectively assigned to them:-
 - a) “**Act**” means the Azad Jammu and Kashmir Public Procurement Regulatory Authority Act, 2017;
 - b) “**AJK PPRA**” means and refers to the Azad Jammu and Kashmir Public Procurement Regulatory Authority, established under the Act;
 - c) “**Bid**” means a tender, or an offer, in response to an invitation, by a person, consultant, firm, company or an organization expressing his or its willingness to undertake a specified task at a price;
 - d) “**Bidder**” means a person, consultant, firm, company or an organization who submits a Bid;
 - e) “**Competitive Bidding**” means a procedure leading to the award of a Contract whereby all the interested persons, firms, companies or organizations may Bid for the Contract and includes both national and international competitive Bidding;
 - f) “**Contractor**” means a person, consultant, firm, company or an organization who undertakes to supply goods, services or works;
 - g) “**Contract**” means an agreement enforceable by law;
 - h) “**Corrupt Practices**” includes the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official, Bidder or the Supplier or Contractor in the procurement process or in Contract execution to the detriment of the Procuring Agencies ; or misrepresentation of facts in order to influence a procurement process or the execution of a Contract, collusive practices among Bidders (prior to or after Bid submission) designed to establish Bid prices at artificial, non-competitive levels and to deprive the Procuring Agencies of the benefits of free and open competition and any request for, or solicitation of anything of value by any public official in the course of the exercise of his duty;

- i) **“Emergency”** means natural calamities, disasters, accidents, war and operational emergency which may give rise to abnormal situation requiring prompt and immediate action to limit or avoid damage to person, property or the environment;
- j) **“Government”** means the Azad Government of the State of Jammu and Kashmir;
- k) **“Lowest Evaluated Bid”** means,-
- (i) a Bid most closely conforming to evaluation criteria and other conditions specified in the Bidding document; and
- (ii) having lowest evaluated cost;
- l) **“Repeat Orders”** means procurement of the same commodity from the same source without competition and includes enhancement of Contracts;
- m) **“Supplier”** means a person, consultant, firm, company or an organization who undertakes to supply goods, services or works; and
- n) **“Value for Money”** means best returns for each rupee spent in terms of quality, timeliness, reliability, after sales service, up-grade ability, price, source, and the combination of whole-life cost and quality to meet the Procuring Agency’s requirements.
- (2) The expressions used but not defined in these Rules shall have the same meanings as are assigned to them in the Act.

3. Scope and Applicability.-

Save as otherwise provided, these Rules shall apply to all procurements of goods, services and work made by all Procuring Agencies in the public sector whether within or outside Azad Jammu and Kashmir.

4. Principles of Procurements.-

The Procuring Agencies, while engaging in procurements, shall ensure that the procurements are conducted in a fair and transparent manner, the object of procurement brings Value for Money to the Agency and the procurement process is efficient and economical.

5. International and Inter-Governmental Commitments of the Government.-

Whenever these Rules are in conflict with an obligation or commitment of the Government of Pakistan or the Government arising out of an international treaty or an agreement or contract with a State(s), or any international financial institution, the provisions of such international treaty or agreement shall prevail to the extent of such conflict.

6. Language.-

(1) All communications and documentation related to procurements of the Government shall either be in Urdu or English or in both. Except where a Procuring Agency is situated outside the territories of Azad Jammu and Kashmir or Pakistan and procurements are to be made locally, the Procuring Agency may use the local language in addition to Urdu or English.

(2) Where the use of local language is found essential, the original documentation shall be in Urdu or English, which shall be retained on record; for all other purposes their translations in local language shall be used:

Provided that such use of local language ensures maximum economy and efficiency in the procurement.

- (4) In case of the dispute reference shall be made to the original documentation retained in the record.

7. Integrity pact.-

Procurements exceeding the prescribed limit shall be subject to an integrity pact, as specified by Regulations with approval of the Government, between the Procuring Agency and the Suppliers or Contractors.

PROCUREMENT PLANNING

8. Procurement planning.-

Within one year of commencement of these Rules, all Procuring Agencies shall devise a mechanism, for planning in detail for all proposed procurements with the object of realistically determining the requirements of the Procuring Agency, within its available resources, delivery time or completion date and benefits that are likely to accrue to the Procuring Agency in future.

9. Limitation on splitting or regrouping of proposed procurement.-

Save as otherwise provided and subject to the regulation made from time to time by the authority, with the prior approval of the Government, a Procuring Agency shall announce in an appropriate manner all proposed procurements for each financial year and shall proceed accordingly without any splitting or regrouping of the procurements so planned. The annual requirements thus determined would be advertised in advance on the AJK PPRA's website as well as on the website of the Procuring Agency in case the Procuring Agency has its own website.

10. Specifications.-

Specifications shall allow the widest possible competition and shall not favour any single Contractor or Supplier nor put others at a disadvantage. Specifications shall be generic and shall not include references to brand names, model numbers, catalogue numbers or similar classifications. However if the Procuring Agency is convinced that the use of or a reference to a brand name or a catalogue number is essential to complete an otherwise incomplete specification, such use or reference shall be qualified with the words "or equivalent":

Provided that this Rule shall not apply to procurement made by public sector commercial concerns on the demand of private sector client specifying, in writing, a particular brand, model or classification of equipment, machinery or other objects.

11. Approval mechanism.-

All Procuring Agencies shall provide clear authorization and delegation of powers for different categories of procurement and shall only initiate procurements once approval of the competent authorities concerned has been accorded.

PROCUREMENT ADVERTISEMENTS

12. Methods of advertisement.-

(1) Procurements over one hundred thousand rupees and up to the limit of two million rupees shall be advertised on the AJK PPRA's website in the manner and format specified by Regulation issued by the AJK PPRA from time to time. These procurement opportunities may also be advertised in print media, if deemed necessary by the Procuring Agency:

Provided that the lower financial limit for advertisement on AJK PPRA's website for open competitive Bidding shall be the prescribed financial limit for request for quotations under clause (b) of Rule 42.

(2) All procurement opportunities over two million rupees should be advertised on the AJK PPRA's website as well as in other print media or newspapers having wide circulation. The

advertisement in the newspapers shall principally appear in at least two national dailies, one in English and the other in Urdu.

(3) In cases where the Procuring Agency has its own website or using AJK Web Portal, it may also post all advertisements concerning procurement on that website as well.

(4) A Procuring Agency utilizing electronic media shall ensure that the information posted on the website is complete for the purposes for which it has been posted, and such information shall remain available on that website until the closing date for the submission of Bids.

13. Response time.-

(1) The Procuring Agency may decide the response time for receipt of Bids or proposals (including proposals for pre-qualification) from the date of publication of an advertisement or notice, keeping in view the individual procurement's complexity, availability and urgency. However, under no circumstances, the response time shall be less than fifteen days for national competitive Bidding and thirty days for international competitive Bidding from the date of publication of advertisement or notice. All advertisements or notices shall expressly mention the response time allowed for that particular procurement along with the information for collection of Bid documents which shall be issued till a given date, allowing sufficient time to complete and submit the Bid by the closing date:

Provided that no time limit shall be applicable in case of Emergency.

(2) The response time shall be calculated from the date of first publication of the advertisement in a newspaper or posting on the web site, as the case may be.

(3) In situations where publication of such advertisements or notices has occurred in both electronic and print media, the response time shall be calculated from the day of its first publication in the newspapers.

14. Exceptions.-

It shall be mandatory for all Procuring Agencies to advertise all procurement requirements exceeding prescribed financial limit which is applicable under sub-clause (i) of clause (b) of Rule 42. However, deviation from the requirement is permissible under following circumstances, with the prior approval of the AJK PPRA,-

(a) the proposed procurement is related to national security and its publication could jeopardize national security objectives; and

(b) the proposed procurement advertisement or notice or publication of it, in any manner, relates to disclosure of information, which is proprietary in nature or falls within the definition of intellectual property which is available from a single source.

PRE-QUALIFICATION, QUALIFICATION AND DIS-QUALIFICATION OF SUPPLIERS AND CONTRACTORS

15. Pre-Qualification of Suppliers and Contractors.-

(1) A Procuring Agency, prior to the floating of tenders, invitation to proposals or offers in procurement proceedings, may engage in pre-qualification of Bidders in case of services, civil works, turnkey projects and in case of procurement of expensive and technically complex equipment to ensure that only technically and financially capable firms having adequate managerial capability are invited to submit Bids. Such pre-qualification shall solely be based upon the ability of the interested parties to perform that particular work satisfactorily.

- (2) A Procuring Agency while engaging in pre-qualification may take into consideration the following factors, namely:-
- (a) relevant experience and past performance;
 - (b) capabilities with respect to personnel, equipment, and plant;
 - (c) financial position;
 - (d) appropriate managerial capability; and
 - (e) any other factor that a Procuring Agency may deem relevant, not inconsistent with these Rules.

16. Pre-Qualification Process.-

(1) The Procuring Agency engaging in pre-qualification shall announce, in the pre-qualification documents, all information required for pre-qualification including instructions for preparation and submission of the pre-qualification documents, evaluation criteria, list of documentary evidence required by Suppliers or Contractors to demonstrate their respective qualifications and any other information that the Procuring Agency deems necessary for prequalification.

(2) The Procuring Agency shall provide a set of pre-qualification documents to any Supplier or Contractor, on request and subject to payment of price, if any.

Explanation.- For the purposes of this sub-Rule, price means the cost of printing and providing the documents only.

(3) The Procuring Agency shall promptly notify each Supplier or Contractor submitting an application to pre-qualify whether or not it has been pre-qualified and shall make available to any person directly involved in the pre-qualification process, upon request, the names of all Suppliers or Contractors who have been pre-qualified. Only Suppliers or Contractors who have been pre-qualified shall be entitled to participate further in the procurement proceedings.

(4) The Procuring Agency shall communicate to those Suppliers or Contractors who have not been pre-qualified the reasons for not pre-qualifying them.

17. Qualification of Suppliers and Contractors.-

A Procuring Agency, at any stage of the procurement proceedings, having credible reasons for or prima facie evidence of any defect in Supplier's or Contractor's capacities, may require the Suppliers or Contractors to provide information concerning their professional, technical, financial, legal or managerial competence whether already pre-qualified or not:

Provided that such qualification shall only be laid down after recording reasons thereof in writing. They shall form part of the records of that procurement proceeding.

18. Disqualification of Suppliers and Contractors.-

The Procuring Agency shall disqualify a Supplier or Contractor if it finds, at any time, that the information submitted by him concerning his qualification as Supplier or Contractor was false and materially inaccurate or incomplete.

19. Blacklisting of Suppliers and Contractors.-

(1) The Procuring Agencies shall specify a mechanism and manner to permanently or temporarily bar, from participating in their respective procurement proceedings, Suppliers and Contractors who either consistently fail to provide satisfactory performances or are found to be indulging in corrupt or fraudulent practices. Such barring action shall be duly publicized and communicated to the AJK PPRA:

Provided that any Supplier or Contractor who is to be blacklisted shall be accorded adequate opportunity of being heard.

(2) The AJK PPRA shall maintain a record of such black listed Suppliers or Contractor firms, as the case may be, along with names of its management. Such declarations shall also be posted on its website besides communications of such information to all Public Procurement Authorities in Pakistan:

METHODS OF PROCUREMENT

20. Principal Method of Procurement.-

Save as otherwise provided hereinafter, the Procuring Agencies shall use open competitive bidding as the principal method of procurement for the procurement of goods, services and works.

21. Open Competitive Bidding.-

Subject to the provisions of Rules 22 to 37, the Procuring Agencies shall engage in open competitive bidding if the cost of the object to be procured is more than the prescribed financial limit which is applicable under sub-clause (i) of clause (b) of Rule 42.

22. Submission of Bids.-

(1) The Bids shall be submitted in a sealed package or packages in such manner that the contents are fully enclosed and cannot be known until duly opened.

(2) A Procuring Agency shall specify the manner and method of submission and receipt of Bids in an unambiguous and clear manner in the bidding documents.

23. Bidding Documents.-

(1) Procuring Agencies shall formulate precise and unambiguous bidding documents that shall be made available to the Bidders immediately after the publication of the invitation to Bid.

(2) For competitive bidding, whether open or limited, the Bidding documents shall include the following, namely:-

- (a) invitation to Bid;
- (b) instructions to Bidders;
- (c) form of Bid;
- (d) form of Contract;
- (e) general or special conditions of Contract;
- (f) specifications and drawings or performance criteria (where applicable);
- (g) list of goods or bill of quantities (where applicable);
- (h) delivery time or completion schedule;
- (i) qualification criteria (where applicable);
- (j) Bid evaluation criteria;
- (k) format of all securities required (where applicable);
- (l) details of standards (if any) that are to be used in assessing the quality of goods, works or services specified; and
- (m) any other detail not inconsistent with these Rules that the Procuring Agency may deem necessary.

(3) Any information, that becomes necessary for Bidding or for Bid evaluation, after the invitation to Bid or issue of the bidding documents to the prospective Bidders, shall be provided in a timely manner and on equal opportunity basis. Where notification of such change, addition, modification or deletion becomes essential, such notification shall be made in a manner similar to the original advertisement.

(4) Procuring Agencies shall use standard bidding documents as and when notified under Regulations made or used by the AJK PPRA:

Provided that Bidding documents already in use of Procuring Agencies may be retained in their respective usage to the extent they are not inconsistent with these Rules, and till such time that the standard Bidding documents are specified by Regulations.

(5) The Procuring Agency shall provide a set of bidding documents to any Supplier or Contractor, on request and subject to payment of price, (if any).

Explanation.- For the purpose of this sub-Rule, price means the cost of printing and providing the documents only.

24. Reservations and Preference.-

(1) Procuring Agencies shall allow all prospective Bidders to participate in Procuring procedure without regard to nationality, except in cases in which any Procuring Agency decides to limit such participation to national Bidders only or prohibit participation of Bidders of some nationalities, in accordance with the policy of the Government.

(2) Procuring Agencies shall allow for a preference to domestic or national Suppliers or Contractors in accordance with the policies of the Government. The magnitude of price preference to be accorded shall be clearly mentioned in the bidding documents under the Bid evaluation criteria.

25. Bid Security.-

The Procuring Agency may require the Bidders to furnish a Bid security to the extent from 02% to 05% of the Bid price.

26. Bid validity.-

(1) A Procuring Agency, keeping in view the nature of the procurement, shall subject the Bid to a Bid validity period.

(2) Bids shall be valid for the period of time specified in the Bidding document.

(3) The Procuring Agency shall ordinarily be under an obligation to process and evaluate the Bid within the stipulated Bid validity period. However under exceptional circumstances and for reason to be recorded in writing, if an extension is considered necessary, all those who have submitted their Bids shall be asked to extend their respective Bid validity period. Such extension shall be for not more than the period equal to the period of the original Bid validity.

(4) Bidders who,-

- (a) agree to extension of their Bid validity period shall also extend the validity of the Bid bond or security for the extended period of the Bid validity;
- (b) agree to the Procuring Agency's request for extension of Bid validity period shall not be permitted to change the substance of their Bids; and
- (c) do not agree to an extension of the Bid validity period and in such case they shall be allowed to withdraw their Bids without forfeiture of their Bid bonds or securities.

27. Extension of Time for Submission of Bids.-

Where a Procuring Agency has already prescribed a deadline for the submission of Bids and due to any reason the Procuring Agency finds it necessary to extend such deadline, it shall do so only after recording its reasons in writing and in an equal opportunity manner. Advertisement of such extension in time shall be done in a manner similar to the original advertisement.

OPENING, EVALUATION AND REJECTION OF BIDS

28. Opening of Bids.-

(1) The date for opening of Bids and the last date for the submission of Bids shall be the same. Bids shall be opened at the time specified in the Bidding documents. The Bids shall be opened at least thirty minutes after the deadline for submission of Bids.

(2) All Bids shall be opened publicly in the presence of the Bidders or their representatives who may choose to be present, at the time and place announced prior to the Bidding. The Procuring Agency shall read aloud the unit price as well as the Bid amount and shall record the minutes of the Bid opening. All Bidders in attendance shall sign an attendance sheet. All Bids submitted after the time prescribed shall be rejected and returned without being opened.

29. Evaluation Criteria.-

Procuring Agencies shall formulate an appropriate evaluation criterion listing all the relevant information against which a Bid is to be evaluated. Such evaluation criteria shall form an integral part of the Bidding documents. Failure to provide for an unambiguous evaluation criteria in the Bidding documents shall amount to mis-procurement.

30. Evaluation of Bids.-

(1) All Bids shall be evaluated in accordance with the evaluation criteria and other terms and conditions set forth in the prescribed Bidding documents. Save as provided for in sub-clause (iv) of clause (c) of Rule 36 no evaluation criteria shall be used for evaluation of Bids that had not been specified in the Bidding documents.

(2) For the purposes of comparison of Bids quoted in different currencies, the price shall be converted into a single currency specified in the Bidding documents. The rate of exchange shall be the selling rate, prevailing on the date of opening of Bids specified in the Bidding documents, as notified by the State Bank of Pakistan on that day.

(3) A Bid once opened in accordance with the prescribed procedure shall be subject to only those Rules, Regulations and Policies that are in force at the time of issue of notice for invitation of Bids.

31. Clarification of Bids.-

(1) No Bidder shall be allowed to alter or modify his Bid after the Bids have been opened. However the Procuring Agency may seek and accept clarifications to the Bid that do not change the substance of the Bid.

(2) Any request for clarification in the Bid, made by the Procuring Agency shall invariably be in writing. The response to such request shall also be in writing.

32. Discriminatory and Difficult Conditions.-

Save as otherwise provided, no Procuring Agency shall introduce any condition, which discriminates between Bidders or that is considered to be met with difficulty. In ascertaining the discriminatory or difficult nature of any condition reference shall be made to the ordinary

practices of that trade, manufacturing, construction business or service to which that particular procurement is related.

33. Rejection of Bids.-

(1) The Procuring Agency may reject all Bids or proposals at any time prior to the acceptance of a Bid or proposal. The Procuring Agency shall upon request communicate to any Supplier or Contractor who submitted a Bid or proposal, the grounds for its rejection of all Bids or proposals, but is not required to justify those grounds.

(2) The Procuring Agency shall incur no liability, solely by virtue of its invoking sub-Rule (1) towards Suppliers or Contractors who have submitted Bids or proposals.

(3) Notice of the rejection of all Bids or proposals shall be given promptly to all Suppliers or Contractors that submitted Bids or proposals.

34. Re-Bidding.-

(1) If the Procuring Agency has rejected all Bids under Rule 33 it may call for re-Bidding.

(2) The Procuring Agency before invitation for re-Bidding shall assess the reasons for rejection and may revise specifications, evaluation criteria or any other condition for Bidders as it may deem necessary.

35. Announcement of evaluation reports.-

Procuring Agencies shall announce the results of Bid evaluation in the form of a report giving justification for acceptance or rejection of Bids at least ten days prior to the award of procurement Contract.

36. Procedures of open competitive Bidding.-

Save as otherwise provided in these Rules the following procedures shall be permissible for open competitive Bidding, namely:-

(a) Single stage – one envelope procedure.- Each Bid shall comprise one single envelope containing, separately, financial proposal and technical proposal (if any). All Bids received shall be opened and evaluated in the manner prescribed in the Bidding document.

(b) Single stage – two envelope procedure.- (i) The Bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal;

(ii) the envelopes shall be marked as “FINANCIAL PROPOSAL” and “TECHNICAL PROPOSAL” in bold and legible letters to avoid confusion;

(iii) initially, only the envelope marked “TECHNICAL PROPOSAL” shall be opened;

(iv) the envelope marked as “FINANCIAL PROPOSAL” shall be retained in the custody of the Procuring Agency without being opened;

(v) the Procuring Agency shall evaluate the technical proposal in a manner prescribed in advance, without reference to the price and reject any proposal which does not conform to the specified requirements;

(vi) during the technical evaluation no amendments in the technical proposal shall be permitted;

(vii) the financial proposals of Bids shall be opened publicly at a time, date and venue announced and communicated to the Bidders in advance;

(viii) after the evaluation and approval of the technical proposal the Procuring Agency, shall at a time within the Bid validity period, publicly open the financial proposals of the technically

accepted Bids only. The financial proposal of Bids found technically nonresponsive shall be returned un-opened to the respective Bidders; and the Bid found to be the lowest evaluated Bid shall be accepted.

(c) Two stage Bidding procedure.-

First stage:

- (i) The Bidders shall first submit, according to the required specifications, a technical proposal without price;
- (ii) the technical proposal shall be evaluated in accordance with the specified evaluation criteria and may be discussed with the Bidders regarding any deficiencies and unsatisfactory technical features;
- (iii) after such discussions, all the Bidders shall be permitted to revise their respective technical proposals to meet the requirements of the Procuring Agency;
- (iv) the Procuring Agency may revise, delete, modify or add any aspect of the technical requirements or evaluation criteria, or it may add new requirements or criteria not inconsistent with these Rules:

Provided that such revisions, deletions, modifications or additions are communicated to all the Bidders equally at the time of invitation to submit final Bids, and that sufficient time is allowed to the Bidders to prepare their revised Bids:

Provided further that such allowance of time shall not be less than fifteen days in the case of national competitive Bidding and thirty days in the case of international competitive Bidding;

- (v) Bidders not willing to conform their respective Bids to the Procuring Agency's technical requirements may be allowed to withdraw from the Bidding without forfeiture of their Bid security;

Second stage:

- (vi) the Bidders, whose technical proposals or Bids have not been rejected and who are willing to conform their Bids to the revised technical requirements of the Procuring Agency, shall be invited to submit a revised technical proposal along with the financial proposal;
- (vii) the revised technical proposal and the financial proposal shall be opened at a time, date and venue announced and communicated to the Bidders in advance; and
- (viii) the revised technical proposal and the financial proposal shall be evaluated in the manner prescribed above. The Bid found to be the lowest evaluated Bid shall be accepted:

Provided that in setting the date for the submission of the revised technical proposal and financial proposal a Procuring Agency shall allow sufficient time to the Bidders to incorporate the agreed upon changes in the technical proposal and prepare their financial proposals accordingly.

(d) Two stage - two envelope Bidding procedure.-

First stage:

- (i) the Bid shall comprise a single package containing two separate envelopes. Each envelope shall contain separately the financial proposal and the technical proposal;
- (ii) the envelopes shall be marked as "FINANCIAL PROPOSAL" and "TECHNICAL PROPOSAL" in bold and legible letters to avoid confusion;

- (iii) initially, only the envelope marked “TECHNICAL PROPOSAL” shall be opened;
- (iv) the envelope marked as “FINANCIAL PROPOSAL” shall be retained in the custody of the Procuring Agency without being opened;
- (v) the technical proposal shall be discussed with the Bidders with reference to the Procuring Agency’s technical requirements;
- (vi) Bidders willing to meet the requirements of the Procuring Agency shall be allowed to revise their technical proposals following the discussions;
- (vii) Bidders not willing to conform their technical proposal to the revised requirements of the Procuring Agency shall be allowed to withdraw their respective Bids without forfeiture of their Bid security;

Second stage:

- (viii) after agreement between the Procuring Agency and the Bidders on the technical requirements, Bidders who are willing to conform to the revised technical specifications and whose Bids have not already been rejected shall submit a revised technical proposal and supplementary financial proposal, according to the technical requirement;
- (ix) the revised technical proposal along with the original financial proposal and supplementary financial proposal shall be opened at a date, time and venue announced in advance by the Procuring Agency:

Provided that in setting the date for the submission of the revised technical proposal and supplementary price proposal a Procuring Agency shall allow sufficient time to the Bidders to incorporate the agreed upon changes in the technical proposal and to prepare the required supplementary financial proposal; and

- (x) the Procuring Agency shall evaluate the whole proposal in accordance with the evaluation criteria and the Bid found to be the lowest evaluated Bid shall be accepted.

37. Conditions for use of single stage two envelope, two stage, and two stage two envelope, Bidding procedures.-

Single stage one envelope Bidding procedure shall ordinarily be the main open competitive Bidding procedure used for most of the procurement. Other appropriate procedures of open competitive Bidding shall be selected in the following circumstances, namely:-

- (a) single stage two envelope Bidding procedure shall be used where the Bids are to be evaluated on technical and financial grounds and price is taken into account after technical evaluation;
- (b) two stage Bidding procedure shall be adopted in large and complex Contracts where technically unequal proposals are likely to be encountered or where the Procuring Agency is aware of its options in the market but, for a given set of performance requirements, there are two or more equally acceptable technical solutions available to the Procuring Agency; and
- (c) two stage two envelope Bidding method shall be used for procurement where alternative technical proposals are possible, such as certain type of machinery or equipment or manufacturing plant.

ACCEPTANCE OF BIDS AND AWARD OF PROCUREMENT CONTRACTS

38. Acceptance of Bids.-

The Bidder with the lowest evaluated Bid, if not in conflict with any other Law, Rules, Regulations or Policy of the Government, shall be awarded the procurement Contract, within the original or extended period of Bid validity.

39. Performance guarantee.-

Where needed and clearly expressed in the Bidding documents, the Procuring Agency shall require the successful Bidder to furnish a performance guarantee which shall not exceed ten per cent of the Contract amount.

40. Limitation on negotiations.-

Save as otherwise provided, there shall be no negotiations with the Bidder having submitted the lowest evaluated Bid or with any other Bidder:

Provided that the extent of negotiation permissible shall be subject to the Regulations issued by the AJK PPRA.

41. Confidentiality.-

The Procuring Agency shall keep all information regarding the Bid evaluation confidential until the time of the announcement of the evaluation report in accordance with the requirements of Rule 35.

42. Alternative methods of procurements.-

A Procuring Agency may utilize the following alternative methods of procurement of goods, services and works, namely:-

(a) petty purchases.- Procuring Agencies may provide for petty purchases where the object of the procurement is below the financial limit of twenty five thousand rupees.

Such procurement shall be exempt from the requirements of Bidding or quotation of prices:

Provided that the Procuring Agencies shall ensure that procurement of petty purchases is in conformity with the principles of procurement prescribed in Rule 4:

Provided further that Procuring Agencies convinced of the inadequacy of the financial limit prescribed for petty purchases in undertaking their respective operations may approach the Government for enhancement of the same with full and proper justifications.

(b) request for quotations.- A Procuring Agency shall engage in this method of procurement only if the following conditions exist, namely:-

(i) the cost of object of procurement is below the prescribed limit of one hundred thousand rupees:

Provided that the respective Boards of Autonomous bodies are authorized to fix an appropriate limit for request for quotations method of procurement subject to a maximum of rupees five hundred thousand which will become financial limit under this sub-Rule;

(ii) the object of the procurement has standard specifications;

(iii) minimum of three quotations have been obtained; and

(iv) the object of the procurement is purchased from the Supplier offering the lowest price:

Provided that Procuring Agencies convinced of the inadequacy of the financial limit prescribed for request for quotations in undertaking their respective operations may approach the Government for enhancement of the same with full and proper justifications.

(c) direct contracting.- A Procuring Agency shall only engage in direct Contracting if the following conditions exist, namely;

(i) the procurement concerns the acquisition of spare parts or supplementary services from original manufacturer or Supplier:

Provided that the same are not available from alternative sources;

(ii) only one manufacturer or Supplier exists for the required procurement:

Provided that the Procuring Agencies shall specify the appropriate fora, which may authorize procurement of proprietary object after due diligence; and

(iii) where a change of Supplier would oblige the Procuring Agency to acquire material having different technical specifications or characteristics and would result in incompatibility or disproportionate technical difficulties in operation and maintenance:

Provided that the Contract or Contracts do not exceed three years in duration;

(iv) repeat orders not exceeding fifteen per cent of the original procurement;

(v) in case of an Emergency:

Provided that the Procuring Agencies shall specify appropriate for a vested with necessary authority to declare an emergency;

(vi) when the price of goods, services or works is fixed by the Government or any other authority, Agency or body duly authorized by the Government, on its behalf; and

(vii) for purchase of motor vehicle from local original manufacturers or their authorized agents at manufacturer's price.

(d) negotiated tendering.- A Procuring Agency may engage in negotiated tendering with one or more Suppliers or Contractors with or without prior publication of a procurement notification. This procedure shall only be used when,-

(i) the supplies involved are manufactured purely for the purpose of supporting a specific piece of research or an experiment, a study or a particular development;

(ii) for technical or artistic reasons, or for reasons connected with protection of exclusive rights or intellectual property, the supplies may be manufactured or delivered only by a particular Supplier;

(iii) for reasons of extreme urgency brought about by events unforeseeable by the Procuring Agency, the time limits laid down for open and limited Bidding methods cannot be met. The circumstances invoked to justify extreme urgency must not be attributable to the Procuring Agency:

Provided that any Procuring Agency desirous of using negotiated tendering as a method of procurement shall record its reasons and justifications in writing for resorting to negotiated tendering and shall place the same on record.

43. On account payments.-

All Procuring Agencies shall make prompt payments to Suppliers and Contractors against their invoices or running bills within the time given in the conditions of the Contract, which shall not exceed thirty days.

44. Entry into force of the procurement Contract.-

A procurement Contract shall come into force,-

- (a) where no formal signing of a Contract is required, from the date the notice of the acceptance of the Bid or purchase order has been given to the Bidder whose Bid has been accepted. Such notice of acceptance or purchase order shall be issued within a reasonable time; or
- (b) where the Procuring Agency requires signing of a written Contract, from the date on which the signatures of both the Procuring Agency and the successful Bidder are affixed to the written Contract. Such affixing of signatures shall take place within a reasonable time:

Provided that where the coming into force of a Contract is contingent upon fulfillment of a certain condition(s), the Contract shall take effect from the date whereon such fulfillment takes place.

45. Closing of Contract.-

(1) Except for defect liability or maintenance by the Supplier or Contractor, as specified in the conditions of Contract, performance of the Contract shall be deemed close on the issue of overall delivery certificate or taking over certificate which shall be issued within thirty days of final taking over of goods or receiving the deliverables or completion of works enabling the Supplier or Contractor to submit final bill and the auditors to do substantial audit.

(2) In case of defect liability or maintenance period, defect liability certificate shall be issued within thirty days of the expiry of the said period enabling the Supplier or Contractor to submit the final bill. Except for unsettled claims, which shall be resolved through arbitration, the bill shall be paid within the time given in the condition(s) of Contract, which shall not exceed sixty days to close the Contract for final audit.

MAINTENANCE OF RECORD AND FREEDOM OF INFORMATION

46. Record of procurement proceedings.-

(1) All Procuring Agencies shall maintain a record of their respective procurement proceedings along with all associated documentation for a minimum period of five years.

(2) Such maintenance of record shall be subject to the Regulations framed in this regard from time to time.

47. Public access and transparency.-

As soon as a Contract has been awarded the Procuring Agency shall make all documents, related to the evaluation of the Bid and award of Contract, public:

Provided that where the disclosure of any information related to the award of a Contract is of proprietary nature or where the Procuring Agency is convinced that such disclosure shall be against the public interest, it can withhold only such information from public disclosure subject to the prior approval of the AJK PPRA.

REDRESSAL OF GRIEVANCES AND SETTLEMENT OF DISPUTES

48. Redressal of grievances by the Procuring Agency.-

(1) The Procuring Agency shall constitute a committee comprising of odd number of persons, with proper powers and authorizations, to address the complaints of Bidders that may occur prior to the entry into force of the procurement Contract.

(2) Any Bidder feeling aggrieved by any act of the Procuring Agency, after the submission of his Bid may lodge a written complaint concerning his grievances not later than fifteen days after the announcement of the Bid evaluation report under Rule 35.

(3) The committee shall investigate and decide upon the complaint within fifteen days of the receipt of the complaint.

(4) Mere fact of lodging of a complaint shall not warrant suspension of the procurement process.

(5) Any Bidder not satisfied with the decision of the committee of the Procuring Agency may lodge an appeal to the relevant court of jurisdiction.

49. Arbitration.-

(1) After coming into force of the procurement Contracts, disputes between the parties to the Contract shall be settled by arbitration.

(2) The Procuring Agencies shall provide for a method of arbitration in the procurement Contract, not inconsistent with the laws of Azad Jammu and Kashmir.

50. Mis-procurement.-

Any unauthorized breach of these Rules shall amount to mis-procurement.

51. Overriding effect.-

The provisions of these Rules shall have effect notwithstanding anything to the contrary contained in any other Rules concerning public procurements:

Provided that the prevailing Rules and procedures shall remain applicable only for the procurement of goods, services and works for which notice for invitation of Bids had been issued prior to the commencement of these Rules unless the Procuring Agency deems it appropriate to re-issue the notice for the said procurement after commencement of these Rules.

Sd/--

(Ambreen Asghar)

Section Officer S&GAD

(Regulations)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,**

‘MUZAFFARABAD’
Dated the 15th January 2001.

No. 20-30/LD/2001. The following Act of the Assembly received the assent of the President on the 13th day of January 2001, is hereby published for general information:-

(ACT I of 2001)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLTAMENTARY AFFAIRS DEPARTMENT,**

‘MUZAFFARABAD’
Dated the 15th January 2001.

No. 20-30/LD/2001. The following Act of the Assembly received the assent of the President on the 13th day of January 2001, is hereby published for general information:-

(ACT I of 2001)

AN

ACT

to provide for the setting up of an Ehtesab Bureau in the State of Azad Jammu and Kashmir so as to eradicate corruption and corrupt practices and hold accountable all those persons accused of such practices and matters ancillary thereto;

WHEREAS it is expedient and necessary to provide for effective measures for the detection, investigation, prosecution and speedy disposal of cases involving corruption, corrupt practices, misuse/abuse of power, misappropriation of property, kickbacks, commissions and for matters connected and ancillary or incidental thereto;

AND WHEREAS there is an emergent need for the recovery of outstanding amounts from those persons who have committed default in the repayment of amounts to banks, financial institutions, government and other agencies;

AND WHEREAS there is grave and urgent need for the recovery of state money and other assets from those persons who have misappropriated or removed such money and assets through corruption, corrupt practices and misuse of power and/or authority;

AND WHEREAS it is necessary that an Ehtesab Bureau be set up so as to achieve the above aims;

It is hereby enacted as follows: -

1. **Title:-**This Act may be called the Azad Jammu and Kashmir Ehtesab Bureau Act, 2001.
(2) It shall come into force at once.
2. **Commission:-**(1) This Act shall come into force at once.

(2) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

(3) The offences committed after 1st January 1985 shall be triable under this Act:

Provided that notwithstanding anything contained in this Act or any other law, the punishment for the offence committed prior to enforcement of the Ehtesab Bureau Ordinance, (Ordinance XXIII of 2000), shall not be awarded greater than, or of any kind, different from, the penalty prescribed by law for that offence at the time offence was committed.

3. **Application.** It extends to the whole of Azad Jammu and Kashmir and shall apply to the following persons wherever they may be:-

- a) all persons in Azad Jammu and Kashmir;
- b) holders of public offices;
- c) all persons who are suspected to have abetted commission of an offence triable under this Act; and
- d) all persons who are associates as defined in section 4.

4. **Definitions.**-In this Act, unless there is anything repugnant in the subject or context,-

- a) “Accused” shall include a person in respect of whom there are reasonable grounds to believe that he is, or has been, involved in the commission of any offence triable under this Act and/or is subject to an investigation/inquiry by the Ehtesab Bureau or a concerned agency;
- b) “Assets” means and property owned, controlled by or belong to any accused, whether directly or indirectly, or held benami in the name of his spouse or relatives or associates, whether within or outside the State of Azad Jammu and Kashmir, for which they cannot reasonably account, or for which they cannot prove, payment of full and lawful consideration;
- c) “Associates” means:-
 - i) any individual who is, or has been, managing the affairs for or keeping accounts of the accused or who enjoys, or has enjoyed, any benefit from the assets referred to above;
 - ii) any association of persons, body of individual, partnership firms or private limited companies within the meaning of the Companies Ordinance, 1984, of which such a person is, or has been, a member, partner or director, or which have been promoted, floated, established or run by the same group of persons;
 - iii) any trustee of a private trust; and
 - iv) any person who ostensibly holds or is in possession or custody of any property of an accused on his behalf for the benefit and enjoyment of the accused.
- n) “Holder of Public Office” means a person who;
 - (i) has been the President;
 - (ii) is or has been the Prime Minister of Azad Government of the state of Jammu and Kashmir, Speaker of the Legislative Assembly, Deputy Speaker of the Legislative Assembly, Minister, Advisor to the President/Prime Minister/ Council, Special Assistant or consultant to the Prime Minister, Parliamentary Secretary, Member of Legislative Assembly or the Council, Political Secretary, Advocate General including Additional /Assistant Advocate General, Public, Prosecutor and Additional Public Prosecutor, Chairman of a Development Authority Chairman of a District Council,

Chairman of a Zakat Council Zakat Committee and members therein, and anyone who holds, or has held, a post or office with the rank or status of a Minister;

- (iii) is holding, or has held, an office or post in the service of Azad Jammu and Kashmir, or any post or service in connection with the affairs of the State, or of a local council constituted under any State law relating to the constitution of local councils, or in the management of corporations, banks, financial institutions, firms, concerns, undertakings or any other institution or organization established, controlled or administered by or under the council and the Azad Government of the State of Jammu and Kashmir, other than a person who is a member of any of the armed forces of Pakistan, or for the time being is subject to any law relating to any of the said forces, except a person who is, or has been a member of the said forces, and is holding, or has held, a post or office in any public corporation, bank financial institution, undertaking or other organization established, controlled or administered by or under the Azad Government of the State of Jammu and Kashmir; or any Board, team, Task force, authority or any such other body known by any name setup by the President, the Government or the council, including any post in any Development Authority or a Transport Authority.
- (iv) is holding or has held an office in a corporation and any other body constituted by a law.
- (v) (a) is, or has been, the Chairman or Vice Chairman of a zila council, a municipal committee, a municipal corporation or a metropolitan corporation constituted under any State law relating to local councils;
- (b) for the purpose of sub-clause (iv) (a) the expressions “Chairman” and “Vice Chairman” shall include “Mayor, Deputy Mayor, Administrator and Deputy Administrator ” as the case may be, and the respective councilors therein;
- (vi) has served, or has retired or resigned, from or has been discharged or dismissed from the Armed Forces of Pakistan;

¹[(“o) “Offence” means the offences of corruption and corrupt practices punishable under this Act.”]

p) “Person” unless the context otherwise so requires, includes in the case of a corporate body, the sponsors, chairman, chief executive, managing director, elected directors, by whatever name called, and guarantor of the company or any one exercising direction or control of the affairs of such corporate body, and in the case of any firm, partnership or sole proprietorship, the partner, the proprietor or any person having interest in the said firm, partnership or proprietorship concern or direction or control thereof;

t) “Service” means the Service of Azad Jammu and Kashmir as defined in the Interim Constitution Act, 1974.

²[xxx]

¹ Subs. by Ibid. The original context of cl. (o) Sec. 4 is reproduced as under:-

“o) “Offence” means the offences of corruption and corrupt practices punishable under schedule I, or under any of the laws mentioned in schedule II of this Act.”

² Omitted by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020. The original extract of cl.(u) of Sec. 4 is reproduced as under:-

³[⁶. **Chairman of The Ehtesab Bureau.-** (1) There shall be a Chairman of the Ehtesab Bureau to be appointed by the President on the advice of the Prime Minister on such terms and conditions as may be prescribed.

(2) No person shall appointed as Chairman Ehtesab Bureau unless he:-

- (i) has been or is qualified to be appointed as Judge of the Supreme Court or High Court; or
- (ii) is or has been civil servant of Azad Jammu and Kashmir in BPS-21 and above.”]

⁴[xxx]

“u) “Willful Default” a person is said to commit an offence of willful default under this Act if he does not pay or continues not to pay or return or repay the amount to any bank, financial institution, cooperative society, cooperative bank, or a government department or a statutory body or an authority established or controlled by the Government on the date that it became due as per agreement containing the obligation to pay, return or repay or according to the laws, rules, regulations, instructions, issued or notified by the State Bank of Pakistan, or a bank, financial institution, cooperative society, government department, statutory body or an authority established or controlled by the Government, as the case may be, and a period of thirty days has expired thereafter;

Provided that it is not willful default under this Ordinance if the borrower was unable to pay, return or repay the amount as aforesaid on account of any willful breach of agreement or obligation or failure to perform statutory duty on the part of any bank, financial institution, cooperative society or a government department or a statutory body or an authority established or controlled by the Government”

3 Sec. 6 amended/subs. three times. the original extract of sec. 6 of Act I of 2001 is reproduced as under:-

“6. **Chairman of the Ehtesab Bureau.-** (1) There shall be a Chairman of the Ehtesab Bureau to be appointed by the President after consultation with the Chairman of the Azad Jammu Kashmir Council.

(2) The term of the office of a Chairman shall be three years and his other conditions, statutes and privileges shall be as determined by the President.

(3) The Chairman may resign his office by writing under his hand addressed to the President, or he may be removed for misconduct by the President after consultation with the Chairman of the Azad Jammu and Kashmir council.

A. The full stop at end of subsection (1) of Sec. 6 subs. by a colon and thereafter following proviso added by the AJ&K Ehtesab Bureau (2nd Amdt.) Act, 2005 (Act IX of 2005) dt. 22.09.2005.

“Provided that a person shall not be appointed as Chairman Ehtesab Bureau unless he:-

- (i) is or has been or is qualified to be appointed as Judge of the Supreme Court or High Court; or
- (ii) is a retired officer of the Armed Forces of Pakistan equivalent to the rank of a Major General; or
- (iii) has been a member of a service of Azad Jammu and Kashmir in BPS-21 or above.”

B. Sec. 6 subs. by the AJ&K Ehtesab Bureau (3rd Amdt.) Act, 2010 (Act V of 2010) dt. 17.06.2010 as under:-

“6. **Chairman of the Ehtesab Bureau.-** (1) There may be a Chairman of the Ehtesab Bureau to be appointed by the President on such terms and conditions as may be prescribed.

(2) No person shall be appointed as a Chairman Ehtesab Bureau unless :-

- (i) is or has been or is qualified to be appointed as Judge of the Supreme Court or High Court; or
- (ii) is or has been a civil servant of Azad Jammu and Kashmir in BPS-21 or above.”

C. . subs. by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

4 Sec. 7 was amended/subs. 3 times. The original extract of Sec. 7 of Act I of 2001 is reproduced as under:-

“7. **Deputy Chairman of the Ehtesab Bureau.-** (1) There shall be a Deputy Chairman appointed by the President in consultation with the Chairman of the Azad Jammu and Kashmir Council:

(2) The Deputy Chairman may be removed by the President after consultation with the Chairman of the Azad Jammu and Kashmir Council.”

A. the full stop at the end of subsection (1) of Sec. 7 was subs. by a colon and thereafter following proviso added by the AJ&K Ehtesab Bureau (2nd Amendment) Act, 2005 (Act IX of 2005) dt. 22.09.2005.

“Provided that a person shall not be appointed as a Deputy Chairman Ehtesab Bureau unless he:-

- i) is or has been a member of the service of Azad Jammu and Kashmir in BPS-20 or above; or
- ii) is an officer of the Armed Forces of Pakistan equivalent to the rank of a Brigadier.”

B. Sec. 7 Subs. by the AJ&K Ehtesab Bureau (3rd Amdt.) Act, 2010 (Act V of 2010) dt. 17.06.2010 as under:-

“7. **Deputy Chairman of the Ehtesab Bureau.-** (1) There shall be a Deputy Chairman to be appointed by the President on such terms and conditions as may be prescribed.

(2) No person shall be appointed as Deputy Chairman Ehtesab Bureau unless he:-

- i) is eligible to be appointed as Judge High Court; or
- ii) is or has been a Civil Servant of Azad Jammu and Kashmir in BPS-20 or above.

C. Sec. 7 was omitted by the AJ&K Ehtesab Bureau (Fifth Amendment) Act, 2018 (Act VIII of 2018) dt. 11.10.2018.

⁵[“**8. Acting Chairman of the Ehtesab Bureau.**- As and when the Chairman is absent or is unable to perform the function of his office due to any reason, whatsoever, or office of the Chairman is vacant, the President, on the advice of the Prime Minister, may appoint any other person duly qualified, to act as Chairman for a period not exceeding six months.”]

9. Chief Prosecutor, Ehtesab.⁶[“(1) The President, on the advice of the Prime Minister, may appoint a person being a person qualified to be appointed as Judge of High Court, as Chief Prosecutor Ehtesab Bureau.

(1-a). The terms and conditions of the Ehtesab Bureau shall be determined by the Government in consultation with the Chairman:

Provided that the Chief Prosecutor appointed before the commencement of this Act shall be deemed to have been appointed under this Section for remaining period of his term.”]

(2) The Chief Prosecutor shall give advice to the Chairman upon such legal matters and perform such other duties of a legal character as may be referred or assigned to him by the Chairman and in the performance of his duties he shall have the right of audience and appearance in all courts established under this Act and all other courts and Tribunals in the State, or engage a Council whenever required.

(3) The Chief Prosecutor Ehtesab Bureau, in consultation with the Law Department, may, with prior approval of the Chairman, appoint Deputy Chief Prosecutors to conduct prosecution of specific cases under this Act, before any Ehtesab Courts or any other Court or Tribunal.

⁷[“**9-A. Director Legal.**- [(1) The Chairman shall with prior approval of the Government, appoint a suitable officer from the Law Department, as Director Legal, on deputation basis.”]

(2) The Director Legal shall scrutinize the investigation and references referred to him by the Chairman and give expert legal opinion upon such references before proceedings further in to the matter. He shall also perform such other duties, which from time to time, assign to him by the Chairman.”]

5 Sec. 8 was subs./ amended two times. The original extract of Sec. 8 of Act I of 2001 is reproduced as under:-

“**8. Acting Chairman of the Ehtesab Bureau.**-As and when the Chairman is absent or unable to perform the function of his office due to any reason whatsoever, the Deputy Chairman will act as a Chairman, and in case the Deputy Chairman is absent or unable to perform the functions of the office, any other person duly authorized by the President.”

A. Subs. by the AJ&K Ehtesab Bureau (Fifth Amendment) Act, 2018 (Act VIII of 2018) dt. 11.10.2018 as under:-

“**8. Acting Chairman of the Ehtesab Bureau.**-At any time when the office of the Chairman is vacant or the Chairman is absent or unable to perform the function of his office due to any other reason, the President in consultation with the Prime Minister may appoint / authorized any person, having the qualification provided for the Chairman, to act and perform the function of the Chairman.”

B. Subs. by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

6 Subs. by Ibid. The original extract of subsection (1) of sec. 9 is reproduced as under:-

“(1) The Chairman may appoint any person, to act as the Chief Prosecutor, Ehtesab notwithstanding any other appointment or office the latter may concurrently hold, upon such terms and conditions as may be determined by the Chairman.”

7 A. Sec. 9-A added by the AJ&K Ehtesab Bureau (2nd Amendment) Act, 2005 (Act IX of 2005) dt. 22.09.2005

B. Sec. 9-A subsection (1) subs. by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020. The original extract of subsection (1) of Sec. 9-A (Act IX of 2005) dt. 22.09.2005 is reproduced as under:-

“(1) The Chairman shall, in consultation with the Chief Justice of High Court appoint a Director Legal from amongst from serving or retired District and Session Judges on such terms and conditions to be determined under Sec. 32 of this Act.”

10. Corruption and Corrupt Practices.- (1) A holder of a public office, or any other person, is said to commit or to have committed the offence of corruption and corrupt practices:-

- (a) if he accepts or obtains from any person or offers any gratification directly or indirectly, other than legal remuneration, as a motive or reward such as is specified in Section 161 of the Azad Penal Code (Act XLV of 1860) for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavor to any person, or for rendering or attempting to render any service or disservice to any person; or
- (b) if he accepts or obtains or offers any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or likely to be, concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with his official functions or from any person whom he knows to be interested in or related to the person so concerned; or
- (c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use, or for the use, of any other person, any property entrusted to him, or under his control, or willfully allows any other person so to do; or
- (d) if he by corrupt, dishonest, or illegal means, obtains or seeks to obtain for himself, or for his spouse and/or dependents or any other person, any property, valuable thing, or pecuniary advantage; or
- (e) if he or any of his dependents or benamidars owns, possesses, or has acquired right or title in any movable or immovable property or pecuniary resources disproportionate to his known sources of income, which he cannot reasonably account for; or
- (f) misuses his authority in any manner so as to gain any benefit or favour for himself or any other person, or to render or attempt to do so or willfully fails to exercise his authority to prevent the grant or rendition of any undue benefit or favour which he could have prevented by exercising his authority; or
- (g) if he has issued any directive, policy, or any Statutory Regulatory Order (SRO) or any other order which grants or enables any undue concession or benefit in any taxation matter or law or otherwise so as to benefit himself or any relative or associate or a benamidar or any other person; and

⁸[xxx]

⁹“(2) All offences under this Act shall be non-bailable and only the court shall have jurisdiction to grant bail under Section 497 and 498 of the code to any person accused of any offence.

(2-a) The High Court shall have also powers to grant the re-arrest bail under section 498 of the Code to an accused of an offence under this Act.”]

8 Omitted by by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020. The original extract of cl. (h) of subsection (1) of sec. 10 (Act I of 2001) dt. 15.01.2001 is reproduced as under:-

“(h) If the commits an offence of wilful default.”

9 Subsection (2) of Sec. 10 is amended /subs. two times. The original extract of subsection (2) of Sec. 10 is reproduced as under:-

“(2) All offences under this Act shall be non-bailable and, notwithstanding anything contained in Sections 426, 497 and 498 or any other provision of the Code, or any other law for the time being in force, no court, including the High Court, shall have jurisdiction to grant bail to any person accused of any offence under this Act.”

A. In subsection (2) of Sec. 10 after the words “grant bail” for the words “under Section 496/498 of the Code” has been added by the AJ&K Ehtesab Bureau (2nd Amdt.) Act, 2005 (Act IX of 2005) dt. 22.09.2005.

B. Subs. by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

(3) Where the Chairman, decides to release from custody or detention a holder of a public office or any other person accused of an offence under this Act, he shall do so after considering the gravity of the Charge against such person and the accruing quantum of loss involved in the offence alleged to have been committed and may impose any reasonable conditions for such release:

Provided that the Chairman may impose other conditions for release from custody or detention.

(4) The amount deposited by the accused with the Ehtesab Bureau shall be transferred to the concerned bank or financial institution etc. within one month of the date of such deposit.

11. Punishment for Corruption and Corrupt Practices.- (1) A person ¹⁰[who has committed] the offence of corruption and corrupt practices shall be punishable with imprisonment for a term which may extend to 14 years, or with fine, or with both, and such of the assets and property of such person which is found to be disproportionate to the known sources of his income or which is acquired by money obtained through corruption and corrupt practices whether in his name or in the name of any of his dependents, or benamidars shall be liable to be forfeited to the government.

(2) Any person giving illegal gratification, or abetting, assisting or aiding a holder of a public office, or receiving or holding any property obtained or acquired by a holder of public office, through corruption or corrupt practices, or being a beneficiary of any asset, property or gain obtained through corruption or corrupt practices shall fall within the scope of this section and shall be liable to the same or a lesser punishment that may be awarded to a holder of a public office as may be deemed fit by the Court.

¹¹[**21. Cognizance of Offences.**- (1) The Court shall not take cognizance of any offence under this Act,

10 In subsection (1) of Sec. 11 for the words “who commits”, the words “who has committed” has been subs. by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

11 Sec. 21 was amended /subs. three times. The original extract of Sec 21 of Act I of 2001 is reproduced as under:-

“21. Cognizance of Offences.--(1) The Court shall not take cognizance of any offence under this Act except on a reference made by the Chairman or an officer of the Ehtesab Bureau duly authorized by him.

(2) A reference under this Act shall be initiated by the Ehtesab Bureau, on-

- (a) a reference received from the government; or
- (b) receipt of a complaint; or
- (c) its own accord.

(3) Where the Chairman or an officer of the Ehtesab Bureau duly authorized by him is of the opinion that it is , Or may be, necessary and appropriate to initiate proceedings against any person, he shall refer the matter for inquiry or investigation,

(4) The responsibility for inquiry into and investigation of an offence alleged to have been committed under this Act shall rest on the Ehtesab Bureau to the exclusion of any other agency or authority, unless, any such agency or authority is required to do so by the Chairman.;

(5) The Chairman and such members, officers and/or servants of the Ehtesab Bureau shall have and exercise, for the purposes of an inquiry and /or investigation, the power to arrest any person, and all the powers of an officer-in-charge of a Police Station under the Code, and for that purpose may cause the attendance of any person, and when and if the assistance of any agency, Police Officer or any other official or agency, as the case may be, is sought by the Ehtesab Bureau such official or agency shall render such assistance:

Provided that no person shall be arrested without the permission of the Chairman or any officer duly authorized by him.

(6) Any inquiry or investigation under this Act shall be completed expeditiously as may be practical and feasible

(7) The Chairman ,or by an officer duly authorized by him, shall appraise the material and the evidence placed before him during the inquiry and the investigation, and if he decides that it would be proper and just to proceed further, he shall refer the matter to an Ehtesab Court.

(8) If a complaint is inquired into and investigated by the Ehtesab Bureau and it is concluded that the complaint received was prima facie frivolous or has been filed with intent to malign or defame any person, the Chairman or the authorized officer may refer the matter to the Court, and if the complainant is found guilty he shall be punishable with imprisonment for a term which may extend to one year, or with fine or with both.”

A. (i) Cl. (c) of subsection (2) of Sec. 21 omitted by the AJ&K Ehtesab Bureau (Third Amendment) Act, 2010. (Act V of 2010) dt. 17.06.2010.

(ii) Subsection (6) Subs. by Ibid as under:-

except on a reference made by the Chairman or an officer of the Ehtesab Bureau duly authorized by him.

- (2) A reference shall be processed by the Ehtesab Bureau under this Act on,-
- (a) a reference received from the Government; or
 - (b) receipt of a complaint duly supported by an affidavit along with a copy of CNIC of the complainant:

Provided that the accused shall be provided an opportunity of hearing prior to any further action:

Provided further that a preliminary fact finding inquiry in respect of an application or complaint, as the case may be, shall be conducted under the order of the Chairman and in case it is found that such application is frivolous, the Chairman shall initiate proceedings against such complainant under subsection (9).

(3) Where the Chairman is satisfied that it is necessary and appropriate to initiate proceedings on the basis of a fact finding inquiry in pursuant to a complaint, or on a reference received from the Government which prima facie establishing the commission of an offence, he shall refer the matter for investigation, which shall be completed expeditiously and reference to this extent shall be submitted in the Court within the period as stipulated in sub-section (6).

(4) The responsibility for inquiry or an investigation of an offence alleged to have been committed under this Act shall rest on the Ehtesab Bureau to the exclusion of any other agency or authority, unless any such agency or authority is required to do so by the Chairman.

(5) The Chairman shall, in case the accused person does not voluntarily or on summoning by Ehtesab Bureau avoids or refuses to appear or co-operate or furnish the requisite record or information required to complete the inquiry or investigation, as the case may be, make a request to the Court for issuance of a warrant to cause arrest of the accused person in order to fulfill the purpose of expeditious completion of inquiry or investigation.

(6) Any inquiry or investigation under this Act shall be completed expeditiously within a period of one year:

Provided that the delay, if any, occurred due to an act of the accused, that period shall be excluded in computing the period of one year.

(7) The Chairman or an officer duly authorized by him, shall appraise the material and the

“(6) Any inquiry or investigation under this Act shall be completed as expeditiously as possible

Provided that if any inquiry or investigation initiated by Ehtesab Bureau under cl. (a) and (b) of sub-section (2) respectively, has not been completed within one year from the date of receipt of the complaint or taking action, as the case may be, shall be deemed to have been abated and such case shall, without any further action, be consigned to the record;

Provided further that the delay, if any, caused any act of the accused shall not be accounted towards the period of one year.”

B. Subs. by the AJ&K Ehtesab Bureau (Forth Amdt.) Act, 2017. (Act XXV of 2017) dt. 15.05.2017 as under:-

“(6) Any inquiry or investigation under this Act shall be completed expeditiously within a period of one year:

Provided that the Government may extend the said period of inquiry or investigation up to such extent as it may deem necessary:

Provided further that the Government may order to conduct a fresh inquiry or investigation in a case which has already been consigned to record due to lapse of one year time.”

C. Subs. by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

evidence furnished through reference or in pursuant to a complaint, placed before him during the inquiry and the investigation, and if he decides that it is proper and just to proceed further, he shall file reference before the Court.

(8) If a complaint inquired into and investigated by the Ehtesab Bureau has been found frivolous or malicious or malafide, such complaint shall be rejected and the complainant shall be proceeded against under sub-section (9).

(9) If the complaint is found to be of frivolous nature or is filed with malafide intention just to defame the reputation of other person, the complainant shall be liable to punishment with imprisonment for a term up to one year, or with fine not exceeding five hundred thousand rupees, but shall not be less than two hundred thousand rupees, or with both.

(10) The concerned department shall prepare the reference after proper scrutiny, containing relevant record/documents, which prima-facie associates the accused for the commission of an Offence and shall submit to the Government for approval.

(11) The Ehtesab Bureau during the course of inquiry, investigation, trial, or at any stage, shall not make or issue a press release or statement against an accused causing disrespect to him or his family.]

22. Power to call for Information.- ¹²[(1)]The Chairman or any authorized officer, may during the course of an inquiry or investigation in connection with contravention of any provision of this Act:

- (a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act or any rule or order made thereunder;
- (b) require any person to produce or deliver any document or thing useful or relevant to the inquiry or investigation;
- (c) examine any person acquainted with the facts and circumstances of the case; and
- (d) require any bank or financial institution, notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person whosoever,

¹³["Provided that in case of official documents or information, the Chairman may ask the concerned Administrative Secretary for provision of such documents or information, as the case may be."]

“(2) Notwithstanding anything contained in this Act, the Ehtesab Bureau shall not have any jurisdiction in respect of terms and conditions of civil servants, including appointments, transfers and promotions thereof.”]

¹⁴[xxx]

25. Jurisdiction.-- (1)The Chairman may inquire into and investigate any suspected offence which appears to him on reasonable grounds to involve serious offence as given in the Schedule I or II to this Act, and has been referred to him¹⁵[xxx].

¹² The existing Sec. 22 has been re-numbered as subsection (1) by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

¹³ Added by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

¹⁴ Omitted by Ibid.

(2) The Chairman may, if he thinks fit, conduct any such investigation in conjunction with any other agency or any other person which/who is, in the opinion of the Chairman, a proper agency or person to be concerned in it.

31. Power to Seek Assistance.- The Chairman or an officer of the Ehtesab Bureau duly authorized by him shall have the power to seek full and complete assistance and call for all or any documents and information relevant to or in connection with any matter or proceeding pending before the Ehtesab Bureau, from any Department of the State Government, Local Authority, Bank, Financial Institution, person or any authority and institution or department in the public sector, or the private sector, as he may deem it fit and proper to demand or require, provided that in any case in which a question of secrecy is involved or is raised at any time, the decision of the Chairman shall be final.

¹⁶[Provided that where assistance is required from a department or statutory body, the Chairman may ask the concerned Administrative Secretary for such assistance.”]

¹⁷[**32. Appointment of Officers and Staff in Ehtesab Bureau.**- (1) Appointment to the posts of the officers and staff in Ehtesab Bureau shall be made in the prescribed manners.

15 The comma and words “, or of his own accord” has been omitted by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

16 Added by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act XI of 2020) dt. 19.02.2020.

17 Sec. 32 was amended/subs. two times. The original context of Sec. 32 of Act I of 2001 is reproduced as under:-

“32. Appointment of Officers and Staff in the Ehtesab Bureau.--

(1) The Chairman or an officer duly authorized by him, may appoint such officer and staff as he may consider necessary for the efficient performance of his functions and exercise of powers under this Act.

(2) The officers and members of staff shall be entitled to such salary, allowances and other terms and conditions of services as the Chairman with the approval of the State Government, may determine.

(3) Subject to sub-section (4) the Provisions of the Civil Servants Act, 1976, shall not apply to the persons appointed in the Ehtesab Bureau.

(4) Nothing contained in sub-section (4) shall apply to a person who is a civil servant within the meaning of the law relating to appointments as civil servant of the State and is deputed to or posted in the Ehtesab Bureau.

(5) The Chairman or any authorized officer may engage any department, agency, official, technical expert or any other person which he thinks proper for inquiry or investigation under this outside of Azad Kashmir.”

A. Section 32 subs. by the AJ&K Ehtesab Bureau (Third Amdt.) Act, 2010 (Act V of 2010) dt. 17.06.2010 as under:-

“32. Appointment of Officers and Staff in Ehtesab Bureau.-(1) Appointment to the posts of the officers and staff in Ehtesab Bureau shall be made in the prescribed manners.

(2) The officers and members of staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed.

(3) The Provisions of Azad Jammu and Kashmir Civil Servants Act, 1976, shall not apply to the persons appointed in Ehtesab Bureau.

(4) The terms and conditions of civil servants deputed to Ehtesab Bureau shall be regulated by Azad Jammu and Kashmir Civil Servants Act, 1976, and other laws applicable to civil servants.

(5) The Chairman or any authorized officer, with the approval of the [Government], may engage any department, agency, official, technical expert or any other person which he thinks proper for inquiry or investigation under this Act inside or outside of Azad Jammu and Kashmir.”

B. following amendments in Sec. 32 made by the AJ&K Ehtesab Bureau (Sixth Amdt.) Act, 2020 (Act IV of 2020) dt. 19.02.2020.

(i) Subsection (3) of Sec. 32 subs.

(ii) Subsection (4) of Sec. 32 omitted.

(iii) In subsection (5) of Sec. 32 for the word “President” the word “Government” has been subs.

(2) The officers and members of staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed.

(3) The provisions of Azad Jammu and Kashmir Civil Servant Act, 1976 (Act VI of 1976) and Rules made thereunder shall apply mutatis and mutandis to the employees of the Ehtesab Bureau.

[xxx]

(5) The Chairman or any authorized officer, with the approval of the [Government], may engage any department, agency, official, technical expert or any other person which he thinks proper for inquiry or investigation under this Act inside or outside of Azad Jammu and Kashmir.”



Sd/-
(SYED ATTA MOHY-UD-DIN QADIRI)

AJK ANTI-CORRUPTION ESTABLISHMENT ACT, 1993

(ACT XII OF 1993)

Dated: 13.12.1993

AN ACT to provide for the constitution of a Special agency for the investigation of certain offences relating to corruption by public servants and for holding preliminary inquiries against such servants in Azad Jammu & Kashmir.

WHEREAS it is expedient to provide for the constitution of a Special agency for the investigation of certain offences relating to corruption by public servants and for holding preliminary inquiries against such servants in Azad Jammu & Kashmir.

It is hereby enacted as follows :-

1. **Short title, extent and commencement:-**
 - (1) This Act may be called the Azad Jammu & Kashmir Anti-Corruption Establishment Act, 1993.
 - (2) It extends to the whole of Azad Jammu & Kashmir.
 - (3) It shall come into force at once.
2. **Definitions:-** In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say :-
 - (i) **“Establishment”** means the Anti-Corruption Establishment constituted under Section 3;
 - (ii) **“Director General”** means the Director General of the Anti-Corruption Establishment appointed under section 4;
 - (iii) **“Government”** mean the Azad Government of the State of Jammu & Kashmir ;
 - (iv) **“Public Servants”** means a public servant as defined in Section 21 of the Pakistan Penal Code; and
 - (v) **“Schedule”** means the schedule appended to this Act.
3. **Constitution and powers of the Anti-Corruption Establishment :-**
 - (1) Notwithstanding anything contained in any other law for the time being in force, Government may constitute an establishment, to be known as the Anti-Corruption Establishment, for the investigation of offences set forth in the Schedule, and for holding preliminary inquiries for determining whether such offences shall be investigated or departmental inquiries into the conduct of any public servant concerned in such offences shall be held.
 - (2) The Establishment shall consist of Director General and such number of officers and members as may be determined by Government.
 - (3) Subject to the provisions of Section 4, the pay and other conditions of service of the Director General, officers and members of the Establishment shall be such as may be determined by Government.
 - (4) Subject to any orders or rules which Government may make in this behalf, the Director General, officers and members of the investigation under this Act have throughout the Azad Jammu and Kashmir all the powers of search, arrest of persons and seizure of property and all other powers, privileges and liabilities which a police officer has or is subject to in connection with the investigation of offences under the Code of Criminal Procedure, 1898,

- (5) Subject to any orders of Government in this behalf, any officer of the Establishment or above the rank of a Sub-Inspector, may, in relation to the offences mentioned in the Schedule, exercise, any of the powers of the officer incharge of a police station within the meaning of clause (p) of sub section 4 of the Code of Criminal Procedure, 1898 in the area in which he is for the time being posted, and when so exercising such powers shall be deemed to be an officer incharge of a police station discharging the function of such an officer within the limits of his station.
4. **Superintendence and general control :-**
- (1) Government shall appoint a person to discharge the function and perform the duties of Director General under this Act.
- (2) Subject to such orders as Government may make, the superintendence and general control of the Establishment shall vest in the Director General.
- (3) The Director General shall exercise, in respect of officers and men belonging to the Police force and serving in Establishment, all the powers exercisable by an Inspector-General of Police in respect of the Police Force in the Azad Jammu & Kashmir.
5. **Bar of legal proceedings :-** No suit or legal proceedings shall lie against Government or the Director General, or any other officer or member of the Anti-Corruption establishment in respect of anything in good faith done or intended to be done under this Act.
6. **Power to make rules :-**
- (1) Government may make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the organization of the Establishment and for prescribing the authorities with whose permission investigation of any case or class of cases may be commenced or person may be arrested.
7. **Provisions not in derogation of any other law:-** The provisions of this Act are in addition to and not in derogation of any other law for the time being in force.
8. **Repeal :-** The Azad Jammu and Kashmir Anti-Corruption Establishment Ordinance, 1993 (Ordinance XLIII of 1993) is hereby repealed.

SCHEDULE

(Section-3)

- (a) Offences punishable under Section 161 to 169, 217 and 218 of the Pakistan penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith.
- (b) Offences punishable under Section 186, 188, 189, 210 332, 353, 379 to 382, 403 to 409, 411, 417 to 420, 465 to 468, 471 and 477-A of the Pakistan Penal Code, and as attempts, abetments and conspiracies in relation thereto or connected therewith, when committed by any public servant as such, or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such and;
- (c) ¹[Offences punishable under the prevention of Corruption Act ²[1950] and as attempts, abetments and conspiracies in relation thereto or connected therewith.

¹ The Prevention of Corruption Act, 1947 is not in force in Azad Jammu & Kashmir; the legislature should have included the Azad Jammu & Kashmir Prevention of Corruption Act, 1950, as passes under Council Order No 351/50 dated 8-9-1950, instead thereof.

² Figure "1947" substituted by "the AJ&K Anti-Corruption Establishment (Amendment) Act, 1988", (Act IV of 1998), dated: 12th August, 1998.

AJK ANTI-CORRUPTION ESTABLISHMENT RULES, 1997

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR (SERVICES & GENERAL ADMINISTRATION DEPARTMENT)

“Muzaffarabad”

Dated: 25.01.1997

Notification

No S&GAD/R/A-4 (107)/86/97. In exercise of the powers conferred by Section 6 of the Azad Jammu & Kashmir Anti Corruption Establishment Act, 1993 and in supersession of Azad Jammu & Kashmir Constitution of the Anti-Corruption Committees Rules, 1982, and all notifications in this behalf, the Government is pleased to make the following Rules, namely:-

1. Short title and commencement:

- (1) These rules may be called the AJ&K Anti-Corruption Establishment Rules, 1997.
- (2) They shall come into force aft once.

2. Definitions:-

- (1) In these rules unless the subject or context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them that is to say:-
 - (a) **“Anti-Corruption Committee”** means the committee constituted under Rule 20 of these rules;
 - (b) **“Assistant Director”** means the Assistant Director of the Establishment.
 - (c) **“Chief Secretary”** means the Chief Secretary to the Govt. of the State of Jammu and Kashmir;
 - (d) **“Circle Officer”** means the officer so posted by the Establishment as Circle Officer in the division’
 - (e) **“Competent Authority”** means the authority to accord permission either to hold an inquiry or to order registration of a criminal case or drop the case after investigation of decide departmental action under these rules;
 - (f) **“Deputy Director”** means the Deputy Director of the Establishment;
 - (g) **“Director General”** means the Director General of the Anti-Corruption Establishment appointed under section 4 of the AJ&K Anti-Corruption Establishment Act, 1993;
 - (h) **“Director”** means Director of the Establishment;
 - (i) **“Division”** means an area under the Deputy Director;
 - (j) **“Establishment”** means Anti-Corruption Establishment AJ&K constituted under the Act;
 - (k) **“Head of Attached Department”** means an officer incharge of a department declared as such by the Government’
 - (l) **“Government”** means the Azad Government of the State of Jammu & Kashmir;
 - (m) **“Act”** means the AJ&K Anti-Corruption Establishment Act, 1993;
- (2) The words and expressions used hereinafter but not defined in these rules and defined in the Act shall have the same meanings as are assigned to them in the Act.

3. **Areas of Jurisdiction of Director and Director General:** The area of Jurisdiction of Director shall be Division of his posting while that of Director General shall be over his Department and attached department in which he shall be assisted by the Director and Deputy Director.
4. The Director and Deputy Director shall only deal with the category of cases which may be assigned to them by the Government from time to time by notification.
5. (1) After the preliminary inquiry, if the Director or Deputy Director finds that :-
 - (a) There is no ground to proceed further in the matter, the proceedings shall be dropped after recording reasons, and the complainant, if any, shall be informed;
 - (b) There are reasonable grounds to proceed further in the matter, he shall refer the case along with the relevant record to the appointing authority of the accused public servant for departmental proceedings under the efficiency and discipline rules;
- (2) If the director or Deputy Director receives a complaint or gets information through reliable source regarding a serious case which does not fall within the category of the notification issued under rule 4, he shall refer the same to the Director General. If a case is referred under sub-rule (2), the Director General after examining the same may return the same to the concerned Director or Deputy Director who shall deal with the same under these Rules.
6. **Preliminary inquiries and investigations against Public Servants :-** Preliminary inquiries and investigations shall be initiated by the Establishment against Public Servants on complaints received from the Government, Heads of Departments or other reliable sources.
7. **Initiation of Preliminary inquiries against Public Servants :-** A Deputy Director or an officer of or above his rank shall initiate preliminary inquiries in order to ascertain the identity of the complainant or informer and genuineness of the complaint / information.

Provided that inquiry against the Commissioners of Divisions, Secretaries to the Government, Heads of attached departments and other Officers of BPS-20 and above, shall be initiated by the Director General with the prior permission of the Government.

Provided further that for those officers mentioned in the first proviso who are in BPS-19, such permission shall be accorded by the Chief Secretary.

8. **Registration of Case:-**

- (1) Criminal cases shall be registered by the Establishment under Prevention of Corruption Act, 1950 and under such sections of the Penal Code, as have been set forth in the schedule to the Act.
- (2) Criminal Case shall be registered against accused public servants under the written orders of officers of establishment mentioned below :-

| | | |
|-----|-------------------------------------|----------------------|
| (a) | Public Servants BPS-1 to 15 | Not below a Director |
| (b) | Public Servants in BPS-16 and above | Director General |

Provided that no case shall be. However, be registered by the Director General against the public servants of the status of Commissioner, Secretary to the Government, Heads of

attached Department and other officers of BPS-20 and above without the prior permission of the Government.

Provided further that for those public servants, mentioned in the first proviso who are in BPS-19, such permission shall be accorded by the Chief Secretary.

Provided further that no prior permission shall be required for registration of a case against a public servant caught as a result of trap arranged by the Establishment under the supervision of a Magistrate, in the act of committing an offence specified in the schedule to the Act. In such, a case report shall immediately be made to the Chief Secretary, the Administrative Secretary and immediate superior of the public servant concerned if he is in BPS-16 and above and to the appointing authority and immediate superior if the public servant is in BPS-15 and below.

- (3) If the competent authority under sub-rule (2) decides not to register a case, he shall record reasons therefore.
9. ¹**[Arrests:-** The Establishment may, arrest an accused public servant if necessary in public interest, during investigation, subject to the permission of the concerned authorities as mentioned in Schedule (2) of Rule 8:
Provided that no prior permission shall be necessary for the arrest of public servant caught as a result of trap as mentioned in sub-rule (2) of rule 8.]
10. **Informing Administrative Department, etc. regarding registration of a case and arrest :-** As soon as may be after registration of a case against a public servant, the Establishment shall inform the Administrative Secretary and immediate superior, if the public servant involved is in BPS-16 or above and the appointing authority and immediate superior in case of a public servant in BPS-15 and below, giving list of allegations upon which the case has been registered. The said authorities shall also be informed immediately after the arrest of the accused public servant.
11. ²**[Power to call for information:** The Director General or any authorized officer may during the course of an inquiry or investigation in connection with contravention of any provision of these rules;
- a) Call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provision of this Act or any rule or order made thereunder;
 - b) Require any person to produce or deliver any document or thing under or relevant to the inquiry or investigation;
 - c) Examine any person acquainted with the facts and circumstances of the case; and
 - d) Require any bank or financial institution notwithstanding anything contained in any other law for the time being in force, to provide any information relating to any person who so ever.
12. **Power to Seek Assistance:-** The Director General or an officer of the Anti –Corruption Establishment duly authorized by him shall have the power to seek full and complete assistance

¹ Subs vide S&GAD Notification No. A-4(107)/86-P-I dated 25 Jan 2017

² Subs Rule 11, 12 & 13 vide *ibid*.

and call for all or any documents and information relevant to or in connection with any matter or proceeding pending before the Establishment, from any department of the Government, local department in the public sector, or the private sector, as he may deem it and proper to demand or require;

Provided that in any case in which a question of secrecy is involved or is raised at any time, the decision of the Director General shall be final.

13. **Prosecution of the accused Public Servant :-** After registration of a case and investigation the accused public servant shall be challaned to court without any delay and the authorities mentioned in rule 8 shall be intimated. There is no need to have any sanction from any authority for retired public servants for inquiry, registration of case, arrest and for prosecution. Rule 10 shall not be applied in case of retired public servants.]
14. **Traps:-** In all cases of raids the Deputy Commissioner or in his absence the Additional Deputy Commissioner (General) of the District shall be approached by the Officers of the Establishment posted in the district to depute a Magistrate for supervising the raid.
15. **Dropping of cases or recommending departmental action :-**
- (1) The following procedure shall be followed for dropping of a case or recommending departmental action :-
 - (a) On completion of investigation if allegations are not established, the case shall be dropped and intimation to the effect shall be sent to the authorities mentioned in rule 8;
 - (b) If after investigation it is found that prosecution is not called for but sufficient material is available on record for departmental action, the Establishment shall move the departmental authorities for departmental proceedings under E&D rules;
 - (2) The following authorities shall decide dropping of cases or departmental action:-
 - (a) Director General in cases in which Public Servants up to BPS-16 are involved;
 - (b) Secretary in cases in which officers in BPS-17 are involved;
 - (c) Chief Secretary in cases in which officers in BPS-18 to 20 are involved except those mentioned in clause (d) below; and
 - (d) Government in cases involving Commissioners, Administrative Secretaries and Officers in BPS-21 and above.
 - (3) After a decision to take departmental action has been taken under foregoing sub-rule the competent authority shall initiate departmental proceedings against the accused public servant.
 - (4) Copies of final reports and summaries of dropped cases shall not be supplied without the permission of the Director General.
 - (5) When decision to hold departmental inquiry against a public servant is taken, the Establishment shall forward facts of the cases, statement of allegations, list of witnesses and documents if any to the authority prescribed under the E & D Rules.

- (6) As soon as the inquiry has been completed and final orders have been passed the result of the same shall be intimated to the Establishment, alongwith a copy of Inquiry Officer's report for completion of record.
16. **Where Senior Public Servants are involved alongwith Junior Public Servant:-** For the purpose of dropping the case after investigations, or referring it for departmental action or making a move to obtain sanction for prosecution, if more than one public servants are involved, the competent authority for these decisions shall be the one, which is in case of the public servant in the highest Basic Pay Scale.
17. **Police Stations of the Establishment :-** Case shall be registered by the Establishment at the police stations of the Establishment having the jurisdiction.
18. **Application of the Punjab Police Rules :-** The Establishment shall, as far as may be the provisions of Punjab Police Rules, 1934 as adapted in Azad Kashmir in the investigating the inquiry of offences specified in the schedule to the Act.

Provided that a reference to the District Magistrate under rule 16.38 of the Rules for initiating proceedings, departmental or judicial, against any Police Officer shall not be necessary.

19. **Suo moto Examination :-**

- (1) The Director General may suo moto or otherwise call for the record of any case/ inquiry pending investigation with the Establishment, examine it and give such directions as may be necessary for the speedy, fair and just disposal of the same.
- (2) The D.G. may suo moto or otherwise call for the record of any case or inquiry for the purpose of satisfying himself as to the correctness or propriety of decision taken by the Director and Deputy Director under these rules, and may pass such order as may be deemed fit, in each case.
- (3) The Chief Secretary may suo moto call for the record of any case/ inquiry, for the purposes of satisfying himself as to the correctness or propriety of decision taken by the Director General under the foregoing sub-rules and under clause (a) of sub-rule (2) of rule 15, and may pass such order as he may deem fit in each case.
- (4) No order shall be passed under sub-section (2) and (3) which is inconsistent with these Rules.
- (5) The Government may suo-moto or otherwise call for the record of any case or inquiry pending or finalized for the purposes of satisfying itself as to the correctness or propriety of decision taken by any authority under these Rule and may pass such orders as deemed fit in each case.

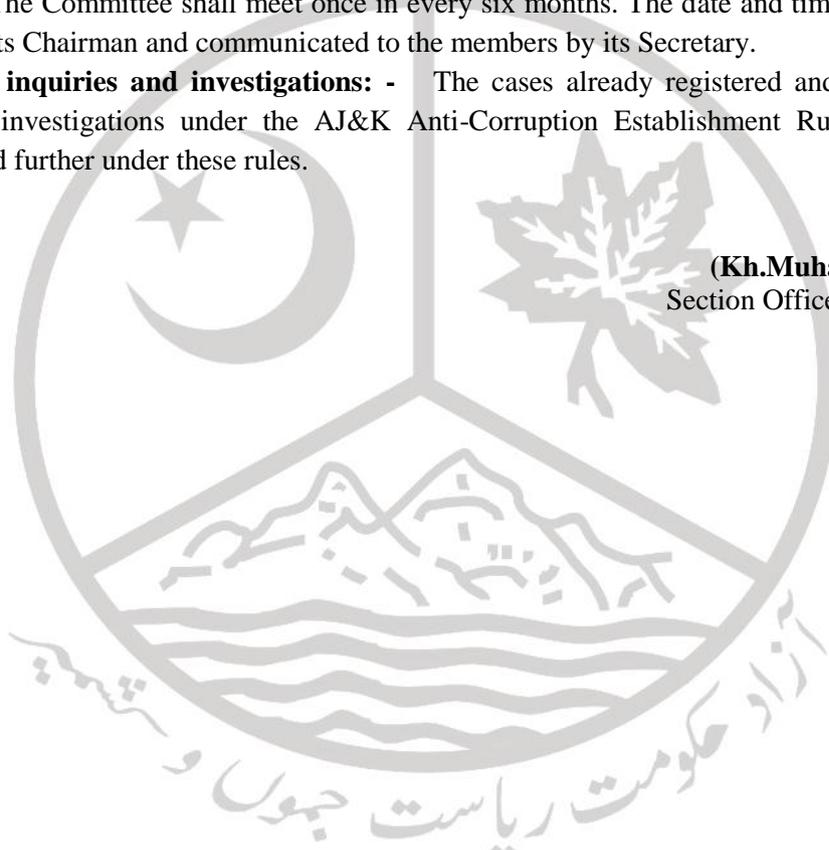
20. **Anti-Corruption Committee :-**

- (1) There shall be an Anti-Corruption Committee comprising :-

| | | |
|----|---------------------------------------|-------------------|
| 1. | Chief Secretary | Chairman |
| 2. | Secretary Law | Member |
| 3. | Senior Member Board of Revenue | Member |
| 4. | Secretary of the department concerned | Member |
| 5. | Director General Anti-Corruption | Member/ Secretary |

- (2) The Chairman and three members shall form the quorum.
 - (3) In addition to the foregoing provisions, the following shall be the functions of the Anti-Corruption Committee :-
 - (a) To review the progress of Anti-Corruption cases in the AJ&K.
 - (b) To record and make recommendations in respect of Anti-Corruption cases in the AJ&K.
 - (c) To high-light factors, procedures, rules and laws, giving rise to corruption and to make recommendations for the simplification of the same.
 - (d) To submit the recommendations and deliberations within 15 days of its meeting to Government through Chief Secretary.
 - (4) The Committee shall meet once in every six months. The date and time shall be fixed by its Chairman and communicated to the members by its Secretary.
21. **Pending inquiries and investigations:** - The cases already registered and inquiries already pending investigations under the AJ&K Anti-Corruption Establishment Rules 1982 shall be processed further under these rules.

Sd/-
(Kh.Muhammad Shafi)
Section Officer Services (Regs.)



**JURISDICTION OF SPECIAL JUDGE
ANTI-CORRUPTION**

Dated: the 10th December, 1991

Notification

No. 3/21/90-OAD. In exercise of the powers conferred by Section 4 of the Azad Kashmir Criminal Law Amendment Act, 1956, and in continuation of Notification No. 3/21/90-OAD dated 17th February 1991, Azad Government of the State of Jammu and Kashmir is pleased to fix the whole of Azad Jammu & Kashmir territory as the territorial limits of jurisdiction of the Special Judge, Anti-Corruption, Muzaffarabad. All the cases under trial in the courts of District and Sessions Judges, in their capacity as Special Judges, Anti-Corruption, shall stand transferred to the Court of Special Judge, Anti-Corruption, Muzaffarabad constituted under Notification No. 3/21/90-OAD dated the 14th January, 1976.

(Manshad A. Abbasi)
Deputy Secretary

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
(Law, Justice And Parliamentary Affairs Department)

Dated: 5th December, 1995

Notification

No. 3/21/90-OAD. In exercise of the powers conferred by sub-section (2) of Section 3 of the AJ&K Criminal Law Amendment Act, 1956, the Government is pleased to empower and appoint District and Sessions Judges of all the seven Districts of AJ&K as Special Judges (Anti-Corruption) within the territorial limits of their respective jurisdiction. All pending cases shall be transferred to the respective District and Sessions Judges/ Special Judges (Anti-Corruption).

Sd/---
Section Officer

THE AZAD JAMMU & KASHMIR ESSENTIAL SERVICES (MAINTENANCE) ACT, 2016

Azad Government of the State of Jammu and Kashmir
Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”

Dated: 09.02.2016

No.LD/Legis-Act/89-100/2016. The following Act of Assembly received the assent of the President on the 8th day of February 2016, is hereby published for general information.

[Act VII of 2016]

An Act

to provide a law for the maintenance of Essential Services

Whereas it is expedient to provide law for the maintenance of Essential Services to public at large and to prohibit illegal and unauthorized strikes and agitations in such services in public interest or order;

It is hereby enacted as follows:-

1. Short title, Commencement and Application:-
 - (1) This Act may be called the Azad Jammu & Kashmir Essential Services (Maintenance) Act, 2016,
 - (2) It shall come into force at once.
 - (3) It shall apply to such services as may be declared or notified by the Government under Section 3.
2. Definitions:- In this Act, unless there is anything repugnant in the subject or context;-
 - (i) **“Code”** means the Code of Criminal Procedure, 1898 (Act V of 1898) as adapted and enforced in Azad Jammu & Kashmir.
 - (ii) **“Employment”** includes any employment under the Government or corporation, authorities, statutory bodies or controlled by the Government.
 - (iii) **“Essential Service”** means a Service to the Employment of which this Act applies;
 - (iv) **“Government”** means the Azad Government of the State of Jammu and Kashmir.
3. Employment to which this Act applies:-
 - (1) The Employment, debarment or any force which force is performing the basic humanitarian and Public services, shall be deemed to be the Essential Service under this Act.
 - (2) Without prejudice to the generality of sub-section (1) following shall be basic Essential Services:-

- (i) Divisional and District Administration of Management and Revenue Departments.
 - (ii) Police force and agencies under the Home Department.
 - (iii) Power Generation and Electricity distribution department.
 - (iv) Health and Preventive health care including Primary and Secondary Health Services.
 - (v) Public Health Engineering.
 - (vi) State Disaster Management Authority and Rescue Services.
 - (vii) Local Council Service under Local Government & Rural development Department.
 - (3) In addition to sub-section (1), the Government may from time to time and in public interest, declare any service or class of service in any department or Government organization as Essential Service under this Act.
4. **Essential Service to continue and maintain Essential Services:-**
- (1) A member of any service declared as Essential Service under Section 3 of the Act shall continue for maintaining their respective essential services and shall;-
 - (i) Perform or continue to perform certain duty in relation to his employment;
 - (ii) Not depart from such area of his duty of areas which deemed necessary for performing duties in the time of exigencies for such service; and
 - (iii) Not declare lockout or go on strike or help to bring about a strike or propagates a strike or take part in activities relating to such acts including procession, meeting or agitation at the expense of suspension of Essential Service.
 - (2) Any person who contravenes sub-section (1) shall be deemed to be abstention or desertion from performing duty of Essential Service proceeding which any be initiated against him under any law, he shall not be entitled to any kind of salary of remuneration for the period of such absence from duty or remained on strike and shall also be guilty of the offence under Section 5 of this Act.
5. **Offence:-** Any person engaged in any Employment or class of Employment to which this Act applies who;-
- (a) Disobeys any lawful order given in the course of such Employment or attempts to persuade any person to disobey any such order; or
 - (b) Without reasonable excuse abandons such Employment or absents himself from performance of Essential Service assigned to him; or
 - (c) Contravenes sub-section (1) of Section 4; shall be guilty of an offence under this Act.
6. **Regulation of salary, allowance and conditions of service etc.:-** The Government may make rules regulating or empowering specified authorities to regulate the salary and other conditions of service of persons or of any class of persons engaged in any Employment or

class of Employment declared under Section 3 to be an Employment or class of Employment to which this Act applies.

7. **Penalties and procedure:-**

- (1) Any person found guilty of an offence under this Act, shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to Rs. 50,000/- or both.
- (2) No Court shall take cognizance of an offence under this act except upon complaint in writing by the head of department or Employment or any other Government servant specially authorized by the Government in this behalf.
- (3) Notwithstanding anything contained in the Code, an offence under this Act shall be cognizable; and
 - (a) no Magistrate other than a magistrate of the First Class shall try an offence under this Act;
 - (b) a Magistrate such offence under this Act shall have powers to try such offences summarily in accordance with the procedure laid down for summary trial in the Code.

8. **Overriding Effect:-** Notwithstanding anything to the contrary contained in the Industrial Relations Ordinance, 1974 (Ord. XXVI of 1974) or any other law for the time being in force, the provisions of this Act shall have an overriding effect.

9. **Bar on legal proceedings:-** No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith done or intended to be done under this Act or the rules made there under.

10. **Power to make rules:-** The Government may make rules for carrying out the purposes of this Act.

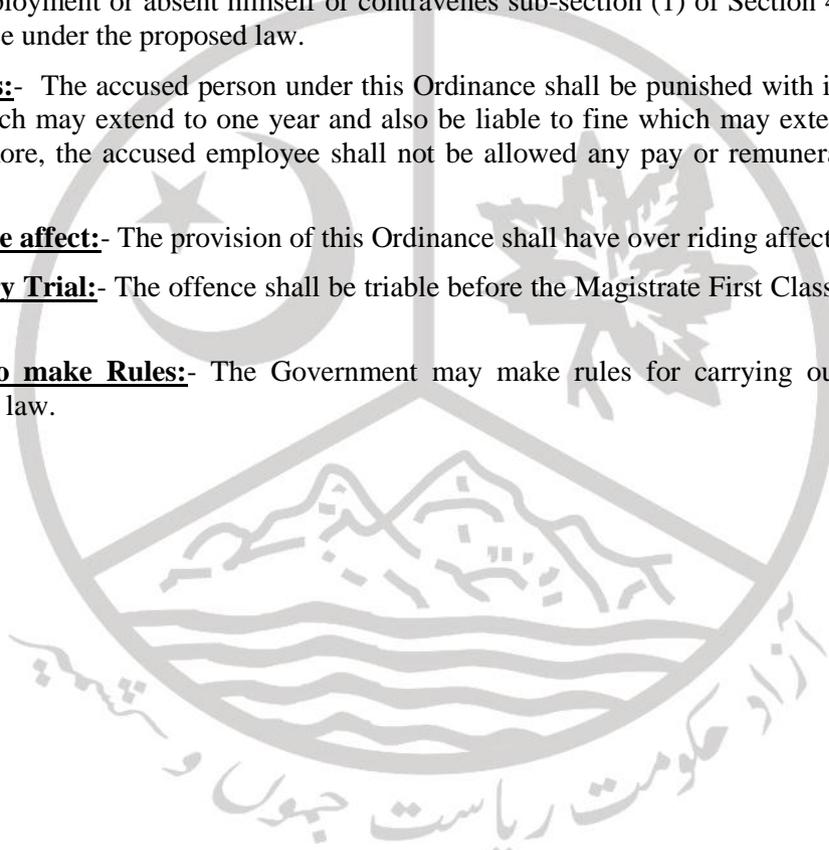
11. **Saving:-** Notwithstanding anything done, action taken, notification issued order or appointment made, proceeding initiated, jurisdiction or power exercised under the provisions of the West Pakistan Essential Services (Maintenance) Act, 1958 (Act XXXIV of 1958) shall be deemed to have validly done, take, issued, made initiated or exercised under this Act.

12. **Repeal:-** The West Pakistan Essential Services (Maintenance) Act, 1958 (Act XXIV of 1958), as enforced in Azad Jammu & Kashmir, is hereby repealed.

Sd/-
(Ch. Muhammad Nawaz)
Section Officer (Legislation)

SALIENT FEATURES OF THE AZAD JAMMU AND KASHMIR ESSENTIAL SERVICES (MAINTENANCE) ORDINANCE, 2015.

1. **Essentials Services Department:-** Divisional and District Administration of management and revenue Department, Police, Health, State Disaster Management Authority and Local Government Services are declared as Essential Services by the proposed law. Furthermore, the proposed law empowered the government to includes other departments in the Essential Services keeping in view the public interest.
2. **Offences:-** Any Employee who disobey any lawful order in the course of such employment or attempts to persuade any person to disobey any such order, without reasonable excuse abandons such employment or absent himself or contravenes sub-section (1) of Section 4 shall be guilty of an offence under the proposed law.
3. **Penalties:-** The accused person under this Ordinance shall be punished with imprisonment for a term which may extend to one year and also be liable to fine which may extend to Rs. 50,0000. Furthermore, the accused employee shall not be allowed any pay or remuneration for period of absence.
4. **Over ride affect:-** The provision of this Ordinance shall have over riding affect.
5. **Summary Trial:-** The offence shall be triable before the Magistrate First Class through summary trial.
6. **Power to make Rules:-** The Government may make rules for carrying out the purposes of proposed law.



AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”
Dated: 09.02.2016

No. LD/Legis-Act/215/2016. The following Act of Assembly received the assent of the President on the 08th day of February 2016, is hereby published for general information.

[Act XVIII of 2016]

AN

ACT

to provide law for registration, regulation and welfare of service associations

Whereas, it is expedient to make law for the registration, regulation and welfare of service association of Employees and to safeguard the best interests of the public at large and matters incidental and ancillary thereto;

Chapter-I

Preliminary

1. **Short Title, Extent, and Commencement.** - (1) This Act may be called the Azad Jammu and Kashmir Employees Service Associations (Registration and Regulation) Act, 2016.

(2) It shall extend to the whole of Azad Jammu and Kashmir. It shall apply to all persons in Service of Azad Jammu and Kashmir including civil servants and service of corporations owned or controlled by the Government but shall not include members of any disciplined force including police.

(3) It shall come into force at once and shall be deemed to have taken effect from 17-10-2015.

2. **Definitions.**- In this Act unless subject or context otherwise requires, following expressions shall have the meaning as hereby respectively assigned to them:

- (i) ‘Act’ means the Azad Jammu & Kashmir Employees Service Associations (Registration and Regulation) Act, 2015;
- (ii) ‘Aggrieved Person’ means any person or association feeling itself to be effected from a decision or order made under this Act;
- (iii) ‘Appellate Tribunal’ means Appellate Tribunal constituted under Section 13 of the Act.
- (iv) “Body of Employees” means a body of employees applying for registration as Service Association;
- (v) ‘Constitution’ means the Constitution of Service Association;
- (vi) ‘Court’ means the court of Magistrate First Class;
- (vii) ‘Department’ includes an office, department, directorate or other autonomous or semi-autonomous body controlled by the Government;
- (viii) ‘Employee or Employees’ means person or persons employed in the Service of Azad Jammu and Kashmir and includes Civil Servants and persons in service of corporations owned or controlled by the Government including autonomous or semi-autonomous bodies other than ad-hoc and contract employees and the members of any disciplined force including police;

- (ix) **‘Government’** means Azad Government of the State of Jammu and Kashmir;
 - (x) **‘Misconduct’** means conduct prejudicial to good order or service discipline or contrary to the Government Servants (Conduct) Rules as applicable to the Azad Jammu and Kashmir or conduct unbecoming of an officer and gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Governments Officers in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of services of a civil servant and also includes strike, lockout or go slow;
 - (xi) **‘Office Bearers’** means office bearers of Service Association duly elected;
 - (xii) **‘Prescribed’** means prescribed by the rules;
 - (xiii) **‘Registrar’** means Registrar of Service Association appointed under Section 4 of the Act;
 - (xiv) **‘Rules’** means rules made under the Act; and
 - (xv) **‘Service Association’** means an association duly registered under Section 9 of the Act;
- (2) The terms and expressions not defined hereinabove shall have the meaning as assigned to them under AJ&K Government Rules of Business, 1985.

Chapter-II

Registration of Service Association

3. **Service Association.**- (1) Subject to provisions of the Act or any other law for time being in force, all Employees may form and join any Service Association relevant to their class of service or cadre, subject to the Constitution or rules of Service Association:
- Provided that an Employee shall not be member of more than one Service Association:
- Provided further that members of any disciplined force or police shall not have right to make or join Service Association.
- (2) The members of the Service Association and/or Body of the Employees and their association shall respect and abide by all laws of Azad Jammu and Kashmir.
4. **Registrar Service Association.**- (1) The Government shall appoint or designate an officer of grade 19 or above as Registrar of Service Association for the purpose of this Act who shall perform functions assigned to him under the Act or rules made thereunder.
- (2) The Government may appoint or designate one or more Additional, Deputy or Assistant Registrars, as deemed necessary by keeping in view the work load.
5. **Powers and functions of Registrar.**- The functions and powers of the Registrar shall be,-
- (a) to entertain/process application(s) for registration of Body of Employees as a Service Association under the Act;
 - (b) to determine as to which one of the Body of Employees is entitled to be certified in relation to that department or group or cadre where there are more than one applications for a same group or cadre.
 - (c) to register the Body of Employees as Service Association under the Act and maintain a register of that purpose under Section 8; and

- (d) to lodge, or authorize any person to lodge, complaints with the Appellate Tribunal for action, including prosecution, against Service Associations or any of their member or Office Bearer, Employees or other persons for any alleged offence or any unfair practice or violation of any provision of the Act or for expending the funds of a Service Association in contravention of the provisions of its Constitution.

6. Application for registration. (1) A Body of Employees may, with resolution and signature of at least one third of total Employees of any service or group, apply for registration under the Act.

(2) An application for registration shall be made to the Registrar and shall be accompanied by:-

- (a) A statement showing,-
- (i) the name of the proposed service association and address of its head office;
 - (ii) statement of total membership;
 - (iii) the name of service, class, cadre group etc., for which the Service Association is to be made and total number of such service;
 - (iv) one original and two attested copies of the proposed service association's Constitution in which the code of conduct is expressly spelled out; and
 - (v) any other document sought by Registrar.
- (b) A copy of resolution by the members of the Body of Employees adopting such Constitution bearing signatures of the Chairman and members of the meeting.
- (c) Original resolution by the members of the Body of Employees authorizing its President and the General Secretary to apply for its registration.

7. Requirements of Constitution for registration. (1) A Body of Employees shall not be entitled for registration under the Act unless the Constitution thereof provides for the following matters, namely,-

- (a) the name and address of the proposed Service Association;
- (b) the name and details of department or office or service group/ cadre for which the Service Association is to be made;
- (b) the objects for which the Service Association has been made;
- (c) the purpose for which the funds of the Service Association shall be applicable;
- (d) manners of election of Service Association;
- (e) mode of membership;
- (d) the number of persons forming the executive committee which shall not exceed the prescribed limit and shall include the Employees of the service actually engaged or employed in the service, cadre or the officer for which the Service Association has been formed;
- (e) the conditions under which a member shall be entitled to any benefit assured by the Constitution and under which any fine or forfeiture may be imposed on him;
- (f) the maintenance of a list of the members of the Service Association and of adequate facilities for the inspection thereof by the office-bearers and members of the Service Association;

- (g) the manner in which the Constitution shall be amended, varied or rescinded;
- (h) the custody of the funds of the Service Association, its annual audit, the manner of audit and adequate facilities for inspection of the account books by the Office Bearers and members of Association;
- (i) the manner in which the Service Association may be dissolved;
- (j) the manner of election of Office Bearers by the general body of the Service Association and the term not exceeding three years, for which an office-bearer may occupy office upon his election or re-election through secret ballot;
- (k) the procedure for expressing vote of confidence in any Office Bearer of the Service Association; and
- (l) the meetings of the executive and of the general body of the Service Association which shall meet at least once in every four months while general body at least once in every year.

(2) Without prejudice to the provisions of sub-section (1), a Body of Employees shall not be entitled to registration unless, under its Constitution, objectives of the Service Association are limited to welfare activities for Employees and it clearly prohibits the Service Association to declare or instigate strike, lock-outs or go slow.

8. Registered Service Association to maintain register, etc.- Every registered Service Association shall maintain a record in such form as may be prescribed,-

- (a) register of members showing particulars of subscriptions paid by each member;
- (b) accounts book showing receipt and expenditure;
- (c) minutes book for recording the proceedings of meetings; and
- (d) any other record as may be prescribed.

9. Registration.- (1) The Registrar, after having exercised due diligence and verification of facts, and on being satisfied that a Body of Employees has complied with all the requirements of the Act, may register it as Service Association in a prescribed register and issue a registration certificate in the prescribed form.

(2) In case the application for registration is found by the Registrar to be deficient in any material respect, he shall communicate all his objections in writing to the Body of Employees within a period of thirty days from the receipt of this application and Body of Employees shall reply thereto.

(3) When the objections raised by the Registrar have been addressed/removed, the Registrar shall register the Body of Employees as Service Association as provided in sub-section (1) within reasonable time after detailed scrutiny.

(4) In case the objection raised under sub-section (2) are not satisfactorily met out or are not replied to within reasonable time, the Registrar shall reject the application.

(5) Where the application for registration is rejected or accepted, as the case may be, the Aggrieved Person may prefer an appeal to the Appellate Tribunal that may, for reasons to be recorded, by an order, direct the Registrar to register the Body of Employees as Service Association and to issue a registration certificate or may dismiss the appeal.

(6) Notwithstanding anything contained in any other provision of the Act, every alteration made in the Constitution of a Service Association and every change of its Office Bearer shall be notified by registered post to the Registrar by the Service Association within fifteen days of such alteration or change.

(7) The Registrar may refuse to register any alternation or change referred to in sub-section (6), if it is in contravention of any of the provisions of this Act or it is in violation of the Constitution.

(8) The registrar shall refuse to register Body of Employees where a Service Association has already been registered for that group of service or cadre.

(8) In case of a dispute upon incorporation of proposed change in the Constitution, any Office Bearer or member of the Service Association, if feels itself aggrieved by order of the Registrar made under sub-section (7), may prefer an appeal to the Appellate Tribunal which shall pass an order either directing the Registrar to register such change or may, for reasons to be recorded in writing, direct the Registrar to hold fresh elections of the Service Association under his supervision.

10. Cancellation of Certificate of Registration.- (1) The certificate of registration of a Service Association shall be cancelled if the Appellate Tribunal so directs upon a complaint in writing made by the Registrar that the Service Association has:-

- (i) contravened or has been registered in contravention of, any of the provisions of the Act or the rules made thereunder;
- (ii) contravened any of the provisions of its Constitution; or
- (iii) made in its Constitution any provision which is in consistent with the Act or the rules made there under.

(2) Where any person, who is disqualified from being elected as or from being an Office Bearer of a Service Association, is elected or continuous to be as an Office Bearer of a Service Association, the registration of that Service Association shall be cancelled if the Appellate Tribunal, upon a complaint in writing made in this behalf by the Registrar, so directs.

(3) The registration of a Service Association shall be cancelled by the Registrar, by giving reasons for such cancellation in writing, if, after holding an inquiry he finds that any Service Association has dissolved itself or has ceased to exist.

11. Appeal against cancellation of registration.- Any Service Association aggrieved by a decision given by the Registrar under sub-section (3) of Section 10 may prefer an appeal within 30 days to the Appellate Tribunal.

12. Returns.- (1) There shall be sent annually to the Registrar, on or before such dates as may be prescribed, a general statement audited in the prescribed manner of all receipts and expenditure of the assets and liabilities of the Service Association, existing on such 31st day of December in each year, as may be prescribed:

(2) Together with the general statement referred to in sub-section (1), a statement shall be sent to the Registrar showing all changes about Office Bearers of the Service Association, made during the year to which the general statement refers, along with a statement of the total paid membership and a copy of the Constitution corrected up to the date.

(3) A copy of every alteration made in the Constitution and a resolution of the general body having the effect of a provision of the Constitution shall be sent to the Registrar within fifteen days of the making of the alteration or adoption of the resolution.

13. **Appellate Tribunal.**- There shall be an Appellate Tribunal headed by Additional Chief Secretary (General) and comprising Secretary Services & General Administration Department and Secretary Law to hear and dispose of appeals filed against the order of the Registrar:

Provided that the Government may appoint additional members as may be deemed necessary.

Chapter-III

General Provisions

14. **Resolution for demand.**- Where any Service Association passes a resolution with two third majority of its members regarding any demand from the Government, it shall be submitted to department concerned for due consideration.
15. **Action upon resolutions.**- On receipt of resolution, the department concerned shall examine the demands made through the resolution for seeking redressal, remedy etc., with due diligence, and in consultation with other relevant department, shall form its recommendations to be presented to the Government or any authority concerned for consideration and appropriate for decisions. The decision made with respect to demands shall be either notified or communicated to the Service Association.
16. **Right of Appeal.**- (1) If the Service Association is not satisfied with the recommendation of the department concerned, it may prefer an appeal to Appellate Tribunal within thirty days:

Provided that if demands of the Service Association involves financial implications, the Secretary Finance Department shall also be ex-officio member of the Appellate Tribunal.

(2) In case any Service Association feels aggrieved of any communication, it may prefer representation or review, as the case may be, to the Government with grounds and reasons to justify making representation review of the communication.

(3) The Government shall make over the case for proper hearing to a panel consisting of the Chief Secretary, Secretary Finance and Secretary of the department concerned to hear and make recommendations to the Government.

17. **Prohibition of Strike, Lockout and go slow.**- (1) No Employee, Body of Employees or Service Association shall declare or go on strike, lockout or go slow or absent himself from and any of such action shall be deemed to be Misconduct and shall be liable to disciplinary action under the prevailing law.

(2) An Employee who continues strike and does not attend office or resume duty on account of strike, lockout or go slow shall not be entitled to salary or any kind of remuneration during his absence as such in addition to any disciplinary action which may be taken against him.

18. **Protection of certain persons.**- (1) No person refusing to take part or continue to take part in any strike, lockout or go slow shall, by reason of such refusal, be subject to expulsion from any Service Association or any fine or penalty or to the deprivation of any right or benefit which he or his legal representatives would otherwise has been entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with others members of the Service Association.

(2) In any proceeding referred to in sub-section (1) the Aggrieved Person may prefer an appeal to the Appellate Tribunal. The Appellate Tribunal which may apart from reversing order of expulsion, order to the Service Association to pay such sum of money as a compensation or damages as the Appellate Tribunal thinks just and appropriate.

- 19. Offences under this Act.**- (1) No Service Association or Office-Bearers, or any other person shall:-
- (a) persuade an Employee to join or refrain from joining a Service Association during working hours; or
 - (b) intimidate any person to become, or refrain from becoming, or to continue to be or to cease to be a member or Office-Bearer of a Service Association; or
 - (c) include any person to refrain from becoming, or cease to be a member or Office-Bearer of a Service Association by intimidating or conferring or offering to confer any advantage on or by procuring or offering to confer any advancing on or by procuring or offering to procure any advantage for such person or any other person; or
 - (d) compel or attempt to compel the head of department or any other controller office to accept any demand by using intimidation, coercion, pressure, threat, confinement or ouster from a place, dispossession, assault, physical injury, disconnect of telephone, water or power facilities or by such other methods; or
 - (e) compel or attempt to compel any member of a body, bipartite or tripartite or of any composition, relating to the functioning of the office or is in place for the benefit of Employees, to accept any demand by using intimidation, coercion, pressure, threat, confinement or ouster from a place, dispossession, assault, physical injury or by such other methods; or
 - (f) commence, continue, instigate or incite others to take part in or expend or supply money or otherwise act in furtherance or support of a strike, lockout or go slow; or
 - (g) carry any arms or weapons within the premises of Department.
- (2) Any action under sub-section (1) shall be an offence under the Act.
- 20. Cognizance and Summary trial.**-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), an offence under the Act shall be cognizable and non-bailable; and
- (a) no Magistrate other than a Magistrate of the first class shall try an offence under this Act;
 - (b) a Magistrate trying an offence under this Act shall have powers to try such offences summarily in accordance with the procedure laid down for summary trial in the said Code.
- 21. Appeal.**- An order passed by the Magistrate of first class under the Act shall be appealable before the Sessions judge within thirty days.
- 22. Existing Association etc.**- On enforcement of the Act, any of the Employee association shall exist unless it secures registration in the manner prescribed under the Act:
- Provided that associations which have already been registered under prevailing law shall continue to exist for a period of one month in order to get registration under the Act.
- 23. Rules.**- The Government may, by notification in the official gazette make rules for carrying out the purposes of the Act.

Chapter-IV

Penalties

24. **Penalty for false statement, etc.-** Whoever willfully makes or cause to be made in any application or other document submitted under the Act or the rules made there under, any statement which he knows or has reasons to believe to be false, or willfully neglects or fails to maintain or furnish any list, document or information which he is required to maintain or furnish under the Act or the rules, shall be punishable with fine which may extend to fifty thousand rupees.
25. **Penalty for embezzlement or misappropriation of funds.-** (1) Any Office Bearer or any other employee of a Service Association, guilty of embezzlement or misappropriation of Service Association funds shall be liable to a fine double the amount found by the Court to have been embezzled or misappropriated.
- (2) Upon realization of the amount of fine referred to in sub-section (1), it may be reimbursed by the Court to the Service Association concerned.
26. **Penalty for other offences.-** Whoever contravenes, or fails to comply with any of the provisions of the Act shall, if no other penalty is provided by the Act for such contravention or failure, be punished with fine which may extend to fifty thousand rupees.

Sd/--
(Ch. Muhammad Nawaz)
Section Officer (Legislation)

AJ&K SECRETARIAT INSTRUCTIONS 1979

NOTIFICATION

1. No. S&GAD/2497/79. The President, Azad Jammu & Kashmir has been pleased to accord sanction to the Secretariat Instructions, 1979 being issued in pursuance of rule 9(1) of the Rules of Business, 1975 for disposal of business in the Azad Jammu and Kashmir Civil Secretariat.
2. The Secretariat Instructions, 1979 are contained in Instruction Nos. 1 to 67; Appendices 'A' to 'D' and Annexure I of VIII attached to this notification.
3. The President, Azad Jammu and Kashmir has also been pleased to direct that all the Secretaries to the Government shall ensure that the disposal of business in the Secretariat is conducted in accordance with these instructions.

SECRETARIAT INSTRUCTIONS, 1979

Being instruction issued in pursuance of Rule 9(1) of the Rules of Business, 1975 for the disposal of business in the Civil Secretariat.

1.
 - i. These instructions shall be known as the "Secretariat Instructions, 1979.
 - ii. They shall come into force with immediate effect and shall supersede all previous instructions and orders relating to office procedure not consistent with the provision of these instructions.
2. In these instructions in addition to the definitions contained in Rule 2 of the Rules of Business, the expressions given below shall have the following meaning unless the context requires otherwise:
 - i. "**Section**" means a working unit of a Department.
 - ii. "**Business**" means the business allocated to the Departments in terms of Schedule-II of the rules of Business.
 - iii. "**Head of Attached Department**" means the officer who has been declared as such vide schedule I of the Rules of Business.
 - iv. "**Prime Minister**" means the Prime Minister of the Azad Government of the State of Jammu and Kashmir.
 - v. "**Section Officer**" means an officer who is in direct charge of a Section.

DISTRIBUTION OF WORK

3. The Secretary shall be the official head of the Department and shall be responsible for its efficient administration and discipline. He shall also be responsible for the proper conduct of business allocated to the Department under Rule 3 of the Rules of Business and for the careful observance of these instructions in his Department.
4. It shall be the duty of the Secretary in the Department to which the subject belongs to ensure that cases submitted to the Minister-in-charge and, where the Rules of Business so provide, to the Prime Minister or the Cabinet are submitted in a complete form.

Note: For the purpose of these instructions, the expression "the Department to which the subject belongs" has reference to the allocation of subject among Departments made under schedule I of the Rules of Business.

5. The Secretary shall determine the maximum extent of delegation of powers to officers serving under him and issue clear standing orders laying down these powers and also the manner of disposal of cases in the Department and shall ensure that:
 - a) The distribution of work is equitable,
 - b) The channel of sub-mission of cases is vertical and not horizontal; and
 - c) The tiers through which a case has to pass are ordinarily, not more than two excluding the Secretary.
6. An Additional Secretary or a Joint Secretary, unless he is in charge of a Department, shall be entrusted with a well-defined sphere of duty. Within this sphere, he shall assume full, responsibility and shall submit all cases direct to the Minister for orders, such cases being returned to him through the Secretary. The Secretary shall have the power, however, to call for any case for this consideration and to request that he be consulted in any particular case before it is submitted to the Minister.
7. A Deputy Secretary shall dispose of all cases in which no major question of policy is involved or which under the rules or standing Order he is competent to dispose of.
8. A Section Officer shall dispose of all cases where there are clear precedents, and no question of deviation from such precedents is involved or which under the rules or standing orders he is competent to dispose of. In case of doubt he may seek verbal instructions from his superior officer.
9. The Section Officer will ordinarily be assisted by an Assistant who shall be responsible for:
 - a) Putting up previous papers and other references relating the case under consideration;
 - b) Opening of files and keeping a record or movement of files;
 - c) Keeping a note of all important orders and decisions;
 - d) Recording, indexing and weeding of files;
 - e) Watching the necessity of keeping priority or security labels on files. He should bring to the notice of the Section Officer first the opportunity that occurs of removing these labels, and
 - f) Other clerical duties assigned to him, including casual typing, maintenance of diary register and the preparation of statements and returns.

The Assistant attached with a Section Officer shall not be required to note on a case nor put up a draft.

DISPOSAL OF BUSINESS

10. All business of Government shall be conducted in accordance with the Rules of Business and these Instructions.
11. The following cases shall be submitted to the Secretary of department:
 - a) All cases, summaries and reports called for by the Prime Minister and the Cabinet.
 - b) All cases involving major policy and important administrative issues.
 - c) All cases of appointments or promotions that have to be referred to the Prime Minister, the Minister or the Selection Board.
 - d) All cases involving foreign delegations and deputations abroad.

- e) All important cases relating to development plan, annual budget and foreign exchange requirements.
- f) All cases of transfers of Heads of Attached Departments and their deputies;
- g) References received from Federal/Provincial Governments.

Note: The above list may be added to where-ever necessary. This shall not apply to cases which, under Instruction 6. A Joint Secretary or Additional Secretary will submit to the Minister direct.

- 12. All other cases shall be disposed of by the officers in accordance with the relevant rules or the powers delegated under these instructions. All fresh receipt sent down by the Secretary, Additional Secretary or Joint Secretary shall ordinarily be taken to be sent down "for examination and disposal without reference to him,". Unless the case has to be shown to him under the provisions of these instructions or he specifically asks for the case to be shown to him.
- 13. No officer shall deal with a Case relating to his own promotion, transfer, pay or allowances or with a case dealing with his own official conduct.

RECORDING OF NOTES AND PREPARATION OF DRAFTS

- 14. As a rule, not more than two officers (excluding the Secretary) shall note upon a case before its final disposal except where more than one Section may have to be consulted.
- 15. When the higher officer agrees with the note or recommendation, he may merely append his signature.
- 16. In cases, which can be disposed of directly by a Section Officer no elaborate note need be recorded.
- 17. In cases where only a perusal of the paper under consideration is sufficient to enable a higher authority to take a decision, there shall be no noting beyond a brief suggestion for action.
- 18. In cases where a formal note is required, it shall be in the form of a statement of the case showing in detail, according to the importance and stage of the case:
 - i. The question for consideration,
 - ii. The circumstances leading up to it,
 - iii. The rules and precedents bearing upon it, and
 - iv. Suggestions for action.
- 19. The reproduction in a note of verbatim extracts from the paper under consideration or its paraphrasing shall as a rule be avoided. It shall be presumed that the paper under consideration will be read by the officer to whom it is submitted.
- 20. In complicated or protracted cases, particularly those involving references to other Departments, the Section Officer may prepare and place in a separate cover a duly referenced summary of the case (in triplicate) which shall be kept up to date by incorporating important decisions. The summary shall be signed by the officer who prepares it. The facts of the case shall not then be reproduced in the notes portion of the file. A copy of the summary may, if necessary, be retained by another department when the case is referred to it.
- 21. All notes shall be temperately written and shall be free from personal remarks. If apparent errors are to be pointed out and if any opinion is to be criticized, it shall be done in respectful language. Proper decorum shall be observed in commenting upon the notes recorded by higher authorities.

22. When it is desired to examine the proposal of another office without showing that office such examination, a 'routine' file may be opened. This procedure should be adopted especially if the proposal is likely to be criticized severely. The routine file shall not be sent out to another office without special orders of the competent authority for treating it as a part of the competent authority for treating it as a part of the regular file.
23. To expedite disposal of cases and especially in emergencies, informal discussions between officers of the same Department shall be resorted to. The telephone shall be freely used, provided the subject is not secret. Secretaries and other senior officers shall encourage their subordinate officers to bring up cases for advice, discussion or disposal.
24. A draft of the communication to be issued shall, as a rule, be prepared at the earliest possible stage of the case.
25. All executive actions of the Government shall be expressed to be taken in the name of the President.
26. In order to avoid audit objections, financial sanctions shall be expressed to be made by the authority empowered to make them.
27. The provisions of the Rules of Business regarding consultations with other Departments shall be carefully observed. Such consultations shall be in the following form:
 - i. By sending a written reference specifying the points on which the advice of the other Department is sought;
 - ii. By personal consultation in the event of a difference of opinion or delay.

CONSULTATION WITH OTHER DEPARTMENTS

Attention shall be paid to special instructions issued by the various Departments for consultation with them. Wherever possible, the proposal shall be accompanied by a draft.

28. When it is necessary to consult more than one Department on a case, the consultation shall be effected simultaneously except in cases where the multiplication of documents to be sent would involve an excessive expenditure of time and labour.
29. Where simultaneous references have to be made to more than one Department, the file may be sent to the Department most concerned, other Departments being consulted by means of self-contained office memoranda, un-official notes, or demi-official correspondence except in cases which can be disposed of by verbal consultation.
30. In cases where a reference in the form of a self-contained office memorandum is preferred the proposal and the point of reference shall be stated as fully and clearly as possible and references to relevant rules, orders, etc. given where necessary.
31. If a case is received from a Department in an incomplete form the Department to which the reference is made may call for the information necessary to complete it.
32. Any case referred to a Department shall either be returned to the officer referring it, i.e. to the last officer, whose signature appears on it, or if this is not done, it shall on return to the referring department, be placed at once without further noting, before that officer. The latter shall ordinarily deal with it himself without any further noting by a junior officer. If he wishes a junior officer to examine the case, he shall indicate on the case or point or points on which he wants examination or information.

33. If a case has to be referred a second time to a Department on the same issue, it shall be sent to the senior most officer of that Department who has already seen it.

And that officer shall follow the procedure indicated in instruction 21 above.

34. When a file has been referred to or returned from another Department and a difference of opinion between the Department is disclosed, personal discussion shall as a rule be substituted for further noting. If the difference of opinion is not resolved at the level at which the case was taken up, the level of personal discussion shall be appropriately raised. In any particular case where the two Departments agree after personal discussion, the Secretaries shall, if necessary, meet and record a joint note embodying the decision and there shall be no further noting.
35. References to another Department, shall as far as possible be addressed to the officer concerned by name.

REFERENCES TO AND FROM AUTHORITIES OUTSIDE THE SECRETARIAT

36. Notes written in one Department and sent to another shall not be referred to any officer outside the Secretariat without the general or special consent of the Department to which they belong.
37. Where a general consent has been given to the reference of notes to an officer outside the Secretariat, such consent shall not be construed to apply to cases in which the papers are marked confidential or secret and in no circumstances to cases in which the officer to whom the notes are referred is personally affected, or in which his official conduct is under consideration
38. Subject to the conditions laid down in Instruction 37, each Department shall be deemed to have given its general consent to the reference of its notes to the officers mentioned in Appendix 'A' by the Departments indicated in each case.
39. Subject to the control of the Department to which he is subordinate, any officers to whom notes may be referred by any other department under instructions 36-38 above, may himself make un-official references to that Department, and, subject to the provisions of instruction 40, the following officers may make such references to any Department, namely:
- 1) Inspector General of Police,
 - 2) Auditor General Azad Kashmir
40. No Attached Department or Subordinate Office of the Azad Government of the State of Jammu and Kashmir shall make un-official references to the Law Department otherwise than through the Department to which it is attached or subordinate.
41. The Advocate General shall be consulted in accordance with the procedure laid down In the Rules of Business.
42. Reference to the Azad Jammu and Kashmir Public Service Commission as required under rules, shall be made direct by the Department concerned and, by the Head of the Attached Department, in cases where he has been authorized to make appointments to posts, in the form of an official letter addressed to secretary of the Commission and accompanied by the relevant papers or copies of papers. Detailed instructions on the subject are given Appendix 'B' of these instructions.
43. Reference to the Auditor General Azad Kashmir shall be made by the Finance Department or any other Department in the form of an official letter or memorandum with which all relevant papers or copies of papers should be sent. The Finance Department may, if necessary, correspond with him un-officially on matters which solely concern the Auditor General Azad Kashmir and Finance

Department e.g. questions relating to the Azad Jammu and Kashmir Audit Department, questions of accounting procedure, etc.

REFERENCES FROM HEADS OF ATTACHED DEPARTMENTS

44. Proposals from a Head of Attached Department shall ordinarily be in the form of a self-contained communication stating the facts of the case, the points for decision and his specific recommendations.
45. The Head of an Attached Department shall be responsible for the technical soundness of his proposals which, as a rule, shall not be subjected to any technical examination by the Department concerned.
46. It shall be the duty of the Head of an Attached Department to ensure that only those cases are submitted to the Department or which he is not competent to pass orders himself. If a case which he is himself competent to dispose of is received in the Department, it shall be returned to him without being subjected to any examination.
47. A case referred to the Department over the signature of the Head of an Attached Department shall be placed before the Secretary or Joint Secretary in the case of major Department, or the Deputy Secretary in the case of minor Departments where the Head of the Attached Department is of the approximate status of a Deputy Secretary. The officer concerned shall see whether he can pass orders on the reference straight away. If it is considered that previous papers are needed, or examination is required at a lower level, instructions shall be given accordingly, but the language used in examining or criticizing such cases shall invariably be polite.
48. In all cases, replies should be shown to the concerned officer before issue, who should normally send the reply under his own signature. In case an officer of a lower status signs the reply the level at which the decision has been taken should invariably be indicated by the addition of the words this issues with the approval of Secretary, Joint Secretary, Deputy / Secretary as the case may be. This may not, however, apply to the orders and other instructions made and executed in accordance with the provisions of para 10(2) of the Rules of Business.

Note: The term approximate status of a Deputy Secretary used in first paragraph of this instruction means the officer of Grade 19.

DISPOSAL OF REFERENCE BETWEEN AZAD JAMMU AND KASHMIR GOVERNMENT AND GOVERNMENT OF PAKISTAN

CHANNEL OF CORRESPONDENCE WITH FOREIGN GOVERNMENTS

49. The channel of correspondence between the Azad Government and foreign Governments shall be through the Kashmir affairs Division.

CHECKS ON DELAYS

50. Every Section Officer shall prepare, in the prescribed form, a monthly return of arrears and submit it to such higher officer or officers as the Secretary may order.
51. The following system of reminders shall be adopted as a matter of routine. The first reminder shall be issued after a reasonable lapse of time in the form of an un-official note or memorandum. It shall be followed, if necessary, by a second reminder which shall be in the form of a demi-official letter from the officer concerned or the Deputy Secretary. If there is still no response, the matter shall be taken up at a higher level by the Joint Secretary or the Secretary. Such written reminders

shall be supplemented by the telephonic reminders. Demi-official reminders shall be replied to by officers of the same rank.

52. References received from Federal and Provincial Government shall be attended to expeditiously. If a reference has remained indisposed of for more than a month, it shall be brought to the notice of the Secretary with an explanation of the reasons for delay.

Inspection:

53. The Deputy Secretaries shall inspect the working of their Sections once every two months and Senior Officers, particularly Secretaries should pay surprise visit at reasonable intervals. They shall pay special attention to:
- i. Compliance with the Rules of Business, the Secretariat instructions, standing orders and office directives;
 - ii. Security arrangements;
 - iii. General office management; and
 - iv. Proper use and care of Government property and equipment.

A guide to inspection is attached at Appendix 'C'

Meetings:

54. a) The Secretary should endeavor to convene meetings of all officers in the Department and Heads of the Attached Departments concerned once a month and at any date, once every quarter, to discuss:
- i. Important pending cases;
 - ii. Specific problems calling for general expression of views or exchange of ideas; and
 - iii. Questions of general interest concerning the Department as a whole.
- b) The Deputy Secretaries should hold periodical meetings with the Section Officers.
55. All meetings shall be business-like. Brief minutes shall be recorded mentioning only the salient points considered and the decisions taken. Individual viewpoints should not be recorded except on request;

SECURITY ARRANGEMENTS AND HANDLING OF CLASSIFIED DOCUMENTS

56. All Security instructions shall be strictly adhered to.
57. All documents which are of secret and confidential nature shall be properly classified and treated, in accordance with approval of Secretary/ Joint Secretary /Deputy Secretary as the case may be. This may not, however, apply to the orders and other instructions made and executed in accordance with the provisions of para 10(2) of the Rules of Business.

Note: The term approximate status of a Deputy Secretary used in the first paragraph of this instruction means the officer of Grade 19.

PUBLICATION OF PAPERS

58. All papers sent for publication in the Gazette shall be signed by the Secretary, or by an officer authorized by him. Officers authorized to sign papers for publication in the Gazette shall sign under their own designations and not "for Secretary".
59. No papers, except those which it has been the ordinary practice to publish in the Gazette or which are required by law to be so published, without full consideration and with the approval of the Secretary of the Department to which the subject belongs.
60. No communication between Governments offices shall, in normal circumstances, be published by the addressing authority until the addressee has received it. When circumstances render earlier publication unavoidable, the addresses shall be informed by telegram or telephone.
61. No official shall, in any circumstances, give publicity to documents which might seem to reflect upon a superior authority or give assistance to the pros in formulating adverse comments upon the orders or actions of a superior authority.
62. The publication of correspondence between the Government of Azad Jammu and Kashmir and the Government of Pakistan which indicate difference of opinion shall be avoided.
63. In personal cases, which have formed the subject of correspondence between the Azad Jammu and Kashmir Government and the Government of Pakistan deciding authority shall in every case clearly indicate:
 - a) Whether only the substance of the decision should be communicated to the officer concerned, or
 - b) Whether, in addition a statement of the grounds upon which it is based or Portions of the correspondence, and, if so, which portions should be furnished.

CONSULTATION WITH LAW DEPARTMENT

64. The Department of Law shall be consulted in all matters involving legal questions.

PROSECUTION

65. When the Azad Government of the State of Jammu and Kashmir is concerned with any criminal prosecution a reference shall be made to the Law Department.
66. No prosecution shall be instituted without consultation with the Department of Law, and no prosecution shall be instituted or withdrawn in any manner contrary to the advice of the Law Department, without reference to the Government in the Department, concerned.

DETAILED OFFICE PROCEDURE

67. In matters of detailed office procedure, Departments shall be guided by the directions contained Appendix 'D' to these Instructions.

APPENDIX 'A'

(See Instruction 38)

Each Department shall be deemed to have given its general consent to the reference of its notice to the officers mentioned below by the Departments indicated in each case:

1. By any Department

- i. Officers holding ex-official Secretariat Status
- ii. Accountant General
- iii. Chief Engineer
- iv. Auditor General of Azad Kashmir
- v. Chief Conservator of Forests
- vi. Inspector General Police

2. By the Services and General Administration

- i. Chairman or Secretary Public Service Commission
- ii. Chairman Benevolent Fund and Group Insurance
- iii. Chairman AKMIDC
- iv. Managing Director AKLASC
- v. Chairman, Mirpur Development Authority
- vi. Director, Sports
- vii. Registrar, High Court

3. By Commerce and Industries department

- i. Director Industries, Minerals and Labour
- ii. Controller, Printing Press and Stationery & Forms

4. By the Department of Food

Director Food

5. By the health department

Director, Health Services

6. By local government, agriculture and animal husbandry department

- i. Director P.W.P. IRDF
- ii. Director, Agriculture
- iii. Director, Animal Husbandry

APPENDIX 'B'

(See Instruction 42)

THE AZAD JAMMU AND KASHMIR GOVERNMENT PUBLIC SERVICE COMMISSION

The functions of the Public Service Commission are laid down in Azad Jammu & Kashmir Public Service Commission Ordinance, 1978 and Public Service Commission (Functions) Rules, 1978.

REFERENCES TO THE PUBLIC SERVICE COMMISSION AND ACCEPTANCE OF ITS ADVICE

1. All references shall be made direct to the Commission by the Sectt./Department in the form of an official letter with which all relevant papers shall be forwarded, provided that no reference which is not obligatory under the rules shall be made save with the previous concurrence of the Service & General Administration Department and, in cases involving financial consideration, of the appropriate authority as well. Before a case is referred to the Service & General Administration Department, the Sectt. Department shall place in the file the draft of the letter proposed to be submitted to the Commission.
2. The advice of the Public Service Commission shall ordinarily be accepted by the Department in all matters where it is obligatory to consult the Commission under any law or any Rules or Regulations for the time being in force.
3. If it is proposed not to accept the advice of the Commission the case shall be submitted to the Prime Minister, through the Services and General Administration Department which may give an opportunity to the Public Service Commission of further justifying its recommendations before a final decision is taken.
4. Where the Prime Minister does not accept the advice of the Commission, he shall inform the Commission accordingly.
5. The Commission shall in all cases be informed of the action taken on its advice for this purpose, ordinarily an endorsement forwarding copies of communications in which orders are conveyed, recommendations are made or other action taken shall suffice.

APPOINTMENT/RECRUITMENT TO PUBLIC SERVICES

6.
 - i) The Commission shall be consulted in regard to initial recruitment to posts in grade 16 and above.
 - ii) Appointments to the various services/posts which fall within the purview Commission shall be made in accordance with the recruitment rules framed in consultation with the Services and General Administration Department. In case recruitment rules have not been framed for any such service/ posts appointments to the service / posts concerned shall, if the service/ posts falls within the purview of the Commission, be made in consultation with the Commission, after the Services and General Administration Department have been consulted in regard to method of recruitment and qualification for such services/posts.
 - iii. In the case of posts which do not fall within the purview of the Commission, recruitment rules should be framed in consultation with the Services and General Administration Department and in the absence of such rules the Services and General Administration Department should be consulted in regard to the method of recruitment and qualifications for such post before appointments are made.

RECRUITMENT BY EXAMINATION

7. When any competitive examination is to be held for the purpose of recruitment to a Service and consultation with the Commission is required. Commission shall:
- i. Advise the Government in regard to the regulations prescribing the
 - a) Qualifications of candidates.
 - b) Conditions of admission to the examination, and
 - c) Syllabus of the examination.
 - ii. Announce the number of vacancies to be filled from among the candidates for the examination.
 - iii. Make all arrangements for the actual conduct of the examination including viva voice and other tests connected with it in Azad Kashmir.
 - iv. Request the Government to nominate a suitable officer to represent the service or Department for which the examination is being held who shall be present at the interview referred to in clause (iii) above.
 - v. Arrange the successful candidates in order of merit on the results of the examination and in conformity with relevant rules and the number of vacancies announced and if the examination be combined one for recruitment to more than one service, determine the suitability of individual candidates for different services, and
 - vi. Forward to the President a list of the candidates so arranged and determined as indicated in (v) above.

Examination: The suitability of candidates should be determined by the Commission and the placement should be made by Government.

RECRUITMENT BY SELECTION

8. When recruitment to a service is to be made, or a particular post is to be filled, by selection and consultation with the Commission is required, the Commission shall:
- i. Advise the Government in regard to the rules regulating the qualifications of candidates and the submission of application;
 - ii. When necessary, announce the number of vacancies and invite applications;
 - iii. Consider all applications received and if it considered necessary interview such candidates as prima facie appear most suitable for appointment and also call for character rolls of such candidates as are in Government and such other papers as it may require for the purpose of Selection. There would not, however, be any bar to requisitioning character rolls etc. of candidates not in Government service;
 - iv. Recommend only one candidate for each vacancy and keep some suitable persons, if available, in reserve;
 - v. When there are two or more vacancies to be filled, arrange the candidates recommended in order of merit.
 - vi. Request the Government to appoint a suitable officer to represent the Service or Department for which the recruitment is being made, who shall be present at the

interview referred to in clause (iii) above. Further, the Commission may, if necessary, invite any person or persons to assist them in making the selection.

- vii. When recruitment is made by selection owing to the failure of a competitive examination to yield a sufficient number of qualified candidates or to give adequate representation to a certain zone, area, or community, recommend, candidates in accordance with such orders as the Government may pass in this respect.

RECRUITMENT BY PROMOTION

9. Recruitment by promotion is to be made on the basis of the recommendations of Azad Jammu and Kashmir Selection Board and Departmental Selection Committees. The Commission is not to be consulted in this respect.

RECRUITMENT BY TRANSFER

10. Recruitment by transfer is to be made on the basis of the recommendation of Azad Jammu and Kashmir Selection Board and Department Selection Committees the Commission is not be consulted in this respect.

ADHOC APPOINTMENTS

11. When an adhoc appointment is to be made the Department concerned should furnish a requisition to the Commission on the prescribed form, and requires the Commission to recommend candidates within ten days of the receipt of the requisition. The Commission shall either recommend candidate if available on the waiting list or advertise the post in the latter case the Department shall be allowed to make adhoc appointment. The Department concerned shall simultaneously advice the Accountant General to treat the adhoc appointment as terminated after a period of, six months unless Department concerned furnishes a certificate from the Azad Jammu and Kashmir Public Service Commission, stating:
 - i. That it has not been possible for the Commission to make recommendations for filling the post within that period;
 - ii. The time likely to be taken by the Commission for making recommendations and
 - iii. The period for which the adhoc appointment was made should be extended.

Note: In making adhoc appointments, the Department should strictly follow the relevant rules, orders, district quotas stipulated under the recruitment policy of the Government and that adhoc appointees should in all cases fulfill the conditions of qualification, age etc. prescribed for the posts.

APPENDIX 'C'

(See Instruction 53)

INSPECTION IN THE SECRETARIAT

- 1 Desultory or casual inspections are of little value if they lack purpose or if the inspecting officer has not settled in his mind what he is going to look for. For inspection to be a useful tool of supervision it is necessary to lay down a list of specific points to which attention should be directed. A list of points which should be kept in view by an inspecting officer while carrying out inspection in the Secretariat is given below:

PERFORMANCE:

- 1) Is the distribution of work equitable and according to ability and temperament? Does each functionary know the precise nature of his duties and responsibilities?
- 2) Is the output of work of various categories of staff reasonably satisfactory? Does it conform to the accepted yard-sticks?
- 3) Is the rate of disposal of work satisfactory? Do actual pending papers or cases tally with arrears or suspense statements?
- 4) Is there any indication of un-necessary accumulation of files at any point?
- 5) Are actionable files being kept in suspense un-necessarily?
- 6) Is there any evidence of files being passed un-necessarily from one section to another in an attempt to shift responsibility?
- 7) Are standing orders regarding the delegation of powers to officers observed in practice?
- 8) Is there any indication that the Rules of Business or the Secretariat Instructions are not being properly complied with?
- 9) Is the register of important decisions maintained properly and kept up to date?
- 10) Are please speak, cases attended to promptly? Is the number of such cases excessive?
- 11) Is the procedure for classification, recording and indexing being properly and intelligently observed? What is the proportion of unclassified files? Is weeding and destruction of unnecessary files and papers carried out regularly?
- 12) Is the procedure for issuing reminders effective? Is it followed regularly?
- 13) Are periodical reports and returns sent out to the authorities concerned regularly? Is a list of such reports and return maintained?

USE OF GOVERNMENT PROPERTY:

- 1) Is there any indication of wastage or misuse of stationery, electricity telephones, furniture, equipment, vehicles, etc.?
- 2) Is the procedure for the receipt, custody, and issue of stationery efficient? (A check of the actual stock of some of the items with the quantity shown in the stationery register will give a good indication)
- 3) Are stock registers for furniture and office equipment maintained property?
- 4) Are the furniture and equipment kept in good repair? Are unserviceable items stocked unnecessarily?
- 5) Are the log books of staff cars, and other vehicles complete and up-to-date? Are cars and vehicles maintained in good condition?

WORKING CONDITIONS:

- 1) Are the working conditions satisfactory?
- 2) Is the office layout convenient? Are tables, chairs and other equipment properly arranged?
- 3) Are the office premises kept clean and tidy?

- 4) Are the necessary reference books, codes, manuals prescribed forms of reports and returns (required in connection with the work of the office) readily available?
- 5) Do the, staff have necessary office equipment, material aids, furniture, stationery, etc.?
- 6) Do the staff have necessary amenities (transport facilities, canteens, fans, drinking water, etc.)?
- 7) Are personal claims or grievances of staff regarding increments, pay, allowances and advances, etc. attended to promptly?
- 8) Are the service records, leave accounts, seniority lists etc. properly maintained?

SECURITY AND DISCIPLINE:

- 1) Are security arrangements satisfactory and in accordance with the prescribed in instructions?
- 2) Have the character and antecedents of each functionary been verified?
- 3) Is the staff sufficiently security minded? Are instructions regarding security classification followed properly?
- 4) Are there any authorized visits of outsiders or by staff?
- 5) What is the degree of punctuality of staff? Is there any indication of?
- 6) Habitual late attendance?
- 7) Does the staff pay undivided attention to work during office hours?

CASH AND ACCOUNTS:

- 1) Are the arrangements for the custody and handling of cash satisfactory?
- 2) Are the cash books, contingent registers, bills and cheques register neatly and properly written up-to-date?
- 3) Are the accounting of receipts and expenditure up-to-date? Are accounts reconciled with the accounts of the Accountant General in time?
- 4) Are the vouchers relating to contingent expenditure and acquaintance rolls kept safely?

RECEIPT AND DISPATCH:

- 1) Is the procedure for the receipt and distribution of papers efficient? Is there any avoidable delay between the receipt of dak in the R&I Section and its delivery to the officer concerned?
- 2) Has the R&I Section a comprehensive and up-to-date list of subjects dealt with by the respective sections and officers?
- 3) Are diary registers and movement registers kept according to the prescribed procedure? Daily routine papers should not be diarized to inflate the number of receipts.
- 4) Are the arrangements for the dispatch or distribution of mail satisfactory? Are peon books duly initialed by receipts of papers?
- 5) Is there any indication of misuse of 'Immediate' and 'Priority' labels?
- 6) Is the register of postage stamps maintained properly?

2. The list is by no means exhaustive and it should not, therefore, prevent an inspecting officer from looking into other aspects which, in his opinion, need attention for improving the efficiency of the Organization. At the same time it is not necessary for the inspecting officer to examine in detail all the points given in this list during a single inspection. He should, however, cover, as far as possible, the entire field so that he is in a position to judge whether his organization is functioning efficiently. Inspections as a rule have generally a salutary effect, but useful results can only be achieved if the inspecting officer is thorough and searching in his observation and gives constructive and helpful advice to his subordinates for rectifying obvious shortcomings and defects.

INSPECTION REPORT

3. To ensure that the system of inspection yields the desired result and does not deteriorate into a routine formality, the inspecting officer should submit a proper inspection report. Inspection reports by a Section Officer should be submitted to the Deputy Secretary concerned and by the Deputy Secretary to the Head of the Department.
4. The inspection reports should be brief, precise and to the point and should give a clear picture of the working of the particular sector of the organization on which the report is submitted. It should simply enumerate the defects noticed and give constructive suggestions for improvement. The report should particularly highlight such aspects which have an important bearing on efficiency and need special attention of senior officers.
5. After the inspection report has been seen and returned by officer concerned, it should be the duty of the inspecting officer to ensure that all corrective action is taken. This process should not involve unnecessary noting. As far as possible, problems arising from inspections should be settled and resolved by discussion. It will be desirable to file the inspection reports in a chronological order to facilitate the progressive evaluation of the results of inspection.
6. During inspections, the inspecting officers may often discover procedural defects or other problems which cannot be solved readily without a detailed investigation. Such problems should be referred to the Services and General Administration Department for advice.

Appendix 'D'

(See Instruction No. 67)

DETAILED DIRECTIONS ON OFFICE PROCEDURE RECEIPT AND DISTRIBUTION OF PAPERS IN THE SECRETARIAT

1. In the Departments where there are more than one sections, all communications shall be received in a separate section known as the Central Registry. This unit of the office should, if possible, be centrally located and shall be responsible for:
 - a) The receipt and distribution of all fresh receipts;
 - b) The dispatch of outward mail; and
 - c) The compilation and printing of an annual index of files.
2. Receipts addressed to an officer by name shall be sent to him unopened by the Central Registry. If the officer is absent on tour or on leave, such receipts should be sent to the officer who is looking after his work.

3. Receipt addressed to an officer by name should be received by the officer himself or by his Private Secretary, Personal Assistant, Stenographer/ Steno-typist or Assistant Receipts addressed to a Minister should be received, on his behalf by a member of his personal staff.
4. Receipt addressed to an officer by name should be opened by him or, in his presence, by a member of his personal staff.
5. Receipts marked 'Top Secret' or 'Secret' or 'Confidential' shall be handled in accordance with the instructions contained in the booklet "Security of Classified matter" in Government Departments.
6. All other covers should be opened in the Central Registry and sorted out section wise. The facilitate allocation of receipts; the Central Registry should always be kept supplied with an up-to-date statement showing the subjects dealt-with in each section.
7. Reminders should be separated and submitted to the Deputy Secretary concerned in a pad marked 'Reminder'. The Section to which the reminders relate should be indicated on the receipt by the Central Registry.
8. All receipts should be stamped in the Central Registry with a rubber stamp showing the name of the Department and the date of receipt. The section diary No. for which provision should be made in the Central Registry stamp should be filled in by the Section Assistant subsequently when the receipt diarized by him. No receipt shall be diarized in the Central Registry.
9. All receipts shall be passed on by the Central Registry to officers concerned at regular intervals twice or thrice during the day. Ordinary receipts received after office hours may be held over for distribution on the next working day.
10. Telegrams and other receipts marked 'Residence' 'Immediate' and 'Priority' should be accorded appropriate priority treatment.
11. Receipt wrongly marked to a Section should be transferred promptly to the Section concerned or returned to the Central Registry. Such receipts should not be diarized in the Section to which they do not relate.

PROCEDURE FOR DIARIZING AND DISPOSAL OF PAPERS

1. The Section Officer shall, on receiving fresh receipts
 - a) Go through them carefully and dispose of all cases which are not required to be submitted by him under the rules or order to higher officers and where reference to previous papers not necessary;
 - b) Record specific instructions on receipts requiring precious references or Consultation with other Sections concerned; and
 - c) Submit to the Deputy Secretary or higher officer's receipts which, in his opinion, are important enough to be seen by them before action is initiated.
2. The Deputy Secretary may, in his discretion, submit to his superior officer any receipts which he thinks should be brought to the latter's notice or on which he desires instructions at that stage.
3. The Deputy Secretary or any other officer to whom receipts are submitted should give instructions, wherever necessary, as to the action which should be taken. If he proposes to deal with a receipt himself, he should ask for the file to be put up to him with the relevant papers.

4. Fresh receipts should be seen and returned to the Section concerned promptly.

DIARIZING OF RECEIPTS

1. After fresh receipts have been seen by the Section Officer and other officers where necessary, the Assistant shall diaries i.e. enter in the Section Diary Register (Specimen of the form given in Annexure I) particulars of all receipts except those Specified in paragraph 17 below. He should, at this stage complete only column 1-15 of the Register and simultaneously enter the diary number on the receipt.
2. The following types of receipts shall not be diarized;
 - a) Copies of tour programmers;
 - b) Miscellaneous routine circulars, e.g. those relating office hours, telephone lists, changes in addresses of officers, notices of holidays, etc. except in the section in which they are originally received;
 - c) Post copies of telegrams and routine acknowledgements;
 - d) Press cuttings which are for information only;
 - e) Unsigned or anonymous communications or advance copies of representations on which no instructions have been recorded by the officers and on which no action is, therefore, to be taken.
 - f) Identical representations form individuals or groups of individuals except one copy viz. that received first;
 - g) Applications for casual leave;
 - h) Requisitions for stationery and other miscellaneous articles;
 - i) Publications on which no specific action is to be taken.
3. A file referred to or received back from another office unofficially (u/o) should be diarized each time it is received back.
4. After receipts have been diarized by the Assistant, he should classify them into i.e. following four categories:
 - a) File received from other officers;
 - b) Receipts relating to files already existing;
 - c) Papers of ephemeral or routine nature for which no file has to be opened; and
 - d) Receipts for which new files are to be opened and deal with them in the following manners.
 - i. Receipts in category (a) should be dealt with according to the instructions given by the Section Officer.
 - ii. Receipts in category (b) should be placed on the appropriate file and submitted to the Section Officer along with any other connected papers, previous decisions, documents, e.g. copies of relevant acts, rules and regulations, etc.
 - iii. Receipts in category (c) should be placed on appropriate files, if any, and should be submitted to the Section Officer, if he has so directed or otherwise disposed of according to his instructions.

- iv. For receipts in category (d) fresh files should be opened which should be put up with other relevant references and precedents, if any.
5. If an Assistant is unable to put up a receipt at least by the next working day due to the non-availability of previous files or references, he should bring the fact the notice of the Section Officer who will then if the matter is of some urgency and important, either;
 - a) Dispose of the case in the absence of precious papers, or
 - b) Submit the case to his senior officer for orders, if he feels that it is beyond his competence to deal with it.
6. If a Section Officer is unable for any reason to dispose of a receipt within three working days, he shall take it personally to his superior officer and obtain instructions.
7. If a Deputy Secretary is unable for any reason to dispose of any work pending with him for three working days, he shall bring it personally to the notice of his superior and obtain instructions.

OPENING OF NEW FILES

1. All new files should be given a file number by the Assistant in consultation with the Section Officer. The file number shall be allotted to each file according to the file headings maintained by the Section for the subjects dealt in it. For example, an Administration Section in a Department has;
 - 1) 'Leave and transfer'
 - 2) 'Recruitment of staff'
 - 3) 'Purchase of furniture and stationery' etc.

As file headings, all files relating to 'Recruitment of Staff' should be entered under 2. Each file opened under this file heading will be given a separate serial number, e.g. file dealing with 'Recruitment of Assistants' may be given Serial No. 23 under the same heading and so on. To the file number should be affixed a distinguishing letter or letters denoting the Section to which the file belongs. The year in which the file is started should also be indicate 'Thus, 2-3/60 admin.' Would mean that the file in the third in the series opened by the Administration Section in the Year 1960 under the file heading "2".

2. A suitable subject heading should be given to the file by the Assistant in consultation with the Section Officer according to the contents of the receipts for which new file is opened. For example if a communication is received from the Service General Administration Department nominating Section Officers selected by the Public Service Commission the file should bear the following heading;

"Recruitment of Section officer; Nomination of candidates selected by Public Service Commission".

3. Green file covers should be used for note portion, Pink for correspondence and yellow for summary;
4. The list of the file headings should be pasted on the opening pages of the File Register, which shall have column as in Annexure II.
5. The serial numbers of files should run from 1st January to 31st December each year. A new series should be started each year but the main file heading allotted to particular subjects should as far as possible be retained.
6. The file number allotted to a receipt or file should be noted in column 6 of the Diary Register.

7. An index card should be prepared for each file. Both the Assistant and the Steno typist attached to a Section Officer shall be jointly responsible for the custody of the files of the Section.
8. No file should be opened un-necessarily. The opening of a part of file should also be avoided as far as possible. A part files may, however, be opened when the main file is not likely to be available for some time and action cannot be held up in the meanwhile. When more than one part file is opened, each of them should give a distinct number, e.g. 1-2/60 (Part File I) – Admin “1-2/60 (Part File II) – Admin.” Etc.
9. The part file or files should be amalgamated with the main file as soon as the latter becomes available. When a part file is amalgamated with the main file, the chronological order of notes and correspondence should be preserved as far as possible.

REFERENCING

1. No fresh receipt or case shall be submitted to an officer without previous papers to which references are made in fresh receipts or in the notes.
2. All previous papers, rules and regulations etc. to which reference is made in fresh receipts or in notes should be indicated by giving the number of the page in the margin in pencil and, where necessary, by flagged with alphabetical slips. The slip should pinned neatly under the pages. When a large number of references are to be flagged, the slips should be so spaced as to be easily visible. If references are flagged with alphabetical slips, the pages of the relevant document should also be indicated in the margin, so that if the slips are lost or removed at later stage, the references can still be traced. If the document put up for reference is a report, periodical or other publication, its full title etc. should also be given in the margin in ink unless it is clearly mentioned in the note by name. in case of a file its number must be given in ink.
3. Reference books, normally available with the officers, would not be put up with a file but relevant pages to which attention is to be drawn should be indicated in, the margin.
4. Linking of files on which action is in progress should, as far as possible be avoided. As a general rule this practice should be resorted to only when the files are interconnected and orders have to be passed on them simultaneously. If a reference is to be made to papers in another current file, relevant extracts should be taken if the matter involve is not too lengthy.

MOVEMENTS OF FILE

1. The movement of files should be noted by the Assistant under the direction and supervision of the Section Officers in Column 4 of the File Register. These entries should be crossed out in pencil on return of the file.
2. The movement of a file which has not been allotted a file number should be shown in the Section Diary.

NOTING ON FILES

1. No elaborate note shall be recorded by a Section Officer:
 - i. On a receipt which he is competent to dispose of himself in the light of clear precedent or practice or under the standing order delegating specific powers to him to dispose of such cases;

- ii. In a case where a line of action has been indicated by a senior officer and he is required to put up a draft, unless something important has to be pointed out.
2. A note should be recorded on a file only in a case which is to be put up to a higher officer for orders. In such a case the Selection Officer should present the following in a systematic form:
 - a) The facts of the case (The Section Officer should point out any mistake or error or mis-statement of facts in the paper under consideration or in notes of other Departments);
 - b) The statutory or customary procedure to be adopted in dealing with the case;
 - c) Any rule and regulations having a bearing on the case;
 - d) Any other related facts or figures;
 - e) The points for decisions; and
 - f) The suggested course of action.
3. In complicated or protracted cases, particularly those involving references to other Departments, the Section Officer may prepare and place in a separate cover a duly referenced summary of the case (in triplicate) which shall be kept up-to-date by incorporating important decisions. The summary shall be signed by the officer who prepares it. The facts of the case shall not then be reproduced in the notes portion of the file. A copy of the summary may, if necessary, be retained by another Department, when the case is referred to it.
4. All notes should be written on note sheets. No note should be written on the receipt itself. If a higher officer has already made any remarks on a receipt, they should be copied out on the note sheet before subsequent notes are recorded. The officer recording the note should affix his signature on the right side of the note sheet at the end of the note. This name, designation and telephone number should be typed or rubber stamp below his signature.
5. The following instructions shall be observed when a file is submitted to the Prime Minister:
 - i. It should invariably include a self-contained and properly referenced summary stating the facts of the case, important points from notes and correspondence, as well as points for consideration and end with a specific re-commendation.
 - i. The summary should be signed by the Secretary and should be placed inside the file covers properly tagged. If the space left at the end of the summary is less than one this of the page a spare sheet should be added for recording other notes and orders.
 - ii. Where character rolls, reports or other documents accompany a summary, they, should be in file covers, tagged or where too bulky for file covers, they should be placed in envelopes of suitable size.
 - i. Even where the file to be submitted to the Prime Minister consists of one or few sheets only they should invariably be placed in a file cover, properly tagged and placed on a file board or a band. The notes should also be kept inside the file. Covers which should be closed like the correspondence portion. All other files and papers which are of no relevance to the matter under consideration should be detached.
 - i. Only such cases which must receive immediate attention should bear immediate slip and only those flags which are actually referred to in the summary or the notes should be allowed to stand and the others removed.

- ii. When a case is submitted to the Minister, a summary should put up if the last note on the file itself is not self-contained.
6. A Summary for the Cabinet shall be got cyclostyled and copies furnished to the Cabinet Secretariat as required. The date on which it is, submitted should be indicated at the end of summary which should not normally exceed two cyclostyled pages.
7. On files referred unofficially from one office to another, notes should ordinarily being immediately below the note recorded by the office referring the case. The name of the office where the note is recorded should be clearly typed or stamped with a rubber stamp at the beginning of the note.
8. The following procedure should be observed by the Section Officer before submitting a file to senior officers:
 - a) All files shall be placed in file boards or bands. The subject and the number of the file shall be written on the file cover or typed on a slip and pasted on it.
 - b) Page numbers shall be entered consecutively on all pages of correspondence in black or red ink-near enough to the corner of each page for them to be read quickly without turning pages over completely and far enough from the corner for them not to be torn off or obliterated. Reference to correspondence shall only be “pp-13-14/C”.
 - c) Paragraphs of notes shall be numbered continuously from the beginning onwards. References to notes shall be “Para 19-N”.
 - d) Two or three blank sheets shall be added to the notes for convenience of higher officers.
 - e) All previous papers (recorded collections) put up with a case should be chronologically arranged, the oldest being at the bottom of the file.
 - f) Above the previous papers shall be placed the file cover containing the current correspondence and notes. The draft (if any) pinned with ‘a draft for approval’ slip shall be placed inside that cover on top of correspondence.
 - g) If any reference books have to be put up, they should, if of the same as the file board or the file cover, be placed at the bottom and if of a smaller size at the top.
 - h) Where a file which is required to be put up for information or for reference has been printed, a printed copy and not the original copy should be submitted.

PREPARATION OF DRAFTS

1. In a case to be submitted to a higher officer, wherever a communication is issue, a draft shall be prepared and put up with the note by the Section Officer. A higher officer may himself prepare a draft and authorize its issue or submit it to the next higher officer for approval as the case may be.
2. A draft should convey the exact intention of the orders passed. The language should be clear, concise and incapable of misconstruction. Lengthy sentences, abruptness, redundancy, superlatives and repetitions, whether of words, expression or ideas, should be avoided. In communication of some length or complexity, the may points should be summarized in the concluding paragraph.
3. The following instructions should be observed while preparing a draft:

- i. A draft should be written or typed in double space on both sides of the paper. A sufficiently wide margin should be left for corrections and additions.
- ii. All drafts should bear the relevant diary number or file number and subject. The reference number of the addressee's letter, if available, should always be given subsequent correspondence. When two or more letters, notifications, etc. are to issue under the same file number on the same date to the same addressed, a serial number should also be given in addition to the file under avoid confusion, e.g. "1-2(i)/60Admin" "1-2(ii)/60Admin".
- iii. A draft should show clearly the enclosures which are to accompany the fair copy. To draw the attention of the typist to the enclosures, a diagonal stocked should be made in the margin. The number of enclosures should also be indicated at the end of the draft on the left-hand corner or the page.
- iv. If copies of enclosures referred to in the draft are available and are not to be typed, the fact should be clearly stated in the margin of the draft for the guidance of the typist.
- v. When it is known that the office to which the letter or memorandum is to be sent will require extra copies, the number of copies likely to be required should be indicated on the draft.
- vi. The office over whose signature the communication is to issue should initial and date the draft in token of his approval. His designation should invariably be indicated on the draft.
- vii. A clean carbon copy of the letter issued should be placed on the file. This should be referenced immediately before any action is taken on the file.
- viii. The appropriate priority marking i.e. "Residence", "Immediate" or "Priority" should be indicated on the draft. If any papers are to be dispatched by special messenger or issue, under registered post or under postal certificate, as Express Delivery or by Air Mail, necessary instructions should be given on the draft for the guidance of the dispatcher.

FORMS OF COMMUNICATION

Written communications shall be in one or the other of the following forms:

- a) Letter
- b) Memorandum
- c) Office Memorandum
- d) Demi-official letter
- e) Un-official Note
- f) Endorsement
- g) Notification
- h) Resolution
- i) Press Communique/Note
- j) Telegrams and Tele printer Messages
- k) Office Order

Letter

An official letter purporting to convey the views or orders of the Azad Government of the State of Jammu and Kashmir must specifically be expressed to have been written under the direction of the Government. It shall be used for all Formal sanctions and communications to Districts, public bodies and individuals. This form may also be used for communicating formal sanctions of Government to attached Department and sub-ordinate Officers, but shall not be used for correspondence between different departments of the Government.

A Letter should be composed of the following:

- a) Letter head bearing the words Azad Government of the State of Jammu and Kashmir and the name of the Department.
- b) Number and date;
- c) Name (with title if any) and designation of the sender;
- d) Designation and address of the addressee;
- e) Subject;
- f) Salutation;
- g) Main text of the letter;
- h) Subscription; and
- i) Signature and designation of the sender with his telephone number. Letters addressed to official authorities should begin with the salutation ‘Sir’ and end with “Your Obedient Servant”. Letters addressed to non-official or groups of individuals should begin with “Dear Sir/Sirs” and should end with the subscription “Yours truly” followed by the signature and designation of the person signing the letter.

Official letter not purporting to issue under directions from Government should begin with the word “I have the honour to” and not “I am directed to”.

Office Memorandum

This form should be used:

- a) For correspondence between various Departments.
- b) For conveying information not amounting to an order of Government attached Departments and Sub-ordinate authorities.

It should be written in the third person and should bear no salutations except the signature and designation of the officer signing it. The name of the Department or attached Department (Including, if necessary, the name of the officer who is to be specified) should appear at the bottom on the left hand corner of the page. The office Memorandum purporting to issue under directions from Government should begin with the word “The undersigned is directed to....”

Memorandum

This form should be used:

- a) For Correspondence between the Department and Attached Departments and their Subordinate Offices;

- a) In replying to petitions, applications for appointment etc. It should be written in the third person and should bear no salutations or subscriptions.

Except the signature and designation of the officer signing it. The name of the addressee should appear on the left hand corner of the page the memorandum should begin with Words “**Reference** application/ petition/ letter No. Dated from”

Demi-Official Letter

This form should be used in correspondence between Government officers when it is desired that a matter should receive the personal attention of the individual addressed.

A demi-official communication should be addressed to an officer by name. it should be written in the first person singular with the salutation “My Dear” or “Dear Mr.” and end with “Yours sincerely”. The expression “Mr. Dear” should normally be used for an officer of the same status or an officer one step higher in status and “Dear Mr.” if the officer to be addressed is two or more steps higher status. The name and designation of the sender with titles, if any, should also be typed under the crest on the first page. The telephone number of the officer sending the communication shall invariably be indicated.

Un-Official Note

An unofficial (u.o) note should be made sending a note on the file itself. This method of consultation be generally employed between Departments and Department and Attached Departments where so authorized.

Endorsement

This form should be used when a copy of a communication is to be forwarded to other in addition to the original addressee. The endorsement may take one of the following forms:

“A copy (with a copy of the letter replied to) is forwarded to – for information for information and guidance/ for necessary action/ compliance”.

Notification

This form should be used for notifying in the Gazette of Azad Jammu and Kashmir Ordinance, rules and orders appointments. Leave and transfer of Gazetted Officers or other matters which are required to be so published in the Gazette of Azad Jammu and Kashmir.

Resolution

This form should be used for making public announcements in the Gazette of diction of Government on important matters of policy, appointments of committees or commissions of enquiry and of the results of the review of important reports of such bodies.

Press Communiqué of Press Note

A Press communiqué or press note should be issued when it is sought to give publicity to a decision of Government. It should ordinarily be prepared in consultation with and issued through the Press Information Department and with the prior approval of Chief Secretary.

Telegrams and Teleprinter Messages

A telegram should be issued only occasions of urgency. As fast Airmail service exists, no telegram should be sent if letter with an appropriate priority marking can/ serve the purpose. Where tele-printer service exists, the greatest possible use should be made of it in preference to telegrams and telephones.

Telegrams and Teleprinter Messages

The text of a telegram or tele-printer message should be brief and clear but clarity should not be sacrificed for brevity. Where group of figures are necessary in a message, these should be typed in words in the copy to be issued 19365 should be typed "Nineteen thousand three hundred and sixty-five". If further precaution is necessary, the words "the double of which is thirty-eight thousand seven hundred and thirty" may be added.

The priority of the message is as follows, 'Ordinary', 'Express', 'Important', 'Immediate' or 'Most Immediate' Telegram should be sent only on the authority of a Secretary/ Additional Secretary/ Joint Secretary.

In all cases (except cypher telegrams) post copies of telegrams should be sent & addressees.

When a telegram is to be sent in cypher, the message should be drafted in normal and not in telegraphic English; needless verbiage should, however, be avoided. Cypher messages should be transmitted through the Pakistan Crypte Centre. Instructions with regard to the grading, editing and numbering of these telegrams issued by the Ministry of Foreign Affairs should be carefully observed. Cypher messages should be avoided as far as possible because:

- i. They are expensive;
- ii. They involve delay in encoding and decoding; and
- iii. The security of the cypher is likely to be compromised by indiscriminate use.

Office Order

This form should be used for conveying instructions to be "followed in office and notifying appointment, promotion, leave, etc. of the non-Gazetted staff".

TYPING AND DISPATCH

When the issue of a draft has been authorized, the typing of the fair copy shall be done by the Private Secretary, Personal Assistant, Stenographer or Steno typist attached to the officer over whose signature the letter is to issue.

When more than 12 copies are required: a Stencil should be cut and copies produced on a duplicating machine.

The fair copy complete with enclosures, and the typed office copy together with the approved draft, should be put up in a signature pad to the officer concerned for his signature.

DISPATCH

All papers and files to be dispatched to other offices shall be sent to the Central Registry which shall follow dispatch procedure outlined in Annexure III.

All Communications should bear the date on which they are actually issued. They should not be double-dated.

The documents to be sent out should be placed in covers and the name and address of the addressees should be neatly and correctly written or typed on an economy slip which should be used for all covers containing ordinary (i.e. unclassified) communications except when the contents are bulk or when it is proposed to send the cover by Ensured post, economy slips should not be used for covers addressed to foreign countries. After a communication has been dispatched, the office copy should be rubber stamped 'Issued' and returned to the Section concerned.

ACTION AFTER DISPATCH

The Assistant should place the office copy on the file in chronological order and give it a page number.

If a reply to the communication is awaited or further action is to be resumed at a later, that Assistant should mark the file 'reminder' or 'suspense' as the case may be, and note the date on which the file is to be resubmitted.

If the communication issued constitutes final disposal and no other action has to be taken on the file, it should be marked 'record'.

The Assistant should maintain a record of suspense cases on an ordinary calendar diary. He should enter date-wise:

- a) Cases placed in suspense with instructions for resubmission on a particular date;
- b) Cases on which reminders are to be issued on specified dates; and
- c) Cases which have been referred unofficially to other departments and the return of which is awaited.

The Assistant should consult this diary every morning and should submit to the Section Officer for disposal all files required to be put up to him on that date. The Section Officer should check the diary periodically to ensure that the procedure out lined above is being observed by the Assistant.

RECORDING, INDEXING AND WEEDING OF FILES

CLASSIFICATION OF RECORDS:

For the purpose of preservation, records should be classified into the following four categories:

- i. **Category A** – Permanent Records: This category shall include vital Records of permanent value which are irreplaceable and have to be preserved with the utmost care.

As a general rule, the following types of records shall be classified under this category:

- a) Files containing discussions or orders on important matters policy, legislation, rules and regulations.
- b) Files containing orders establishing important precedents that are likely to be required frequently for reference over a long period.
- c) Files relating to individuals whose importance warrant retention of their cases permanently.
- d) State documents such as treaties and agreements with foreign countries.

Permanent files shall be recorded, indexed and printed (or otherwise reproduced) and at least 3 copies including the original furnished to the Directorate of Archives.

- i. **Category B** – Records to be retained for 10 or more years: This category shall include all those files which are not important enough to be preserved permanently but important enough to be retained for a period of ten or more years depending upon the extent of their utility (Service records of Government Servants should be classified under this category). These files should be recorded and Indexed and retained in the Department.
- ii. **Category C** – Record to be retained for 3 but less than 10 years: This category shall include files which have limited utility and which may be required for only a few years after they have been recorded. These files need not be indexed but shall be retained in the Department for specific periods.

- iii. **Category D** – Records to be retained for less than three years: This category shall include papers of routine or ephemeral nature which are not likely to be required after a period of three years. These papers should not be indexed and should be destroyed after the period specified if no longer required.

RECORDING AND INDEXING PROCEDURE

As soon as action on a file has been completed, the Section Officer should mark the file 'Record' and classify it into one of the four categories mentioned above and pass it on to the Assistant for action outlined in Para 75 below.

The Assistant shall then proceed to take the following action:

- a) Note the 'classification' given by the Section Officer in the relevant column of the file register;
- b) Check that all pages are complete;
- c) Replace the file cover if the existing one is mutilated;
- d) Note numbers of connected files or previous references on the file cover of the file being recorded and also on the covers files under reference;
- e) Note on the relevant page of the Register of the file due for destruction (Annexure IV), the serial number of the file. This Register should contain at least one page for each calendar year and on that page should be noted the serial numbers of all the files due for destruction in that year;
- f) Stamp the file 'Recorded'.

PRINTING OF FILES

Only files categorized as 'A' should be printed or reproduced through the agency of the Government Printing Press. Normal methods of reproduction are:

- i. **Printing:** This method should be used if 25 or more copies are likely to be required.
- ii. **Photo-Stat copies:** This method should be employed if ten or less number of copies are required.
- iii. **Micro-filming:** this method of reproduction should be employed for preserving previous documents requiring special safety measures.

PRESENTATION OF RECORDS

Three copies of files categorized as 'A' including the original shall be sent to the Directorate of Archives which has special arrangements such as air-conditioned rooms and fire proof cabinets for the preservation of vital records.

All files which are more than 3 years old should be transferred to a separate Record Room in the Department which shall be maintained under the supervision of the Section Officer in charge of Central Registry. The Record Room should be provided with sufficient almirahs and other equipment for proper stores and preservation of files and records. The Record Room should be kept free from dirt, dust, to and direct sun light and should also be sprayed periodically with insecticide to save the records from insects. Files which are less than 3 years old should be kept in the Section Concerned.

Files from the Record Room should be issued against proper requisition slips signed by the Assistant or the officer concerned. These requisition slips should be clipped to a piece of card board and place in the rack at the place from where the relevant file has been taken out.

The Assistant in the Record Room shall also be responsible for compiling 'Annual Index of Files' for the Department. In the case of 'A' and 'B' category files, he shall prepare index slips showing the subject heading of the file. Separate slips should be prepared for each keyword in the subject heading (specimen slips shown in; Annex-V). One copy of the index slips should be placed alphabetically in the loose leaf binder for printing of the index at the end of the year and a second pasted on the file

cover and a third passed on the Section concerned to be pasted on the file register. Thereafter, the file should be stamped as 'Indexed'.

State documents, treaties, agreements with foreign countries and original copies of all laws authenticated by the President, shall be sent to the Cabinet Secretariat of preservation.

The Section Assistant should consult "the Register of Files due for destruction" in January each year and prepare a list of files which are to be destroyed during that year. He should submit the list to the Section Officer together with the files to be destroyed. The Section Officer shall go through the files before they are destroyed.

In case the Section Officer considers that a particular file should be retained further he should give instruction in writing and specify the period for which is to be retained.

Lists of files to be transferred to the Record Room should also be preparing duplicate, by the assistant in January each year. One copy of the list should be retained in the Section and the other passed on with the files to the Record Room.

All confidential and secret files and papers due for destruction shall be destroying in accordance with the instructions contained in the booklet "Security in Civil Department". All non-confidential files and papers shall be destroyed in the presence of a responsible official. All newspapers, magazines, press cuttings, wrapping papers no longer required for use, should be made over for disposal to the Controller, Department of Stationery and Forms.

CHECKS ON DELAYS

On receipt of a third reminder, the recipient should, wherever possible, secure the pending file himself and dispose of the case as expeditiously as possible or arrange for its quick disposal by the officer concerned.

On the first working day of each month a return shall be prepared in the prescribed form (specimen of form at Annexure VI) showing the particulars of all cast not finally disposed of within one month of the date of their receipt in the Department. This return shall be submitted to the Secretary Additional Secretary/ Joint Secretary through the Deputy Secretary concerned. The Deputy Secretary shall consolidate these returns in a statement, prepared in form at Annexure VI-A, which should be sent to the Services and General Administration Department by 5th of every month.

MISCELLANEOUS

USE OF LABELS

The use of 'Residence' and 'Immediate' labels should be made most sparingly.

ATTENDANCE REGISTER

An attendance register in the prescribed form shall be maintained in all sections. It shall be initialed by the Section Officer at the ten minutes after the times fixed for arrival. Any member of the staff arriving after the period of grace shall have to explain his late arrival.

SUBMISSION OF PERIODICAL STATEMENTS ON THE DATES

To ensure that all reports and returns due for submission are sent on the prescribed date, Control Charts should be maintained in the form prescribed in Annexure-VII. These charts should be maintained separately for fortnightly, monthly, quarterly or yearly returns. The Section Officer should examine these charts at least one a year and should initiate action for discontinuing any report/ return which has ceased to be necessary.

CIRCULATION OF DECISIONS OF GENERAL APPLICATION

Decisions of general application taken in a Department, which may form precedents in other cases, should be listed by the Section Officer concerned in the form at Annexure VIII, and sent through the Deputy Secretary concerned to the Services and General Administration Department who should have it circulated in the Departments.

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ



"مظفر آباد"

مورخہ: 14 جنوری، 1974ء

نمبر انتظامیہ / 74/57-717

بیرون ملک ملازمت کے لیے جانے والے ملازمین کے بارے میں شرائط ملازمت

عنوان:

معاملہ مندرجہ عنوان الصدر میں حسب ہدایت تحریر خدمت ہے کہ جناب صدر، آزاد جموں و کشمیر نے آزاد کشمیر اور پاکستان سے باہر ملازمت کی خاطر جانے والے ملازمین حکومت کے لیے ان کے اس عرصہ کے لیے جس کے دوران میں وہ بیرون ملک حکومتی یا پرائیویٹ اداروں میں ملازم رہیں گے مندرجہ ذیل شرائط ملازمت کی منظوری صادر فرمائی ہے:-

1. عرصہ ملازمت بیرون ملک (فارن) سروس تصور ہو گا۔
2. بیرون ملک متعلقہ ملازم اگر کسی حکومت کا ملازم ہو تو تنخواہ والاؤنس اور سفر خرچ کی ان تمام سہولیات کا حقدار ہو گا جو ڈیپوٹیشن پر لینے والی متعلقہ حکومت کے قواعد کے تحت ملنے واجب ہوں گے۔ سفر خرچ کی سہولت میں متعلقہ ملازم کی جائے تعیناتی تک کا اپنی اور اپنی فیملی کا سفر خرچ شامل ہو گا اور اس میں آغاز ملازمت تا اختتام ملازمت کا سارا عرصہ شامل ہو گا۔
3. متعلقہ ملازم آزاد حکومت ریاست جموں و کشمیر کو قواعد کے تحت پینشن کنٹری بیوشن ادا کرے گا۔ یہ ادائیگی بیرون زر مبادلہ کی شکل میں ہو گی زر مبادلہ کی وصولی بذریعہ پوسٹل آرڈرز ہو گی جتنی ادائیگی مطلوب ہوتی رقم کے پوسٹل آرڈرز خریدے جا کر متعلقہ محکمہ کو ارسال کیے جائیں گے۔ متعلقہ محکمہ پوسٹل آرڈرز کو روپے میں تبدیل کرے گا۔
4. متعلقہ ملازم بدستور جی پی ایف وغیرہ کو Subscribe کرتا رہے گا۔ اس قسم کے فنڈز میں ادائیگی بھی مطلوبہ رقم کے برابر پوسٹل آرڈرز کے ذریعہ ہو گی۔ متعلقہ محکمہ ان پوسٹل آرڈروں کو روپے میں تبدیل کرے گا۔
5. رخصت سے متعلق شرائط اور شرائط اور قواعد کے مطابق طے کی جائیں گی۔ جو ڈیپوٹیشن پر لینے والی حکومت نے Offer کی ہوں گی۔ متعلقہ ملازم نے بدوران فارن سروس رخصت کا استحقاق حاصل کیا ہو۔ اس کا کوئی بھی حصہ آزاد حکومت کے پاس ملازم متعلقہ کے کھاتہ رخصت میں شامل نہ ہو گا۔ نہ ہی رخصت کے دوران لیو سیلری آزاد حکومت کی ذمہ داری تصور ہو گی۔ دوران فارن سروس اگر ملازم کسی وجہ سے ناقابل ملازمت ہو تو آزاد حکومت لیو سیلری کی ادائیگی کی ذمہ دار نہ ہو گی۔
6. بدوران فارن سروس اگر متعلقہ ملازم کسی بھی وجہ سے ملازمت کے لیے ناقابل قرار دیا گیا ہو، چاہے اس قسم کی ناقابلیت کی علامات فارن سروس سے ہٹائے جانے کے بعد ہی کیوں نہ سامنے آجائیں تو آزاد حکومت ریاست جموں و کشمیر سے متعلقہ ملازم کسی قسم کی رخصت حاصل کرنے کے حقدار نہ ہو گا۔

7. بدوران فارن سروس متعلقہ ملازم یا اس کے افراد کنبہ آزاد حکومت ریاست جموں و کشمیر سے کسی قسم کی طبی امداد حاصل کرنے کا حقدار نہ ہو گا۔
8. ابتداً عرصہ ڈیپوٹیشن اتنا ہی ہو گا جتنا آزاد حکومت اور متعلقہ فارن اتھارٹی کے مابین طے ہو ا ہو اس میں آزاد حکومت کی رضامندی کے بغیر توسیع نہیں کی جاسکے گی۔ ایسی توسیع جس میں آزاد حکومت ریاست جموں و کشمیر کی منظوری شامل نہ ہو ایک بے ضابطگی تصور ہوگی اور متعلقہ ملازم کے خلاف انضباطی کارروائی کا موجب بنے گی۔
9. اگر فارن سروس کے دوران متعلقہ ملازم اضافی قواعد کا حقدار بنایا ایسی آسامی پر تعینات کیا گیا جس میں اس کے واجبات میں تبدیلی کا سوال پیدا ہو تا ہو تو ملازم آزاد حکومت ریاست جموں و کشمیر کو ضروری کوائف دوبارہ آسامی فراہم کرے گا شرائط ملازمت / واجبات میں تبدیلی کے لیے آزاد حکومت کی قبل از وقت منظوری درکار ہوگی۔
10. متعلقہ ملازم کے مستقل ہونے کی صورت میں اس کا آزاد کشمیر میں اپنی آسامی پر حق عود برقرار رکھا جائے گا۔ بشرطیکہ متعلقہ محکمہ اسے عمومی طور یا بطور خاص قرار دے۔
11. فارن سروس میں آنے کے بعد بوقت واپسی الیکار اس آسامی پر حاضر ڈیوٹی ہو گا۔ جس پر وہ فارن سروس میں جانے کے موقع پر کام کرتا تھا۔ ایسی صورت میں اسے فارن سروس کی ملازمت تنخواہ وغیرہ کا کوئی مفاد حاصل نہ ہو گا۔ البتہ اسے وہ تنخواہ ملے گی جو وہ چھوڑ کر چلا گیا تھا اور درمیانی عرصہ کی سالانہ ترقیاں (بدوں ادائیگی بقایا جات) شامل کر کے تنخواہ مقرر کی جائے گی۔ یوں مقررہ تعین کردہ تنخواہ پر اسے ملازمت کرنی ہوگی۔ اور اسی حساب سے اس کی پنشن پر ریٹائرمنٹ تحت مروجہ قواعد عمل میں لائے گی۔ فارن سروس سے واپسی پر متعلقہ ملازم کے بارے میں یہ سمجھا جائے گا کہ وہ آزاد کشمیر میں بھی لگاتار ملازمت میں تھا۔ فارن سروس کے دوران میں حاصل کردہ زائد تنخواہ پنشن میں مفاد نہ مل سکے گا۔ کیوں کہ پنشن کنٹری بیوشن فارن سروس کی تنخواہ سے وضع نہیں کی جاتی۔ علاوہ ازیں متعلقہ ملازم کا ملازمت پر حق عود ضرور اتنے عرصہ کے لیے برقرار رہے گا جتنے عرصہ کی آزاد حکومت ریاست جموں و کشمیر کے قواعد ملازمت اجازت دیتے ہوں۔
12. اگر اس حکم سے پہلے ہی کوئی ملازم فارن سروس میں ڈیپوٹیشن پر چلا گیا ہو تو اس سے متعلق شرائط ملازمت وغیرہ یہی ہوں گے۔
13. حکومت اگر ضروری سمجھے تو ان شرائط میں وفاقاً قنار و بدل کر سکتی ہے۔
14. مر اسلہ ہذا کو محکمہ مالیات کی رضامندی حاصل ہے۔

دستخط /

(چوہدری احسان الحق)

ڈپٹی سیکرٹری سروسز

No. FD/16408-16468/79
AZAD GOVET. OF THE STATE OF JAMMU & KASHMIR,
FINANCE SECRETARIAT

“Muzaffarabad”

Dated: 12th November, 1979

Subject: Deputation Policy

Sir,

I am directed to state that the President, Azad Jammu & Kashmir has been pleased to order, with immediate effect, that Administrative departments may prescribe the terms and conditions of deputation of the Government servants under their administrative control regardless of whether such deputation is to Autonomous or Local Bodies or to another Government or to another department of the Government, in accordance with the following guidelines/rules:-

- i) In cases where the deputation posts carry Pay scales equivalent to those of the posts held by the deputationists in their parent departments, deputation allowance may be allowed at the rate of 10 per cent of the basic pay in the parent departments. However, if any special pays are attached permanently to the Deputation posts, as part of the pay scales of such posts, the deputationists may be allowed either such special pays or deputation allowance (at the rate of 10 per cent of basic pay in their parent departments), whichever be more beneficial to them.
- ii) In cases where deputation posts carry pay scales higher than those of the posts held by deputationists in their parent departments, deputation allowance may be allowed up to a maximum of 20 per cent of the basic pay in the parent departments, provided that total pay, inclusive of deputation allowance does not exceed the maximum of the pay scale of the deputation post or the maximum of the pay scale of the next higher grade/post in the Government servant's ordinary line of service under the Government, whichever is lower. However, if any special pays are attached permanently to the deputation posts as part of the pay scales of such posts, the deputationists may be allowed either such special pays or deputation allowance (at the rate of 20 per cent of basic pay in parent department) whichever be more beneficial to them.
- iii) In cases where the deputations are to Autonomous or Local Bodies, these Bodies are to be required to pay the leave salary and pension contribution for the period of deputation in accordance with the existing rules on this subject.
- iv) In cases where the deputations are to Autonomous or Local Bodies, the deputationists are to be required to subscribe to G.P. Fund, Benevolent Fund and Group Insurance Schemes of the Government in accordance with the rules applicable to them in their parent departments. In cases where the deputations are to Federal or other Provincial Governments, this aspect of the deputation terms is to be governed by the Azad Government of the State of Jammu & Kashmir and the Federal/Provincial agreements on this subject.
- v) In all cases of deputations travelling Allowance and Daily Allowance is to be allowed in accordance with the Travelling Allowance Rules of the foreign employers. In respect of other Compensatory Allowances, the deputationists are to be governed by the Rules applicable to them in their parent departments.
- vi) In all cases of deputation, if residential accommodation owned by the borrowing organizations is allotted to a deputationist, he is to be charged rent for the same at the rate sanctioned from time to

time. As an exception to the above, in the case of Government servants appointed as Chief Executives of Autonomous or Local Bodies, the facility of rent-free un-furnished accommodation (at the scale admissible to Government servants of equivalent rank and status) may be allowed provided the facility of rent-free accommodation is attached to the post of Chief Executive in the concerned Autonomous or Local Bodies.

- vii) In all cases of deputation, where the borrowing organization does not have its own residential accommodation or is unable to allow such accommodation to the deputationists, even if available, the deputationists may be allowed house rent subsidy up to maximum of 20 per cent of pay in accordance with the following principles:
- i) It should be made clear to all officers/employees that the Autonomous Body/Corporation has no legal responsibility for providing residential accommodation to each and every employee;
 - ii) There ever it is considered essential to provide accommodation to an employee in the interest of public service, the rental value of the residence should not in any case exceed 22½ per cent of the pay of the officer/employee for whom it is required.
 - iii) The subsidy payable by the Corporation/Autonomous Body towards rent of residential accommodation should not normally exceed 5 per cent of the pay of the employee and only in exceptional cases, which should be rare, the maximum subsidy of 15 per cent may be allowed provided the officer/employee concerned has first paid, 5 per cent of his pay towards the rent of the residential accommodation in all cases;
 - iv) The subsidy shall be allowed to only such officers/employees as do not own a house in their name or in the name of their wife or children at their station of posting;
 - v) The scales of accommodation provided to the officers and staff should not in any case exceed the scale of accommodation as sanctioned from time to time.
 - vi) The subsidy shall be payable at District and Tehsil Headquarter;
 - vii) The officers/employees claiming subsidy should be required to produce actual monthly rent receipts;
 - viii) In all cases of deputation, deputationists may be allowed medical facilities in accordance with the relevant rules of the foreign employers provided such facilities are not inferior to those admissible under Government;
 - ix) In all cases of deputation, any fringe benefits attached to deputation posts other than those specifically mentioned above, are not to be allowed to the deputationists if such fringe benefits are not admissible to them in their parent departments;
 - x) ¹[The period of deputation should not exceed 5 years.

Provided that the Government may extend the said period up to one year in special circumstances:

Provided further that after completing period of deputation, a Government servant shall be required to serve in his/her parent department for a minimum period of two years before he/she is allowed to proceed on deputation again.

¹Added vide notification No. 119922-10022/2005 dated 28.11.2005.

- x-1) A Government servant shall be considered to be out of Government employment, who have failed to join his/her parent department after completing 6 years period of deputation.]
- xi) The deputation allowance shall not be admissible in the case of officers in Grade 22; and
- xii) In the case of other officers, the deputation allowance may be allowed only after the officer concerned has completed or is deemed to have completed one year continuous service in the Grade in which, but for his deputation, he would have been employed under the Government.

2. In cases where the Administrative Departments desire to allow any benefits over and above those covered by powers delegated to them in paragraph 1 above, they must obtain prior approval of the Finance Department. Reference to Finance Department for allowing benefits over and above the aforesaid standard terms, should be made only in most exceptional circumstances.

3. I am directed to state further that as already mentioned earlier, the period of deputation is not to exceed five years. Before the expiry of the five year period, the deputationists should be required to opt between reversion to his parent department and absorption in the borrowing organization. In cases where the deputationists opt for permanent absorption in the borrowing organizations and such organizations are Autonomous or Local Bodies, the deputationists should be required to resign from Government service. On resignation they will be allowed gratuity equal to the balance in their G.P Fund Accounts. They will be free thereafter to get their pay fixed in the borrowing organization in accordance with the rules of such organizations. In cases where the deputationists opt for permanent absorption in the borrowing organizations and such organizations are other Government Departments, the deputationists will not be required to resign but their liens in the parent Government/Department will be terminated. They would be free thereafter to get their pay fixed in the pay scales of the deputation posts according to the rules applicable to such posts. In such cases, the past service of the deputationists in the parent departments will count towards pension and the pensionary liability will be shared between different Governments in accordance with the existing rules on this subject.

4. Article 185 of Kashmir Service Regulation, volume I is deemed to have been modified to the above extent.

Explanation: Where a Government servant is transferred from the Field to the Secretariat, whether to his parent department or to some other department, he should not be treated as on deputation and no deputation allowance should be allowed to him. He may, however, draw such special pay as may be attached to the post to which he is transferred in the Secretariat.

Sd/--

**SECTION OFFICER
FINANCE**

No. FD/19618-19678/79
AZAD GOVT.OF THE STATE OF JAMMU & KASHMIR,
FINANCE SECRETARIAT

“Muzaffarabad”

Dated: 19th December, 1979

Subject: Deputation Policy

Sir,

I am directed to state that the general terms and conditions of deputation have already been laid down in the Deputation Policy issued vide No: FD/16408-16468/79 dated 12.11.79. According to the said policy some financial benefits are allowed to Govt. servants deputed to serve in other organizations in the public interest. Since these incentives, coupled with other fringe benefits admissible in Autonomous Bodies, etc, offer definite advantages in terms of money, a tendency has developed among Government servants to manipulate their deputation to jobs in other organizations and secure requisitions by name for their service from the borrowing Organizations. This practice of asking for services of particular Government servants ends upon, on several occasions, in lending very junior officers in the line for deputation in preference to really suitable senior officers. It also amounts to vesting the borrowing organizations with the authority of judging the suitability or otherwise of the Government servants for jobs with them and placing premium on Government servants' manipulation to secure deputation jobs. This practice leaves little room for objective assessment of job requirements and personnel placement in real public interest. In order to curb this tendency and to make sure that really suitable and senior officers are sent on deputation, it has been decided by the President, Azad Jammu & Kashmir that all proposals for lending services of Government servants on deputation shall, henceforth, require prior approval of appropriate Departmental Promotion Committee/Selection Boards set up by the Government. The President has also decided that following procedure shall be kept in view while submitting proposals of lending the services of civil servants on deputation:

- i) Requests for obtaining the services of civil servants, on deputation, shall be made by the borrowing agencies to the appointing authorities. Requisition for the services of a particular officer by name should not be made by the borrowing organization nor should it be entertained by the appointing authority. However, if an organization wants to secure the services of a particular Government servant it shall place a requisition containing a panel of at least three names for one position;
- ii) Sanction for lending the services of civil servant on deputation shall be granted by the relevant appointing authority after clearance by the relevant Promotion/Selection Committee/Board. The Promotion/Selection Committee/ Board shall consider the panel of names of the senior most officers proposed for its consideration by the appointing authority and would normally approve the name of senior most civil servant provided that it may approve the name of a junior officer under the exceptional circumstances given below:
 - a) where the post in the borrowing organization requires special qualifications which are not possessed by the senior officer; and
 - b) where the senior officers decline to proceed on deputation to the borrowing organization.
- iii) A person already on deputation may be promoted by the borrowing organization to a higher post within the organization but before taking such action the parent department shall have to be informed which will have the right to object to the promotion. In case of dispute between the

- borrowing organization and the parent department, the matter will be settled by the Selection Board/Committee concerned;
- iv) The borrowing organizations may revert civil servant on deputation with them to his parent department even before the expiry of the deputation period. But before doing so consultation with the parent Department will be necessary. In case of disagreement in this regard the matter would be referred to the Services & General Administration Department for settlement;
- v) Selection of a junior person for a higher deputation post or his promotion to a higher grade in the borrowing organization during deputation would not entitle him to claim the benefit of such selection on promotion in his parent Department;
- vi) ²[The period of deputation shall not exceed 5 years;
Provided that the Government may extend the said period up to one year in special circumstances]
- vii) The borrowing organization may depute a civil servant, serving on deputation with it, for training abroad, but before doing so it shall consult the parent Department;
- viii) The borrowing organization should provide a complete job description indicating, inter alia, the qualification, experience, specialized knowhow required in respect of the deputation post while placing a requisition with the lending agency;
- ix) A Government servant will not be considered for deputation against a higher post in borrowing organization, unless he is due for promotion in his parent Department and the latter is consulted and expresses agreement thereto. Prior consultation and agreement shall also be necessary for promoting a deputationist in the borrowing organization. There will be no deputation of Government servants to private organization;
- x) If a Government servant is transferred from one Department to another under the Azad Jammu & Kashmir Govt., it will not be a case of deputation and no deputation allowance will be admissible to him. If a Government servant is in receipt of a deputation allowance in such circumstances, it may be discontinued forthwith;
- xi) Before sending a Government servant on deputation, formal orders should be issued fixing the terms and conditions of his deputation in conformity with those permitted by the Deputation Policy as issued by Finance Department and referred to above and a commitment may be obtained from the borrowing Department/Organization that he will be relieved on completion of a period of three years.

The receipt of this letter may kindly be acknowledged.

Sd/--

(M. A. SHAH)
SECTION OFFICER (FINANCE)

² Added vide notification No./19922-10022/2005 dated 28.11.2005.

No. FD/19983-191040/79
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
FINANCE DEPARTMENT

“Muzaffarabad”
Dated: 29th December, 1979

Subject: Deputation of Government Servant

Sir,

In continuation of this office No: FD/16408-16468/79 dated 12th Nov, 1979, No. FD/19618-19678 dated 19th December, 79, I am directed to say that with a view to eliminating chances of avoidable delay, it has been decided by the President, Azad Jammu & Kashmir that in future, the deputation cases of the Government servants shall be submitted to the Finance Department in following proforma:-

(i) **Post in the Parent Department:**

- (1) Name of Government servant.
- (2) Present post in the parent Department.
- (3) Whether holding in officiating or substantive capacity.
- (4) Against which post does he hold lien.
- (5) Rank.
- (6) Scale of the present post in the parent Department and the present pay.
- (7) Any special pay, allowance or concession attached to the post in the parent Departments.
- (8) Whether special pay, if any, is attached. If so, whether it is attached to the scale or to the post. A copy of Government orders issued in this connection to be supplied.
- (9) Normal duties of the post in the parent Department.

(ii) **Deputation Post:**

- (1) Deputation post.
- (2) Rank.
- (3) Scale of the post.
- (4) Any special pay, allowance or concession attached to the post.
- (5) Whether special pay, if any, is attached to the scale or the post. An attested copy of the orders issued in this connection to be supplied.
- (6) Normal duties of the deputation post.
- (7) Specific addition to duty on account of deputation.
- (8) Deputation pay.

- (9) Whether it has been agreed upon both by borrowing as well as lending agency. Reference may be quoted.
- (10) Whether approval of personnel Selection Committee/Selection Board has been obtained. A copy of decision of the Committee/Board to be enclosed.
- (11) If the proposal is preceded, the same may be quoted.

(iii) **Other Particulars:**

- (1) Pay during joining time.
- (2) Leave and pension contribution.
- (3) Leave
- (4) Travelling Allowance.
- (5) Concession of accommodation, if any.
- (6) Compensatory Allowance, if any.
- (7) T.A on transfer to Foreign Service and reversion there from.
- (8) Conveyance allowance, if any.
- (9) Medical Facilities.
- (10) Any other information.

2. It may be pointed out that the following items should normally be the responsibility of the borrowing Department/Agency:-

- (1) Leave contribution.
- (2) Pension contribution.
- (3) Pay during joining time.
- (4) Medical facilities, and
- (5) T.A on transfer to foreign services and return there from.

3. In case the liabilities or otherwise of the borrowing Department/ Agency is not specifically indicated in the deputation cases it shall be presumed by the Finance Department that the entire expenditure in respect of the above five items will be borne by the borrowing Department/Agency.

Sd/--
(M. A. SHAH)
Section Officer Finance

No. FD/11598-11658/82
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
FINANCE SECRETARIAT

“Muzaffarabad”
Dated: 19th October, 1982

Subject: Deputation of Government Servants

I am directed to refer to Government Order issued under this office No. FD/16408-16468/79 dated 12-11-79 and No. FD/19618-19678/79 dated 19-12-1979 on the subject noted above and to state that where a Government servant has completed ³[5] years on deputation, he may be recalled except where specific orders of the President/Chief Executive have been obtained to extend the period of deputation.

2. I am to add that, in future before sending a Government servant on deputation, formal orders should be issued fixing the terms and conditions of his deputation in conformity with those sanctioned vide Government orders referred to above, and a commitment may be obtained from the borrowing department/ organization that he will be relieved on completion of a period of [5] years. I am also to clarify that the deputation terms are to be determined by the parent department and not by the borrowing department.

Sd/--
(ABDUL RASHID BAIG)
Under Secretary
Finance

3 Figure 3 has been substituted by the figure 5 vide Circular No./19922-10022/2005 Dated 28.11.2005

No. S&GAD/A-4(100)VI/87
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

“Muzaffarabad”
Dated: 22nd December, 1987

Subject: **Policy Governing Civil Servants on Deputation Abroad.**

Sir,

I am directed to refer to the standard terms and conditions of service for Government Servants who proceed for service abroad (outside Pakistan), notified vide No. Admin/717-57/74 dated 14.01.1974 and to say that the Government has further decided as follows:

- (i) The period of deputation shall be three years extendable to five years on the request of the deputationist or his employer.
- (ii) Promotion of a civil servant on deputation to an international agency, foreign Government or private organization abroad will only be considered after he resumes duty on return to Azad Kashmir;
- (iii) Such Government servants may be given timely intimation to return so that they can earn at least one annual confidential report before their cases come up for consideration in accordance with their seniority position.
- (iv) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Azad Kashmir on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.
- (v) The Government may allow an employee to continue against his assignment abroad even after the expiry of five years on the request of the employee or his employer. However, in all such cases, the employee's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An employee's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the employee must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his

seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

| | | |
|--------------------|---|--|
| ¹ [(vi) | When the Officer concerned is on deputation with an Autonomous or local body or on deputation with Federal Government of Pakistan/Provincial Government | The case of the officer should be considered on his turn and, if cleared, by the selection board/ committee, he should be informed of the decision and given an option to revert back to his parent department, within three months of the date on which his promotion falls due or the decision is communicated to him, whichever is later. In case the officer concerned reverts back to the parent department within this period, he should be promoted and allowed to retain his original seniority. In case, however, the officer concerned fails to revert back to the parent department within this period, then he should be promoted on his return from deputation, subject, of course, to the condition that if he does not return in time and is not actually promoted within one year of clearance, his promotion case will have to be placed before the appropriate selection authority once-again. |
| (vii) | On training abroad. | The case of the officer should be considered on his turn, and in case he is cleared for promotion, he should get his promotion on return from deputation and not earlier. He should, however, be allowed to retain his original seniority in the higher grade. |
| (viii) | On Long Leave- |do..... |
| (ix) | Holding a job under his own Government/department but outside his own cadre. |do..... |

It has further been decided that the departments concerned should normally not send officers, within the zone of promotion, on deputation.]

2. The Government is also pleased to direct that the above decisions may be brought to the notice of all Civil Servants already serving on deputation abroad and those allowed to proceed on deputation in future.

Sd/--

(ABDUL RASHID BANHALI)
Under Secretary Services (VI)

¹ Added vide Notification No. S&GAD/A-4 (100)/Vi/87, dated 16.02.1988.

No. FD/R/9845-9945/90
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
FINANCE SECRETARIAT

“Muzaffarabad”
Dated: 23rd June, 1990

Subject: Recovery of Leave Salary & Pension Contribution in Respect of Govt. Employees on Deputation to Foreign Services within Pakistan as well as Abroad for the Period Prior To 15.05.1989

Rates of Pension Contribution in respect of Govt. Servants on deputation to Foreign Service have been prescribed vide Govt. Order No. FD/R/1-3/85(P-II), dated 15.05.1989. In order to resolve certain pending cases of Govt. employees on deputation to Foreign Service prior to the issuance of the above referred notification, the President Azad Jammu and Kashmir has been pleased to prescribe the following monthly rates of Pension Contribution in respect of Govt. employees on deputation to Foreign Service within Pakistan as well as abroad prior to 15.05.1989 as follows:-

| Length of Service | Members of Class I Provincial Services & Govt. Servants holding Special posts of corresponding rank with non-Asiatic domicile. | | | Members of Class I Provincial Services & Govt. Servants holding special posts of corresponding rank with Asiatic domicile. | Member of Class II Provincial Services & Govt. Servant holding special posts of corresponding rank. | Member of the sub ordinance services. |
|-------------------|--|----|-----|--|---|--|
| | Years | € | \$ | Rs. | Percentage of the maximum monthly pay of the grade substantively held. | Percentage of the maximum pay of the grade substantively held. |
| 0-1 | 6 | 9 | 63 | 5 | 4 | |
| 1-2 | 7 | 5 | 70 | 5 | 4 | |
| 2-3 | 8 | 2 | 78 | 5 | 5 | |
| 3-4 | 8 | 18 | 86 | 6 | 5 | |
| 4-5 | 9 | 14 | 94 | 6 | 5 | |
| 5-6 | 10 | 10 | 102 | 7 | 6 | |
| 6-7 | 11 | 6 | 110 | 7 | 6 | |
| 7-8 | 12 | 2 | 117 | 8 | 7 | |
| 8-9 | 12 | 19 | 125 | 8 | 7 | |
| 9-10 | 13 | 15 | 133 | 9 | 7 | |
| 10-11 | 14 | 11 | 141 | 9 | 8 | |
| 11-12 | 15 | 7 | 140 | 10 | 8 | |
| 12-13 | 16 | 3 | 157 | 10 | 9 | |
| 13-14 | 16 | 19 | 164 | 10 | 9 | |
| 14-15 | 17 | 16 | 172 | 11 | 9 | |
| 15-16 | 18 | 12 | 180 | 11 | 10 | |
| 16-17 | 19 | 8 | 188 | 12 | 10 | |
| 17-18 | 20 | 4 | 196 | 12 | 10 | |
| 18-19 | 21 | 10 | 204 | 13 | 11 | |
| 19-20 | 21 | 16 | 211 | 13 | 11 | |
| 20-21 | 22 | 13 | 219 | 14 | 12 | |
| 21-22 | 23 | 9 | 227 | 14 | 12 | |
| 22-23 | 24 | 5 | 235 | 15 | 12 | |
| 23-24 | 25 | 1 | 243 | 15 | 13 | |
| 24-25 | 25 | 17 | 251 | 15 | 13 | |
| 25-26 | 26 | 13 | 258 | 16 | 14 | |
| 26-27 | 27 | 9 | 266 | 16 | 14 | |
| 27-28 | 28 | 6 | 274 | 17 | 14 | |
| 28-29 | 29 | 2 | 282 | 17 | 15 | |
| Over-29 | 29 | 18 | 290 | 18 | 15 | |

2. Other conditions and procedure prescribed in Govt. order No. FD/R/I-3/85 (P-II), dated 15.05.1989 shall be applicable in this case as well.

Sd/--
(KH. MUHAMMAD SADIQ DAR)
Deputy Secretary Finance

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ



"مظفر آباد"

مورخہ: 02 مئی 2005

نمبر سروسز (قواعد) / اے-4 (106) / 2005ء

عنوان: ڈیپوٹیشن پالیسی پر عملدرآمد

معاملہ مندرجہ عنوان الصدر میں حسب ہدایت تحریر خدمت ہے کہ ڈیپوٹیشن پالیسی کے معاملات میں یکسانیت پیدا کرنے کے لیے جناب وزیراعظم نے بذیل ہدایت / احکامات صادر فرمائے ہیں:-

1. جملہ محکموں سے ڈیپوٹیشن پر بھیجے جانے والے ملازمین کی فہرست محکمہ سروسز کو فوری طور پر (اندرونی 2 ہفتہ) ارسال کی جائے گی اور جن معاملات میں ڈیپوٹیشن کے عرصہ یعنی تین سال کی معیاد ابھی پوری نہیں ہوئی ہے ان کے متعلقہ نوٹیفیکیشن ہاء میں مروجہ پالیسی کے مطابق ڈیپوٹیشن کی شرائط درج کی جائیں اور یہ بھی درج ہو کہ اگر ملازم مقررہ عرصہ کے بعد حاضر نہیں ہو تو وہ ملازمت سے برخاست تصور ہوگا۔ اس کے لیے اندر ایک ماہ ضروری کارروائی مکمل کی جائے۔
 2. رولز آف بزنس کی روشنی میں آئندہ ڈیپوٹیشن کے جملہ معاملات محکمہ سروسز میں پراسیس ہوں گے اور جملہ جاری شدہ نوٹیفیکیشن ہاء میں شرائط ڈیپوٹیشن کا ذکر کیا جائے گا اور اس کے لیے نمونہ نوٹیفیکیشن کی حکومتی منظوری حاصل کی جائے گی۔
 3. دیگر سیکرٹریٹ ہاء سے ملازمین کی ڈیپوٹیشن سے متعلق جو نوٹیفیکیشن جاری ہوئے ہیں ان کو محکمہ سروسز میں ریگولر رائز کیا جائے۔
 4. جن معاملات میں ڈیپوٹیشن کا عرصہ تین سال گزر چکا ہے اور ملازمین آہائی محکموں میں واپس حاضر نہیں ہوئے ایسے ملازمین اور متعلقہ Borrowing Agency کو مستعار ملازم کی خدمات ان کے آہائی محکمہ میں واپس کرنے کے لیے ایک ماہ کا نوٹس دیا جائے گا۔ جس کے بعد متعلقہ ملازم کو ملازمت سے برخاست کرنے کی تحریک کی جائے گی۔
- استدعا ہے کہ بالا ہدایات / احکامات پر فوری عمل درآمد کو یقینی بنانے کے لیے اقدامات عمل میں لانے کے علاوہ محکمہ سروسز کو فوری طور پر جملہ تفصیلات ارسال کی جائیں۔

دستخط /

(غلام حسین قریشی)

سیکشن آفیسر سروسز (قواعد)

No. S&GAD/R/A-4(356)/2006

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”

Dated: 29th July, 2006

Subject: Contract Appointment Policy

I am directed to state that the President, Azad Jammu and Kashmir has been pleased to make & promulgate the following Contract Appointment Policy with immediate effect:-

- (i) **Application of Policy:-** This Policy shall be applied where a post is to be filled in on contract basis in case of:
- (a) Re-employment;
 - (b) Development Projects; and
 - (c) Tenure posts for example Member/Public Service Commission, etc.
- (ii) **Appointment on Contract Basis:-**
- (i) Appointment on contract basis is to be made through the appropriate Selection Committee and /or Selection Board as notified by the Government.
 - (ii) Under the provisions of Rule 6 of the Azad Jammu & Kashmir Public Services Commission (Functions) Rules, 1978, contract appointments are excluded from the purview of the PSC. However the departments should preferably adopt the channel of PSC even for contractual appointments against posts, which otherwise fall within the purview of PSC under the above rule, by seeking relaxation of Rule 6 ibid from the Government.
 - (iii) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If, however, the Service Rules for a post have not been framed, the departments are advised to get them framed through the S&GAD.
 - (iv) Persons appointed on contract basis are not Civil Servants, therefore, their service matters shall not be governed by the rules framed under the Civil Servants Act, 1976. Their appointments shall be strictly regulated by the terms & conditions of their contract.
 - (v) Appointment on contract basis shall be non-pensionable.
- (iii) **Appointments to be Made on Merit:-**
- (i) The relevant Selection Board or Selection Committee, as the case may be, shall ensure that contract appointments, are made strictly on merit and in accordance with the rules and selection criteria etc.

- (ii) All posts to be filled in on contract shall be advertised properly at least in two leading newspapers, as per rules:

Provided that if a retired person is re-employed, in the public interest, on contract basis, advertisement of the post shall not be necessary.

(iv) Guidelines for Fixing Terms & Conditions of Contract Appointments:-

- i) The terms & conditions of contract shall be settled by the concerned Administrative Department in accordance with the provisions of this Policy.
- ii) Where appointment is made on a pay package other than the basic pay scale, the terms & conditions of appointment shall be settled by the concerned Administrative Department in consultation with the Finance Department. After the concurrence of Finance Department, the Administrative Department shall obtain approval of the Government.
- iii) In all contracts, it shall be clearly provided that the services of the contract employee are liable to be terminated on one month's notice or one month's pay, in lieu thereof, on either side without assigning any reasons.
- iv) Comprehensive guidelines for fixing terms & conditions of contract appointment are given at Annexure "A". The Departments/ Organizations must strictly abide by these guidance.
- v) Appointment/ Service on contract basis shall be non-pensionable.
- vi) A contract employee shall, under no circumstances, claim conversion of this contract appointment into regular appointment.

(v) Pay Package:-

For contract appointment two broad categories of pay packages may be offered, are described as follows:-

- (i) Where appointment is made in the prescribed pay scale of the post:-
- (a) Package of pay and allowances as per scale of the post.
- (b) 30 % of the minimum of pay scale as social security benefit in lieu of pension:
- Provided that persons who are already retired and getting pension shall not be eligible for this benefit when re-employed on contract.
- (c) Annual increment as per pay scale of the post, and adhoc/ special relief, etc. given to the regular Government servant shall also be admissible to the contract employees.
- (ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scale:

- (a) A package of pay & allowance as approved by the Government on the concurrence of Finance Department, keeping in view the specific requirements, including qualification, etc. of the job.
- (b) Annual increment shall not be allowed unless specifically provided in the pay package.
- (c) Any adhoc/special relief etc. given to the regular Government servants, shall not be admissible.

vi) Period of Contract Appointment and Extension in Contract:-

- i) The period of initial contract appointment shall be between 3 to 5 years.
- ii) Where the post has been created for a specific period (e.g. projects posts) the period of initial contract appointment shall be 3 years or the period for which the post has been created, whichever is less.
- iii) Contract employee shall not claim extension in his contract appointment as a matter of right.
- iv) Extension in contract appointments may be granted by the relevant appointing authorities. Prior approval of the Government shall be obtained in all cases for extension in the period of contract appointment.
- v) Extension in contract appointments shall not be granted as a matter of routine. The appointing authorities shall take into consideration the performance of the contract employee and extension in contract shall only be recommended if his performance remained good/very good.
- vi) Extension in contract appointment shall generally be granted for a period of 3-5 years and shall not be granted for an indefinite period.
- vii) Decision regarding extension in contract appointment must be made by the relevant authorities well before the expiry of the contract period of an employee, after seeking approval of the Government.
- viii) On expiry of the contract appointment, if no extension is granted, it must be ensured that the contract employee is not allowed to continue in service. Appointing Authorities concerned and the office of the Accountant General, AJ&K/District Accounts Officers must remain vigilant in this respect and ensure that salaries are not released to a contract employee whose period of contract appointment has expired or whose contract appointment has been terminated.

vii) Contract Appointment shall be Non Transferable:-

- (i) Contract appointment shall be post specific and non-transferable, contract employee shall not, under any circumstances, claim any right for transfer from one post to another.

- (ii) The concerned Department shall ensure that the disabled persons appointed on contract are adjusted against the posts in the cadre as near as possible to their home station, irrespective of their position on merit.

viii) Monitoring and Evaluation of Performance of Contract Employees:-

- (i) Appointing/ Supervisory authorities must remain vigilant regarding performance of contract employees. They must monitor their work on regular basis to ensure that inefficient and corrupt elements are not allowed to be in service.
- (ii) The performance of contract employees shall be assessed on annual basis, by the immediate superior authorities as per a simplified proforma at Annexure “B”.
- (iii) The concerned Department shall, however, develop their own performance evaluation proforma, keeping in view the specific measureable performance indicators, in order to make meaningful assessment of performance.
- (iv) The decision regarding extension in contract appointment shall be made by the appointing authority on the basis of the Performance Evaluation Reports of the contract employee.

ix) Policy Frame Work for Regular Government Servants who are Appointed on Contract Basis in Government Sector:-

(1) Eligibility:

- (i) A confirmed/ regular civil servant is eligible to apply for appointment on contract basis against a post in connection with the affairs of the Government, in an administrative department, attached department/office/institution, autonomous body etc. set up by the Government.
- (ii) A civil Servant must apply for contract appointment through proper channel.

(2) Pay & Allowances:

A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms & conditions of the contract. During his contract appointment he shall not be allowed to claim any protection of pay, last drawn by him against his substantive post.

(3) Terms & Conditions of Contract:

- (i) Contract appointment of a civil servant shall be governed by the terms & conditions provided in the contract including issues of leave, T.A/D.A/ medical facilities, etc.
- (ii) A civil servant when appointed on contract against any post shall not be entitled to claim any benefit as allowed to the civil servants, under any rules, unless such rules are specifically applicable to him under the terms & conditions of his contract.

(4) Retention of Lien:

A confirmed civil servant when appointed on contract basis against any Government post in connection with the affairs of the Government, shall retain his lien against his original substantive post.

(5) Pension for the Period Spent on Contract:

Period spent on contract basis shall not be counted towards pension.

(6) Pay Fixation on Repatriation to Original Substantive Post:

On return from contract appointment to his original substantive post, the pay of a civil servant shall be fixed by adding the annual increments for the period spent on contract: provided that no arrear on account of re-fixation of pay or increment shall be admissible.

(7) Seniority and Promotion in the Original Cadre:

- (i) Where appointment is up to 05 years.
 - (a) Where a civil servant during the period of contract appointment, becomes due for promotion in his own cadre or service, he shall be deferred for promotion and shall only be eligible for consideration for promotion on his return from the contract appointment.
 - (b) Where a civil servant is promoted on his return from contract appointment, he shall not be eligible for grant of proforma promotion. However, he shall be allowed to retain his original seniority in his cadre.
- (ii) Where contract appointment continues beyond five years.
 - (a) The name of such a civil servant shall be removed from the seniority list of his cadre and he shall be placed on a separate static list. He shall have no claim for promotion during the period spent on contract beyond 5 years.
 - (b) His name shall be brought back on the seniority list only after he resumes duty.
 - (c) On return, his seniority shall be determined after deduction the period he remained on contract beyond five years.
 - (d) On his promotion, he will not regain his original seniority.
- (iii) The period spent on contract basis, against and equivalent or a higher post in the cadre shall not count towards experiences for the promotion in the cadre, on repatriation from contract appointment.

(8) Disciplinary Proceedings:

If a civil servant is found to be inefficient or guilty of misconduct or corrupt during the period of his contract appointment, he shall be liable to be proceeded against under the prevailing disciplinary law/rules of the Government, in-addition to the termination of his contract appointment.

(9) Termination of Contract:

Contract appointment of a civil servant may be terminated as per terms and conditions of his contract, without assigning any reason. On termination of contract, such a civil servant shall immediately report to his parent department/organization.

(10) Contribution towards GPF, Deduction of HBA/Car Advance, Group Insurance & Benevolent Fund etc.:

- (i) A Civil Servant, when appointed on contract basis shall contribute towards G.P Fund;
- (ii) HBA, Car Advance, Benevolent Fund, Group Insurance etc shall also be deducted from the salary of such an employee, if bill of salary is passed other than the AG, the deducted amount shall be transferred to the AG Office.

(11) Contribution Towards Benevolent Fund & Group Insurance:

A civil servant when appointed on contract basis shall contribute towards Benevolent Fund & Group Insurance as per prevailing rules. The rate of contribution of B.F/G.I will be the same as was applicable to him against his substantive post just before appointment on contract basis. He will also be entitled to the benefits admissible under the Benevolent Fund & G.I rules, applicable to him.

(x) Age Relaxation:-

The Azad Jammu & Kashmir Civil Servants Recruitment (Relaxation of Age Limit) Rules, 1997 shall be applicable on contract appointment.

(xi) Repeal:-

The Contract Policy issued vide No. S&GAD R A-4 (356) 2001 Dated 16-04-2001 and all subsequent Notifications shall stand repealed on the promulgation of this Policy.

Sd/--

(GHULAM HUSSAIN QURESHI)
Section Officer S&GAD
(Regulations)

GUIDELINES FOR FIXING TERMS & CONDITIONS OF CONTRACT APPOINTMENTS

1. Pay Package:

i) Where appointment is made in the prescribed pay scale of the post:

- a) Package of pay and allowances as per pay scale of the post.
- b) 30 % of the minimum of pay scale as social security benefit in lieu of pension:

Provided that persons who are already retired and getting pension shall not be eligible for this benefit.

- c) Any adhoc/special relief etc.; given to the regular government servants shall also be admissible to the contract employees.
- d) Annual increment as per pay scale of the post.

ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales:

- a) A package of pay & allowances as approved by the Government, keeping in view the specific requirements including qualification, etc.; of the job.
- b) Any adhoc/special relief etc.; given to the regular government servants shall not be admissible.
- c) Annual increment shall not be allowed unless specifically provided in the pay package.

2. Medical Fitness Certificate:

The selected candidate will appear before the competent medical authority/ board, as per directions of the appointing authority for medical examination and on having been declared medically fit he will be able to join service.

3. Tenure:

The contract shall be generally for a period of 3 to 5 years from the date of joining. However, the period of contract appointment may be curtailed in the following cases:

- a) Where the post exists for a lesser period e.g. Project Post.
- b) Where the tenure of post is fixed as per provisions of law.
- c) Where a person is re-employed.

4. Pension:

Appointment/service on contract basis shall be non-pensionable.

For all Categories of Contract Employees

CONFIDENTIAL

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

_____ DEPARTMENT

PERFORMANCE EVALUATION REPORT

For the Period _____ to _____

PART –I

1. Name in (block letters) with Father's Name _____

2. Date of Birth _____
3. Domicile _____
4. B.S. With present Pay _____
5. Post held during in the period _____
6. Academic / professional qualification _____
7. Period served _____
 - (a) in present post _____
 - (b) under reporting officer _____
8. Signature of the official reported with date _____

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)**

“Muzaffarabad”
Dated: 22nd April, 2008

NOTIFICATION:

No. FDR/5512-92/2008. Consequent upon decision of the AJK Cabinet dated 02.03.2008 and on recommendations of the “Contract Pay Package Committee” constituted vide notification No. S&GAD/R/A-4(356)2006 dated 28.01.2008, the President, Azad Jammu & Kashmir has been pleased to approve the Uniform Pay Package Policy in favour of the contract employees working in Development Projects in AJK in the following manner.

4. **Short Title and Commencement:** This policy will be called “**Uniform** Pay Package Policy for Appointments in Development Projects” and will come into force at once.
5. **Application:** This policy shall apply where a post is to be filled up in all donor funded projects including SERRA. This policy will also be applicable to all Development Projects of AJK irrespective of nomenclature and source of funding costing over Rs. 500.000 million.
6. **General:**
 - i) All contract appointments in the projects shall normally be made after duly advertising the positions and on recommendations of appropriate selection authority. However, if eligible/suitable candidates are not available on open competition, the post may be filled up by transfer of a suitable civil servant provided such transfer is made on the recommendations of relevant development selection forum from a panel of three officers for any one position, provided by user department.
 - ii) All the existing project staff appointed by transfer shall be deemed to have been selected through relevant development selection forum.
 - iii) The selected persons shall have to undergo medical examination.
 - iv) The provision for pay and allowances will specifically be made in the PC-1 of a project and shall not exceed 7% of the total cost of the Project.
 - v) The PC-1 of the project will specifically incorporate educational qualification and experience in each position.
 - vi) Performance evaluation committee constituted under paragraph 5 of this policy will review the performance of the contract employees after each completed year of contract service.
 - vii) This Contract Appointment Policy No. S&GAD/R/A-4(356)/2006 dated 29-07-2006 shall be deemed to have amended to the extent of Para 1 (b) of the said policy and the contract appointments in development projects shall be covered by this policy.
 - viii) Contract appointees from open market shall not be appointed as Drawing Disbursing Officers (DDOs).
 - ix) Each contract appointments shall be on probation for a period of six months.
7. **Pay Package for Project Employees:** This detailed description of the pay package for government employees appointed in the projects and persons appointed from open market is attached as annexure ‘A’ and ‘B’ respectively.

8. **Performance Evaluation Committee (PEC)**: A Performance Evaluation Committee (PEC) shall function to evaluate the performance of contract employees. The constitution of the committee and its ToRs are attached as annexure “C”.

Sd/--

(INAYAT ALI QAZI)
Section Officer Finance
(Regulations)

Annexure ‘A’

GRANT OF PAY PACKAGE FOR GOVERNMENT EMPLOYEES

- ¹[i) Project Allowance will be discontinued in all types of projects with immediate effect to remove distortion in the system.
- ii) The officers/officials posted/appointed on deputation basis against project posts will be entitled to draw 20% of their running salary in addition to their own pay/allowances subject to maximum of Rs. 6,000/- per month or as revised from time to time.
- iii) The officers/officials granted additional charge of the project posts in addition to their own duties will be entitled to draw additional charge allowance @ 20% of the basic pay in addition to their own pay/allowances subject to maximum of Rs. 6,000/- per month or as revised from time to time.
- iv) Incentive in shape of honoraria may be provided to the officials (other than project staff) involved in designing/critical and initial work of project as part of their routine activities.
- v) Government officials will not be allowed to apply for project posts carrying market based salary, through open competition.
- vi) Independent Project Director will be appointed only to the projects costing over Rs. 1000.0 million.

2. If any instructions have been issued in the light of Finance Division Govt. of Pakistan Office Memorandum No. F.16(I)R-14/2003 dated 12.08.2008 that shall also stand superseded.]

¹ Substituted vide Notification No. FD/ R/ 15628-15727/ 2012 dated 14-06-2012.

GRANT OF PAY PACKAGE FOR PERSONS EMPLOYED FROM OPEN MARKET

The following three groups will be allowed Management Pay (MP) Scales (MP-I, MP-II and MP-III)

- a. Project/ Program Directors
- b. Consultants (Individuals)
- c. Senior most technical and Administrative staff in the Project (to be specified in PC-1 of the Project)

2. The detailed description of the MP Scales (MP-I, MP-II and MP-III) is as follows:-

| MP – I | | | |
|--------------------|-------------|--------------|-------------|
| Description | Min. | Incr. | Max. |
| Basic Pay | 1,95,000/- | 15,000/- | 2,40,000/- |
| House Rent | 75,000/- | - | 1,05,000/- |
| MP – II | | | |
| Description | Min. | Incr. | Max. |
| Basic Pay | 81,500/- | 12,225/- | 1,30,400/- |
| House Rent | 48,900/- | - | 81,500/- |
| MP – III | | | |
| Description | Min. | Incr. | Max. |
| Basic Pay | 57,050/- | 8,150/- | 81,500/- |
| House Rent | 24,450/- | - | 32,600/- |

3. For administrative purposes and for calculation of fringe benefits, the MP scales will be equated with National Pay Scale (NPS) as under:-

$$\begin{aligned}
 \text{MP – I} &= \text{BPS - 22} \\
 \text{MP – II} &= \text{BPS - 20 / 21} \\
 \text{MP – III} &= \text{BPS - 19}
 \end{aligned}$$

All other staff from open market will be allowed same pay and allowances as admissible to government servants appointed on contract under this policy. All non- technical and non-gazetted staff will be paid pay and allowances according to National Pay Scales.

4. The contract appointment and provision of salary package to staff from open market shall be subject to the following conditions:-

- i) The initial period of contract appointment shall be one year (or project duration, whichever is less) and shall be extendable on the recommendation of performance evaluation committee.
- ii) For Management positions, salary will be fixed at any point of scale (as per para '2' above) commensurate to the qualification and experience of the appointee by the project steering committee.
- iii) TA/DA and leave will be admissible as per Government rules in the equivalent National Pay Scale.

- iv) Medical facility, except for persons appointed on MP positions, to be provided in Government Hospitals in AJ&K and Pakistan.
- v) The appointees other than MP positions will be allowed 30% of minimum of the Pay Scale as social security benefit in lieu of pension.
- vi) The contract appointment will be liable to termination on one month notice from either side or on payment of one month salary in lieu thereof.
- vii) The contract appointment will be terminated without prior notice during probation on account of non-satisfactory performance or misconduct.

Annexure "C"

PERFORMANCE EVALUATION COMMITTEE

The composition of the Performance Evaluation Committee (PEC) will be as under:-

- | | | |
|------|---|----------|
| i) | Additional Chief Secretary (Dev.) | Chairman |
| ii) | Secretary Finance | Member |
| iii) | Secretary of the respective Department | Member |
| iv) | Project Director/Coordinator (Except for his own evaluation) | Member |

2. The committee shall look into the performance of the contract appointees and evaluate their performance in the light of the PC-1 and any other targets assigned to them and recommended whether or not their contract should be renewed. In case the performance is not found satisfactory by the committee, the contract will be terminated. While evaluating the performance, the following points shall especially be kept in view:

- a. A clear job description has been made and clear targets have been assigned to the incumbent in the light of the PC-1 of the project;
- b. The performance of the incumbent will be evaluated on the basis of the aforesaid job description and job specifications;
- c. Whether the targets assigned to the incumbent have been achieved in the light of job description and job specification in quantifiable terms.

3. The respective Departments will be responsible to provide necessary information to the Committee with regard to the requirements mentioned in para 2 above.

4. The Planning & Development Department will function as Secretariat of the Committee.

Telephone & Mobile Facilities to Civil Servants
LIMITS OF RESIDENTIAL TELEPHONES
No.FD/R/889-1009/89
Azad Government of the State of Jammu and Kashmir
(Finance Department)

Dated: 11.01.1989

Subject: **Limits of Residential Telephones Revised Policy.**

Sir,

I am directed to refer to this department's letter No. FD/R2263-2323/79 dated 11th March, 1979 and to state that the following revised monthly limit on the use of residential telephone have been approved by the President, Azad Jammu & Kashmir, w.e.f. 01.07.1988 for different categories of officers for strict compliance:-

| | | |
|-----|--|-----------------------------|
| (a) | Chief Secretary, /Additional Chief Secretaries, Financial Commissioner, Chairman Prime Minister's Inspection Team, Secretaries, Home, Information, Finance, Services, Education, Works and Health Department, Secretaries to the President and Prime Minister, Military Secretary to the President and Inspector General of Police | No limit. |
| (b) | Secretaries to the Government (Other than those mentioned at "A" above), Commissioner, Additional Secretaries, Deputy Commissioners, D.I.G's Incharge of Ranges, I.G. Prisons | 1000 local calls per month. |
| (c) | Deputy Secretaries to the Government, SSP & SP of District, Assistant Commissioners, Additional Deputy Commissioner, (Gen :) | 900 local calls per month. |
| (d) | Heads of Attached Departments (other than these covered above) District Departmental Heads and SDPO's. | 600 local calls per month. |
| (e) | All other Officers. | 400 local calls per month. |

2. This supersedes all previous orders and instruction issued in this behalf.

Sd/---
(Mir Abdul Hamid)
Deputy Secretary Finance (Regs.)

Ceiling of Telephone

(vide No. H-5(3)/2000 dated 11.02.2000)

| | | |
|---|---|--------------|
| 1 | Ministers, Chief Secretary, ACS, Sectaries | 12,000/- P.M |
| 2 | Heads of Department & Officers BPS-20 | 5,000/- P.M |
| 3 | DIG, Advocate General, Deputy Commissioner, Director Public Relations | 10,000/- P.M |
| 4 | Assistant Commissioner, SPs | 5,000/- P.M |
| 5 | Additional Secretaries, Heads of Deptt. BPS-19 | 4000/- P.M |
| 6 | Deputy Secretaries or equal officers | 3000/- P.M |
| 7 | Officers BPS-17 & Divisional Officers | 2500/- P.M |
| 8 | Police Station | 1500/- P.M |

THE AJ&K TRANSPORT POLICY CEILING OF P.O.L

(Vide No./F.D/R/889-1000/89 dated 11.01.1989)

| Capital Muzaffarabad | | |
|---|---|---------------------|
| 1 | Ministers, Advisors, Chairman Implementation, Chairman Inspection Team, Special Advisor. | 500 Lt. P.M |
| 2 | Parliamentary Secretary | 350 Lt. P.M |
| 3 | Chief Secretary, Additional Chief Secretary, I.G.P & BPS-21 & 22 officer | 250 Lt. P.M |
| 4 | 4 Secretaries, Heads of Department BPS-20, Commissioner, DIG Muzaffarabad. | 200 Lt. P.M |
| 5 | Heads of Departments BPS-19 & 20 | 175 Lt. P.M |
| 6 | Addl. Secretaries B-19 or equal grade and Divisional Officers B-19 | 150 Lt. P.M |
| 7 | DC Muzaffarabad, SSP Muzaffarabad | 250 Lt. P.M |
| 8 | Deputy Secretaries B-18 or equal officers | 250 Lt. P.M |
| 9 | Deputy Directors | 130 Lt. P.M |
| 10 | District Officers, Deputy Commissioners | 160 Lt. P.M |
| 11 | Political Secretary/Press Secretary for President | 200 Lt. P.M |
| 12 | Comptroller, PS for Prime Minister | 180 Lt. P.M |
| 13 | Deputy Officer for P.M's Secretariat & President Secretariat | 150 Lt. P.M |
| 14 | Assistant Commissioner, DSP | 350 Lt. P.M (Local) |
| 15 | Traffic Police Stations | 300 Lt. P.M |
| Divisional & District Officers | | |
| 16 | Divisional Commissioner Mirpur, DIG Jails | 175 Lt. P.M |
| 17 | Officers BPS-20, Chairman Corporations, Development Authorities, Municipal Corporations, District Councils, Zakat Councils. | 170 Lt. P.M |
| 18 | Deputy Commissioners, SPs | 200 Lt. P.M |
| 19 | Divisional Heads of Departments or equal officers | 150 Lt. P.M |
| 20 | District Officers BPS-18 or equal officers | 120 Lt. P.M |
| 21 | Entitled officers | 100 Lt. P.M |
| 22 | AC, DSP District Head Quarters | 320 Lt. P.M (Local) |
| 23 | Traffic Police, Police Stations | 275 Lt. P.M |
| Tehsil Headquarters | | |
| 24 | AC, DSP, ASP | 275 Lt. P.M |
| 25 | Traffic Police, Police Stations | 250 Lt. P.M |
| 26 | Others Officers of Tehsil Headquarters | 90 Lt. P.M (Local) |

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

مورخہ 11.02.2000

نوٹیفکیشن!

نمبر انتظامیہ / ایچ۔ 5 شعبہ جنرل / 2000ء جناب صدر آزاد جموں و کشمیر نے نافذ العمل ٹرانسپورٹ پالیسی پر سختی سے عملدرآمد کو یقینی بنانے کے لیے محکمہ ضرورتوں کو پیش نظر رکھتے ہوئے درج ذیل امور کے علاوہ سرکاری گاڑیوں کے استعمال کے لیے پٹرول / ڈیزل کے اخراجات کی سیلنگ مقرر کیے جانے کی بھی منظوری صادر فرمائی ہے۔

- (الف) ٹرانسپورٹ پالیسی کے مغاڑ مختلف محکمہ جات کے پاس جتنی فاضل گاڑیاں زیر استعمال ہیں۔ انہیں سنٹرل ٹرانسپورٹ پول میں جمع کروایا جائے گا۔
- (ب) ٹرانسپورٹ پالیسی کے مغاڑ کوئی آفیسر گاڑی استعمال نہیں کر سکے گا اور نہ ہی کوئی بل سرکاری خزانہ سے پاس کروایا جائے گا۔ خلاف ورزی کی صورت میں آفیسرز برابر نہ صرف رقم جمع کروائے گا۔ ذمہ دار ٹھہرایا جائے گا۔ بلکہ اس کے خلاف تادیبی کارروائی بھی عمل میں لائی جائے گی۔
- (ج) ٹرانسپورٹ پالیسی سے ہٹ کر ناگزیر صورت میں کسی آفیسر کو ٹرانسپورٹ کے استعمال کی اجازت دینا ضروری ہوئی تو اس کی اجازت حکومت سے ہمراہ سیلنگ پٹرول حاصل کی جائے گی۔ بصورت دیگر آفیسرز برابر ایسے کسی بل کو پاس کروانے کے لیے تحریک نہیں کریں گے۔

| | | | |
|----|---|-------------------------------|--|
| 1. | وزرائے کرام / مشیران / چیئرمین عملدرآمد کمیشن / معاون خصوصی پارلیمانی سیکرٹری | 500 لیٹر پٹرول / ڈیزل ماہوار۔ | اس سیلنگ میں لوکل ڈیوٹی اور سرکاری ٹورزدونوں شامل ہیں۔ |
| 2. | پارلیمانی سیکرٹری | 250 لیٹر پٹرول / ڈیزل ماہوار | صرف ایک گاڑی استعمال کر سکیں گے۔ |

دارالحکومت مظفر آباد (حدود میونسپل کارپوریشن مظفر آباد)

| | | | |
|-----|--|------------------------------|---|
| 3. | چیف سیکرٹری / ایڈیشنل چیف سیکرٹری / آئی جی پی و گریڈ 22، 21 کے جملہ آفیسران | 250 لیٹر پٹرول / ڈیزل ماہوار | بیرون میونسپل حدود ٹور کے لئے الگ بیٹرول / ڈیزل حاصل کیا جاسکتا ہے۔ |
| 4. | سیکرٹری صاحبان | 200 لیٹر پٹرول | ایضاً |
| 5. | سربراہان محکمہ جات گریڈ بی 20 / کمشنر مظفر آباد ڈی آئی جی مظفر آباد | 200 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 6. | سربراہان محکمہ جات گریڈ بی۔ 19 گریڈ بی۔ 20 کے دیگر آفیسران | 175 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 7. | ایڈیشنل سیکرٹریز گریڈ بی۔ 19 و گریڈ بی۔ 20 کے دیگر آفیسران | 150 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 8. | ڈپٹی کمشنر مظفر آباد / ایس ایس پی مظفر آباد | 250 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 9. | گریڈ بی۔ 18 کے دیگر آفیسران سٹاف آفیسران گریڈ بی۔ 18 ٹرانسپورٹ آفیسر / ڈپٹی سیکرٹری جنہیں ٹرانسپورٹ ہاء میں نرمی کرتے ہوئے بطور خاص فرائض کی نوعیت اعتبار سے ٹرانسپورٹ الاٹ کی جائے۔ | 120 لیٹر پٹرول / ڈیزل ماہوار | بیرون ازمیونسپل حدود پٹرول / ڈیزل ٹور کے لئے الگ پٹرول / ڈیزل حاصل کیا جاسکتا ہے۔ |
| 10. | ڈپٹی ڈائریکٹر بی۔ 18 | 130 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 11. | ضلعی آفیسر محکمہ جات / ایڈیشنل ڈپٹی کمشنر (جنرل) مظفر آباد | 160 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 12. | پولینکل سیکرٹری / پریس سیکرٹری برائے صدر / وزیراعظم | 200 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |

Transport, Telephone & Mobile Facilities to Civil Servants

| | | | |
|-----|--|------------------------------|--|
| 13. | کمپنٹرولر/ پی ایس او برائے صدر/ وزیر اعظم | 180 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 14. | ڈیوٹی آفیسر وغیرہ گریڈ پی-18 صدارتی سیکرٹریٹ وزیراعظم سیکرٹریٹ، جنہیں خصوصی احکامات کے ذریعہ ٹرانسپورٹ کا استحقاق / اجازت ہو | 150 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |
| 15. | اسسٹنٹ کمشنر / ڈپٹی سپرنٹنڈنٹ پولیس | 350 لیٹر پٹرول / ڈیزل ماہوار | اس سٹیج میں لوکل ڈیوٹی اور سرکاری دونوں شامل ہیں |
| 16. | ٹریفک / تھانہ جات پولیس | 300 لیٹر پٹرول / ڈیزل ماہوار | ایضاً |

ڈویژنل / ڈسٹرکٹ ہیڈ کوارٹر (حدود میونسپل کارپوریشن / کمیٹی)

| | | | |
|-----|---|-----------------------|--|
| 1. | ڈویژنل کمشنر / ڈی آئی جی پولیس | 175 لیٹر پٹرول ماہوار | بیرون میونسپل کارپوریشن ٹول کے لیے الگ پٹرول مہیا کیا جائے گا۔ |
| 2. | گریڈ-20 کے دیگر آفیسران، چیئرمین کارپوریشن ہاؤسنگ، ڈیپلومینٹ اتھارٹی / میونسپل کارپوریشن / ڈسٹرکٹ کونسل ہاء / زکوٰۃ کونسل ہاء | | ایضاً |
| 3. | ڈپٹی کمشنر - ایس پی | 200 لیٹر پٹرول ماہوار | |
| 4. | ڈویژنل سربراہان محکمہ جات گریڈ 19 کے دیگر آفیسران جنہیں ٹرانسپورٹ استعمال کا استحقاق حاصل ہے | 150 لیٹر پٹرول ماہوار | |
| 5. | ضلعی آفیسر گریڈ 18 کے دیگر آفیسران جنہیں ٹرانسپورٹ استعمال کا استحقاق حاصل ہے۔ | 120 لیٹر پٹرول ماہوار | |
| 6. | دیگر آفیسران اگر کسی کو ٹرانسپورٹ استعمال کا استحقاق حاصل ہے۔ | 100 لیٹر پٹرول ماہوار | |
| 7. | اسسٹنٹ کمشنر / ڈی ایس پی ضلعی ہیڈ کوارٹر۔ | 320 لیٹر پٹرول ماہوار | اس سٹیج میں لوکل ڈیوٹی اور سرکاری ٹور دونوں شامل ہیں۔ |
| 8. | ٹریفک / تھانہ جات پولیس تحصیل ہیڈ کوارٹر (حدود میونسپل کمیٹی) | 275 لیٹر پٹرول ماہوار | |
| 9. | اسسٹنٹ کمشنر / ڈی ایس پی / اے ایس پی | 275 لیٹر پٹرول ماہوار | |
| 10. | ٹریفک / تھانہ جات پولیس | 250 لیٹر پٹرول ماہوار | |
| 11. | دیگر آفیسران تحصیل ہیڈ کوارٹر | 90 لیٹر پٹرول ماہوار | بیرون حدود میونسپل الگ پٹرول حاصل کیا جائے گا۔ |

4- درج بالا سٹیج کے نفاذ سے حکومت کے ڈیزل / پٹرول کے اخراجات میں کمی ہوگی۔ بلکہ گاڑیوں کے کم سے کم استعمال ہونے کی صورت میں مرمتی اخراجات میں بھی کمی ہوگی۔

5- آزاد کشمیر موٹروہیکل یوز اینڈ مینٹیننس رولز 1977 کے قاعدہ 15 کی روشنی میں گریڈ 20، 21 کے آفیسران اور سیکرٹری حکومت جو سواری الاؤنس حاصل نہیں کرتے ہیں انہیں میونسپل حدود کے اندر پرائیویٹ ٹرانسپورٹ کا استحقاق حاصل ہے۔ بالامقرر کردہ پٹرول ڈیزل کی مقدار کے علاوہ 100 لیٹر پٹرول / ڈیزل ماہوار مزید استعمال کر سکیں گے۔

6- سرکاری ٹرانسپورٹ کے پرائیویٹ میلانہ پر حاصل کرنے کی صورت میں میلانہ کے حصول کو بروقت اور اس کے طریقہ کار کو سہل بنانے کے لئے بوقت ضرورت سرکاری ٹرانسپورٹ کے نجی استعمال کنندہ کو اپنے لیے سفر اختیار کرنے کے لیے پٹرول / ڈیزل کے اخراجات اپنی گھر سے برداشت کرنا ہوں گے۔ البتہ اگر تحت قواعد پرائیویٹ میلانہ کے تحت مقررہ شدہ میلانہ کی مالیت از گره خود ڈالے گئے۔ پٹرول / ڈیزل سے زائد ہوگی۔ تو زائد مالیت استعمال کنندہ خزانہ سرکار میں جمع کروائے گا اور اگر از گره خود ڈالے گئے ڈیزل / پٹرول کی مالیت مقرر کردہ میلانہ کی مالیت سے زائد بنتی ہو تو استعمال کنندہ کو خود برداشت کرنا پڑیں گے۔

7- حکومتی خزانہ پر بوجھ کم کرنے کے لیے آئندہ ناگزیر صورت کے ماسوائے پٹرول گاڑیوں کی خرید پر پابندی عائد کی جاتی ہے۔

نوٹ: نوٹیفکیشن ہذا مورخہ 18.01.2000 سے موثر ہو گا جبکہ نوٹیفکیشن نمبر انتظامیہ / ایچ-5 (3) / 2005 مورخہ 18.02.2000 تاریخ اجراء سے منسوخ تصور ہو گا۔

دستخط / - -

(محبوب احمد)

انڈر سیکرٹری سروسز (جنرل)



آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

سرکاری ٹیلیفون کی سہولت

مورخہ 12.02.2000

نوٹیفکیشن:

نمبر انتظامیہ / ایچ-5 (3) شعبہ جنرل / 99 جناب صدر آزاد جموں و کشمیر نے درج ذیل امور کی منظوری صادر فرمائی ہے۔

الف) - دفتری ٹیلیفون:

- 1- وزرائے کرام / چیف سیکرٹری / ایڈیشنل چیف سیکرٹریز / سینئر ممبر بورڈ آف ریونیو سیکرٹری صاحبان حکومت اور انسپکٹر جنرل پولیس کی ٹیلیفون کی سیلنگ - / 15000 روپے ماہوار کے بجائے دفتری ورہائشی ٹیلیفون کی حد - / 12000 روپے ماہوار کی جاتی ہے۔
- 2- جملہ سربراہان محکمہ جات و دیگر آفیسران گریڈ بی-20 کے لیے دفتری ٹیلیفون کی حد - / 5000 روپے ماہوار کی جاتی ہے۔
- 3- ڈویژنل کمشنرز / ڈی آئی جی پولیس / ایڈووکیٹ جنرل / ڈپٹی کمشنرز / ایس ایس پی / ایس پی اور ناظم اعلیٰ اطلاعات کے لئے دفتری ورہائشی ٹیلیفون کی حد - / 10000 روپے ماہوار مقرر کی جاتی ہے۔
- 4- ایڈیشنل سیکرٹریز و دیگر سربراہان منسلک محکمہ جات در گریڈ بی-19 کے لئے دفتری ٹیلیفون کی حد - / 4000 روپے ماہانہ مقرر کی جاتی ہے۔
- 5- ڈپٹی سیکرٹریز اور ان کے ہم پلہ آفیسران کے لئے دفتری ورہائشی ٹیلیفون کی حد - / 3000 روپے ماہوار مقرر کی جاتی ہے۔
- 6- پولیس سٹیشن اور جملہ دیگر آفیسرز کے لئے دفتری ورہائشی ٹیلیفون کی حد - / 1500 روپے ماہانہ مقرر کی جاتی ہے۔
- 7- اسسٹنٹ کمشنرز اور ڈی ایس پی سب ڈویژن کے لئے دفتری ورہائشی ٹیلیفون کی حد - / 5000 روپے ماہانہ مقرر کی جاتی ہے۔
- 8- سب ڈویژنل آفیسرز گریڈ بی-17 و دیگر ہم پلہ آفیسرز گریڈ بی-17 کے لئے دفتری ٹیلیفون کی حد - / 2500 روپے ماہانہ مقرر کی جاتی ہے۔

ب) سرکاری دوروں کے اخراجات:

سرکاری دوروں کے سلسلہ میں جملہ شخصیات / آفیسران اور اہلکاران اندرون ملک (یعنی پاکستان و آزاد کشمیر) ایک ماہ کے دوران زیادہ سے زیادہ دس مکمل ایام کا ڈی اے حاصل کرنے کے حقدار ہوں گے۔ ایک ماہ کے دوران 10 ایام سے زیادہ دوروں کی صورت میں انہیں اضافی ایام کے لئے ڈی اے حاصل کرنے کا حق نہیں رہے گا۔

ج) رہائشی ٹیلیفون:

ایسے آفیسران جن کے متعلق بالا پیراجات میں رہائشی ٹیلیفون کی سیلنگ سے متعلق نشانہ ہی نہیں کی گئی ہے و قبل ازیں مروجہ ٹیلیفون پالیسی / استحقاق کے مطابق رہائشی ٹیلیفون کی سہولت کا استفادہ کریں گے۔

د) بجلی / پانی و دیگر سرکاری محصولات کی وصولی:

بقایا جات بجلی / پانی اور دیگر سرکاری محصولات کی وصولی / ادائیگی کے بارہ میں متعلقہ محکمہ جات بقایا جات کی جلد از جلد وصولی کو یقینی بنائیں اخراجات بجلی کو کنٹرول کرنے کے لئے اشد ضرورت کے پیش نظر ایک کمرہ میں ایک سنگل راڈ ہیٹر استعمال میں لایا جائے گا اور جب کوئی آفیسر یا اہلکار کمرہ میں موجود نہیں ہو گا ہیٹر، بلب اور پینکھے کے سوچ آف ہوں گے۔

ه) اخبارات:

ڈیپٹی سیکرٹری اور اس کے ہم پلہ آفیسران جو اخبار کا استحقاق رکھتے ہیں یا ان سے بالا آفیسران صرف ایک ہی اخبار کے مستحق ہوں گے۔

و) ناکارہ گاڑیاں:

جملہ محکمہ جات ناکارہ گاڑیوں کی فہرست فوری طور پر ٹرانسپورٹ پول کو مہیا کریں گے۔ اور ناکارہ گاڑیاں ٹرانسپورٹ پول میں جمع کرانے کے پابند ہوں گے۔ ٹرانسپورٹ پول ناکارہ گاڑیوں کو مروجہ قواعد کے تحت نیلام کرے گا۔

ز) گیٹ ہاؤسز کے بقایا جات کی وصولی کو یقینی بنانا:

کشمیر ہاؤس اور دیگر گیٹ ہاؤسز کے بقایا جات کی وصولی کو یقینی بنایا جائے۔

ح) آمدنی کے اہداف:

منظور شدہ میزانیہ میں آمدنی کے دیئے گئے اہداف جملہ محکمہ جات پورے کرنے کے علاوہ آمدنی میں خاطر خواہ اضافہ کریں گے۔ اور دیئے گئے آمدنی کے اہداف بہر صورت پورے کریں گے۔

نوٹ: نوٹیفکیشن ہذا مورخہ 17.01.2000 سے موثر ہو گا۔ جبکہ نوٹیفکیشن نمبر انتظامیہ / ایچ 5- (3) شعبہ جنرل / 99 مورخہ 17.01.2000 تاریخ اجرا سے منسوخ تصور ہو گا۔

انڈر سیکرٹری سروسز (جنرل)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 15 جولائی 2004

نوٹیفکیشن

نمبر جی-8(6) پارٹ III / 2004 جناب صدر آزاد جموں و کشمیر نے محکمہ پولیس اور ضلعی انتظامیہ کے آفیسران کے لئے مقرر کردہ پٹرول / ڈیزل اور ٹیلیفون کی سینگ میں بذیل استثنائی / ایذا دگی کی منظوری صادر فرمائی جائے۔

| نمبر شمار | نام آسانی | سابقہ حد پٹرول / ڈیزل | نئی پٹرول / ڈیزل | سابقہ حد ٹیلیفون | نئی حد ٹیلیفون |
|-----------|---|---|---|--|---------------------|
| 1- | انسپیکٹر جنرل پولیس | 250 لیٹر ماہوار (اندرون میونسپل حدود) | (No Limit) | 12000/- ماہوار (دفتری و رہائشی فون) | (No Limit) |
| 2- | کشنر صاحبان / ڈی آئی جی پولیس | 175 لیٹر ماہوار (اندرون میونسپل حدود) | (No Limit) | 10000/- ماہوار (دفتری و رہائشی فون) | (No Limit) |
| 3- | ڈپٹی کشنر / ایس پی (صدر مقام) | 250 لیٹر ماہوار (اندرون میونسپل حدود) | 500 لیٹر ماہوار (اندرون میونسپل حدود) | 10000/- روپے ماہوار | 20000/- روپے ماہوار |
| 4- | ڈپٹی کشنر / ایس پی (دوسرے اضلاع) | 200 لیٹر ماہوار (اندرون میونسپل حدود) | 400 لیٹر ماہوار (اندرون میونسپل حدود) | 10000/- روپے ماہوار | 10000/- روپے ماہوار |
| 5- | اسسٹنٹ کشنر DSP/ASP | 250 لیٹر ماہوار (محد لوکل ڈیوٹی و سرکاری دورہ جات) | 500 لیٹر ماہوار لوکل ڈیوٹی و سرکاری دورہ جات | 5000/- روپے ماہوار | 10000/- روپے ماہوار |
| 6- | ٹریفک / تھانہ جات پولیس سرکاری دورہ جات) | 250 لیٹر ماہوار (محد لوکل ڈیوٹی و سرکاری دورہ جات) | 500 لیٹر ماہوار لوکل ڈیوٹی و سرکاری دورہ جات | | |

انڈر سیکرٹری سروسز (جنرل)

نقل بالا بخدمت:-

- 1- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔
- 2- سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
- 4- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری جنرل / برقیات۔
- 5- پرائیویٹ سیکرٹری ہمراہ جناب سینئر ممبر بورڈ آف ریونیو۔
- 6- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری سروسز۔
- 7- جناب انسپیکٹر جنرل پولیس۔
- 8- کشنر صاحبان مظفر آباد / میرپور ڈویژن۔
- 9- جناب ناظم اعلیٰ حسابات مظفر آباد۔
- 10- جناب انسپیکٹر جنرل پولیس مظفر آباد۔
- 11- جناب کنٹرولر سرکاری چھاپہ خانہ مظفر آباد۔
- 12- ماسٹر فائل۔

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ: 16 ستمبر، 2005ء

نوٹیفکیشن

نمبر جی۔ 8 (6) 2005ء جناب صدر آزاد جموں و کشمیر نے سنٹرل ٹرانسپورٹ پول میں موجود ٹویٹا ہائی ایس گاڑی کے نجی استعمال میں لائے جانے کی صورت میں بذیل شرح مقرر کئے جانے کی منظوری صادر فرمائی ہے:-

- ۱- میلانہ 3 روپے فی کلو میٹر علاوہ اخراجات ڈیزل ہو گا۔
- ۲- پٹرول / ڈیزل کے اخراجات صارف اپنے گھر سے برداشت کرنے کا ذمہ دار ہو گا۔
- ۳- پرائیویٹ میلانہ کی رقم اندازاً ایڈوانس وصول کی جائے گی اور بعد از اختتام سفر اس کی ایڈجسٹمنٹ عمل میں لائی جائے گی۔

سیکشن آفیسر سروسز (جنرل)

نقل بالا بخدمت:-

- ۱- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔
- ۲- سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- ۳- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
- ۴- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (برقیات)۔
- ۵- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (جنرل)۔
- ۶- پرائیویٹ سیکرٹری ہمراہ جناب سینئر ممبر بورڈ آف ریونیو۔
- ۷- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری سروسز۔
- ۸- جملہ سیکرٹری صاحبان حکومت۔
- ۹- جناب ناظم اعلیٰ حسابات مظفر آباد۔
- ۱۰- ٹرانسپورٹ آفیسر صاحب سنٹرل ٹرانسپورٹ پول مظفر آباد۔
- ۱۱- مہتمم صاحب سرکاری چھاپہ خانہ مظفر آباد۔
- ۱۲- ماسٹر فائل۔

سیکشن آفیسر سروسز (جنرل)

MOBILE TELEPHONE FACILITY TO MINISTERS, ACS & GOVT. SECRETARIES 2007

**Azad Government of the State of Jammu and Kashmir
(Services & General Administration Department)**

Dated: 08.05.2007

NOTIFICATION

No. S&GAD/G-9(23)/2007, the President, Azad Jammu & Kashmir has been please to accord the approval for provision of Mobile Telephone Facility to Ministers, Additional Chief Secretaries, Secretaries to the Government and Divisional Commissioners subject to the condition that expenditure incurred in this regard will be met within the ceiling prescribed for the post.

Sd/---
Section Officer
S&GAD (Gen.)

Copy to:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister, GoAJ&K.
3. Private Secretaries to the Speaker/Deputy Speaker, Azad Jammu & Kashmir Legislative Assembly.
4. Private Secretaries to All Ministers/Special Assistant/Advisor, GoAJ&K.
5. PSO to Chief Secretary.
6. PS to Senior Member, Board of Revenue.
7. PS to Additional Chief Secretary (Gen).
8. PS to Additional Chief Secretary (Dev).
9. PS to Secretary, S&GAD.
10. PS to Secretary Finance, with reference to financial concurrence.
11. All Administrative Secretaries to Government.
12. PS to Chairman, Prime Minister Inspection & Implementation Commission.
13. Inspector General of Police, AJ&K.
14. All Heads of Attached Department
15. The Accountant General, Azad Jammu & Kashmir.
16. The Commissioner, Muzaffarabad/ Poonch/ Mirpur Divisions.
17. All officers of S&GAD.
18. The Controller, Government Printing Press, Muzaffarabad.
19. Master File.

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

“Muzaffarabad”

Dated: 30th September, 2015.

NOTIFICATION

No. S&GAD/G-4(20)/2008: To provide official mobile telephone facility to incumbent officers of the Government of Azad Jammu & Kashmir, in best public interest, the President of Azad Jammu & Kashmir has been pleased to accord approval for the following:

- i) In partial amendment to Notification No. S&GAD/G-9(23)/2007 dated 08 May, 2007, the Inspector General of Police and Deputy Inspector Generals of Police shall be included for provision of Mobile Telephone Facility in accordance with the terms and conditions laid down in Notification ibid And,
- ii) The following officers shall avail mobile telephone facility within the prescribed monthly telephone ceiling;

| S # | Designation of Officer | Monthly Ceiling |
|-----|--|-----------------|
| 1 | Additional Secretaries, Principle Staff Officer to Chief Secretary, Deputy Commissioners/Senior Superintendents/ Superintendents of Police (BS-19 & BS-18) | Rs. 2,000/- |
| 2 | Assistant Commissioners/ Sub-Divisional Magistrates/ DSPs/ SDPO (BS-17 & BS-18) | Rs. 1,500/- |

2. The expenditure incurred in this regard shall be debited to approve budgetary provisions of the concerned Departments within admissible monthly telephone ceiling subject to audit and codal formalities.

Sd/-
(Mohammad Younas)
Section Officer (Gen-II)
Ph # 05822-921974

Copy to:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister, GoAJ&K.
3. Private Secretaries to the Speaker/Deputy Speaker, Azad Jammu & Kashmir Legislative Assembly.
4. Private Secretaries to All Ministers/Special Assistant/Advisor, GoAJ&K.
5. PSO to Chief Secretary.
6. PS to Senior Member, Board of Revenue.
7. PS to Additional Chief Secretary (Gen).
8. PS to Additional Chief Secretary (Dev).
9. PS to Secretary, S&GAD.
10. PS to Secretary, Finance
11. All Administrative Secretaries to Government.
12. PS to Chairman, Prime Minister Inspection & Implementation Commission.
13. Inspector General of Police, AJ&K.
14. All Heads of Attached Department
15. The Accountant General, Azad Jammu & Kashmir.
16. The Commissioner, Muzaffarabad/ Poonch/ Mirpur Divisions.
17. All officers of S&GAD.
18. The Controller, Government Printing Press, Muzaffarabad.
19. Master File.

Sd/-
Section Officer (Gen-II)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

مورخہ: 26.06.1989

نمبر انتظامیہ / ایچ / 12 (81) شعبہ اول / 89ء

عنوان :- گمنام درخواستوں پر کارروائی۔

جناب من!

معاملہ مندرجہ عنوان الصدر میں آپ کی توجہ محکمہ سروسز سے جناب صدر گرامی کی منظوری سے جاری شدہ گشتی مراسلہ مجریہ زیر نمبری انتظامیہ / جی۔ 159 / ایس او اول / 80، مورخہ 19 اگست 1980ء کی جانب مبذول کراتے ہوئے حسب تحریر خدمت ہے کہ مراسلہ متذکرہ میں ملازمین حکومت کے خلاف دی جانے والی گمنام درخواستوں پر کارروائی کے بارہ میں واضح ہدایات دیئے جانے کے باوجود یہ بات نوٹس میں لائی گئی ہے کہ جناب چیئرمین وزیر اعظم معائنہ ٹیم اور دیگر اداروں کو ملازمین حکومت کے خلاف گمنام درخواستیں موصول ہوتی ہیں، جس وجہ سے ملازمین کی شہرت اور کارکردگی پر برا اثر پڑتا ہے۔

2- لہذا گشتی مراسلہ مجریہ زیر نمبری انتظامیہ / جی۔ 159 / ایس او / اول / 80، مورخہ 19 اگست 1980ء میں مندرجہ ہدایت برائے تازہ یادداشت اور عملدرآمد ذیل میں من و عن دہرائی جاتی ہیں:-

- (الف) شکایات جو گمنام یا فرضی نام سے موصول ہوں ان پر کوئی کارروائی نہ کی جائے۔
- (ب) شکایات اور واقعات کی صداقت کا کسی ملازم کے خلاف کارروائی / انکوائری کرنے سے قبل درست ہونے کا ادراک کر لیا جائے۔
- (ج) کوئی ایسی درخواست جس میں کسی ملازم سرکار کے خلاف کوئی الزام لگایا گیا ہو اُس وقت تک قبول نہ کی جائے جب تک درخواست دہندہ ایک بیان حلفی درخواست کے ہمراہ شامل نہ کرے کہ درخواست میں مندرجہ واقعات درست ہیں۔ اور اگر اُس کا بیان حلفی غلط ثابت ہو ایسے شکایات کنندہ کے خلاف قانونی چارہ جوئی کی جائے۔
- (د) اخبارات میں شائع ہونے والی شکایات جو بے بنیاد ثابت ہوں کے سلسلہ میں تحت قانون کارروائی کی جائے۔

آپ سے استدعا ہے کہ بھربانی مندرجہ بالا ہدایات پر عملدرآمد کرتے ہوئے ماتحت آفیسران کو بھی سختی سے عملدرآمد کیے جانے کی ہدایت فرمائی جائے۔

تابع فرمان

دستخط / --

(محمد خان)

سیکشن آفیسر سروسز (اول)

TRANSFER POLICY FOR DIVISIONAL / DISTRICT ADMINISTRATION AND FIELD & MINISTERIAL STAFF OF REVENUE DEPARTMENT, 2018

PREAMBLE

Good Governance, Transparency and Efficiency is the mainstay of Government policies nowadays. Azad Government of The State of Jammu and Kashmir lays emphasis on a transparent, equitable and egalitarian Transfer Policy that enshrines better career management for Civil Servants to achieve efficiency, discipline and better service delivery. In this context, following Transfer Policy shall be for the officials of Divisional/District Administration and Revenue Officials of the Azad Government of the State of Jammu & Kashmir:

1. **TITLE OF THE POLICY:** This shall be called as “**TRANSFER POLICY FOR DIVISIONAL / DISTRICT ADMINISTRATION AND FIELD & MINISTERIAL STAFF OF REVENUE DEPARTMENT, 2018**”.
2. **It shall come into force at once.**
3. **OBJECTIVES AND RATIONALE OF THE POLICY:**
 - a. Services of the Government Servants are acquired and regulated under the AJK Civil Servant Act 1977. Terms and conditions of civil service provide for the posting of any Government Servant anywhere in Azad Jammu Kashmir. However absence of notified transfer policies within the Departments creates multiple issues. Besides, it remains a source of the exercise of the discretionary powers by the controlling officers. Discretionary and arbitrary exercise of powers not only compromises the performance of employees, it also becomes a source of litigation against the Government. Hence it is imperative to set the criteria and guide lines to govern the transfer and posting of Revenue Officers and staff.
 - b. A fair and equal treatment with the Government servants brings certainty and effectiveness in the performance of the employees. Such fairness and certainty can be demonstrated through the formulation and implementation of the transfer policy. Employees' welfare needs to be taken care of for bringing efficiency, economy and effectiveness in the service delivery. A transfer policy is supposed to cater for the well-being of the employees with regard to their family residence, salary package, cost of relocation, academic sessions of children and employees' health conditions.
 - c. Tendency of tenure, influence and interest maximization is a menace common to the public sector employees. Such a tendency and monopoly can be curbed through the introduction of tenure fixation and territorial rotation of the employees. Standards are to be embedded in Transfer Policy of AJK Revenue Department.
 - d. It is generally conceived that the transfers and posting are made according to the whims and wishes of political sovereign, to dilute this impression a free and fair transfer policy is the crying need of time.
 - e. Career planning /prospects of elevation are also to be considered while planning the postings of the officers/staff. Maximum territorial exposure of the officers falling in the line of promotion to the position of Assistant Commissioners remains helpful in effective service delivery.
 - f. The very concept of command and staff postings can be related to the territorial and non-territorial postings of the field staff and officers. A logical proportion in field and staff postings needs to be worked out in the transfer policy.
4. **SCOPE OF THE POLICY:**

The policy will be applicable to all the employees governed by the AJK Board of Revenue inclusive of the Divisional/District Administration, Field officials, Ministerial staff and officials posted in other departments or organizations on deputation or by transfer.

5. GENERAL PRINCIPLES/ GUIDELINES:

- a. Postings / transfers will be tenure specific and based on eligibility, suitability and as far as possible, seniority of the officials.
- b. Officers of the District and Sub Divisional Administration shall not be posted in their own division, district and subdivision respectively. However, Divisional officers can be posted in their parent division.
- c. Tenure fixed for minimum stay at a station shall also be subject to the satisfactory performance. In case of delinquency, absenteeism, dishonesty and bad reputation and corrupt practices, transfer could be made before completion of the tenure fixed for minimum stay.
- d. The field officials, including Naib Tehsildars of the Revenue Department, shall not be posted at their home stations.
- e. Field staff BS 9 -11 shall not be posted on their home station; these will be preferably posted in the relevant District; however, on administrative or disciplinary grounds these could be posted out of District.
- f. Except for the gross misconduct, under any circumstances, the transfers shall not be made during crop inspection/ Khasra Gardawri period.
- g. Transfers of officers and field staff at hard stations particularly of Haveli, Leepa and Sharda shall be made on rotation basis. Maximum stay shall not be more than one year.
- h. The officers of Grade-17 and above shall have to serve for at least 1/4th of their service period in Civil Secretariat, Ex-Cadre and other departments so as to enhance their experience.
- i. Generally, transfers will be made in the month of March and April every year at the end of academic session in order to avoid educational loss of children of officials. However due to start of inspection/Gardawari of “Rabi crops” the transfers of Gardawars and Patwaries shall not be made during this period except in case of gross misconduct.
- j. The transfers of non-gazetted ministerial staff will be made, as far possible, keeping in view their residential districts.

6. EXCEPTIONS:

- a. Tenure protection shall not be applicable in case of disciplinary proceedings, inefficiency and misconduct. However, a preliminary inquiry shall be required prior to making such a transfer.
- b. Tenure protection shall not apply on transfer from one section of an office to another section in same office.
- c. Tenure protection shall not apply on an employee who surrenders his right to promotion.
- d. Tenure protection shall not be applicable on grounds of inefficiency or misconduct.
- e. Home station ban shall only be applicable for field posting

7. TENURES FOR TRANSFERS / POSTINGS:

- a. **COMMISSIONERS/ DEPUTY COMMISSIONERS/ASSISTANT COMMISSIONERS (OFFICERS ON S&GAD STRENGTH):**

Transfer Policy for Divisional / District Administration and Field & Ministerial Staff of Revenue Department, 2018

| S.# | Post | Posting Area | Min. Tenure/ Years | Max. Tenure/ Years | Repeat Postings | Home Station | Remarks |
|-----|---|--------------|--------------------|--------------------|------------------------|------------------|---|
| 1 | Commissioner BS-20 | AJK | 01 | 03 | After a gap of 2 years | Can be posted | Minimum tenure can be reduced on Administrative or Disciplinary grounds |
| 2 | i. Deputy Commissioner BS-18/19 ii. Additional Deputy Commissioner (General) BS-18 | -do- | -do- | 02 | -do- | Cannot be posted | -do- |
| 3 | Assistant Commissioner BS-17/18 | -do- | -do- | 02 | -do- | -do- | -do- |

b. FIELD OFFICERS / STAFF OF REVENUE DEPARTMENT:

| S.# | Post | Posting Area | Min. Tenure/ Years | Max. Tenure/ Years | Repeat Postings | Home Station | Remarks |
|-----|------------------------------------|--------------|--------------------|--------------------|------------------------|--------------|--|
| 1 | Extra Assistant Commissioner BS-17 | AJK | 01 | 02 | After a gap of 2 years | Allowed | Minimum tenure can be reduced on Administrative or Disciplinary grounds |
| 2 | Tehsildar BS-16 | -do- | -do- | -do- | -do- | Not allowed | Minimum tenure can be reduced on Administrative or Disciplinary grounds |
| 3 | Naib Tehsildar BS-14 | Division | -do- | -do- | -do- | -do- | Home Station bar is only for field postings |
| 4 | Gardawar BS-11 | District | 02 | 03 | 02 | -do- | <ul style="list-style-type: none"> ▪ Home Station bar is only for field postings ▪ Can be posted out of District on Administrative or Disciplinary grounds |
| 5 | Patwari BS-9 | -do- | 01 | 02 | 02 | -do- | <ul style="list-style-type: none"> ▪ Home Station bar is only for field postings ▪ Can be posted out of District on Administrative or Disciplinary grounds |

c. MINISTERIAL STAFF OF REVENUE DEPARTMENT:

| S.# | Post | Posting Area | Min. Tenure/ Years | Max. Tenure/ Years | Repeat Postings | Home Station | Remarks |
|-----|---|--------------|--------------------|--------------------|-------------------------|---------------|---|
| 1 | Superintendent/ Admin Officer BS-17 | AJK | 01 | 02 | After a gap of 2 years | Can be posted | Minimum tenure can be reduced on Administrative or Disciplinary grounds |
| 2 | Assistant/ Head clerk BS-16 | -do- | 02 | 03 | After a gap of 2 years | -do- | -do- |
| 3 | Senior Scale Stenographer BS-16 | -do- | 02 | 03 | After a gap of 2 years | -do- | -do- |
| 4 | Stenographer BS-14 | Division | -do- | -do- | -do- | -do- | -do- |
| 5 | Senior Clerk BS-14 | Division | 02 | 03 | After a gap of 02 years | -do- | -do- |
| 6 | Data Entry Operator BS-12 | -do- | 02 | 03 | After a gap of 1 years | -do- | -do- |
| 7 | Junior clerk BS-11 | District | 01 | 02 | After a gap of 2 years | -do- | -do- |

8. POWER OF RELAXATION:

Notwithstanding anything contained in the policy, concerned authority with prior approval of the Government shall be competent to transfer anyone against a vacant post in relaxation of any or all of the provisions after recording reasons justifying such relaxation.

9. SAFEGUARD AGAINST EXTRANEOUS INFLUENCE:

Officers or other employees shall not bring any outside influence. If such an influence from whichever source espousing the cause of that employee is received it shall be presumed that the same has been brought by the employee. Action may also be initiated against such person under relevant service rules, and an entry to this effect shall be made in his/ her service record.

FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
MUZAFFARABAD

September 20, 2019

Notification

No. FD/R/16776-16875/2019. The President Azad Jammu & Kashmir has been pleased to accord the following approval:-

- i. In supersession of the Time Scale Incentive granted vide O.M no. FD/R/9261-9360/2016 dated 03-06-2016, grant of Time Scale Incentive to the employees in BS-5 & above in the next immediate pay scale subject to ten years continuous regular service in a basic pay scale without any promotion prospect either because of insufficiency of posts reserved for promotion or non-availability of posts (except those who are already availing the incentive of time scale). This incentive would however be contingent upon the availability of good/satisfactory service record;
 - ii. Since time scale incentive is not a promotion per-se, premature increment will not be admissible on grant of time scale incentive;
 - iii. Admissibility of this incentive w.e.f. 06-06-2019..
2. The competent authorities to grant time scale incentive would be as under :-

For Attached Departments

- | | | |
|-----|-----------------------------|------------------------------------|
| i. | Employees in BS-05 to BS-15 | Head of Attached Department |
| ii. | Employees in BS-16 to BS17 | Administrative Secretary concerned |

For Civil Secretariat

- | | | |
|-----|--|------------------------------------|
| i. | Employees in BS-05 and above | Secretary S&GAD |
| ii. | Employees in BS- 5 and above relating To Special Functional Units in the Civil Secretariat | Administrative Secretary concerned |

Sd/-
(Inayat Ali Qazi)
Additional Secretary (Regs.)

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. PSs to all the Ministers/Advisors/Special Assistant, Azad Govt. of the State of Jammu & Kashmir.
4. PS to Chief Secretary, Azad Govt. of the State of Jammu & Kashmir.
5. PS to Additional Chief Secretary (Gen.), Azad Govt. of the State of Jammu & Kashmir.
6. Senior Member Board of Revenue, Azad Govt. of the State of Jammu & Kashmir.
7. PS to Additional Chief Secretary (Dev.), Azad Govt. of the State of Jammu & Kashmir.
8. All Administrative Secretaries, Azad Govt. of the State of Jammu & Kashmir.
9. Accountant General, Azad Govt. of the State of Jammu & Kashmir.
10. Director General Audit, Azad Govt. of the State of Jammu & Kashmir.
11. All Heads of Attached Departments, Azad Govt. of the State of Jammu & Kashmir.
12. Controller Government Printing Press.
13. All Officers of finance Department.
14. Master File

(Muhammad Rafique Ch.)
Section Officer (Regs.)

No.FD/R/24412-512/2014
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
(FINANCE DEPARTMENT)

“Muzaffarabad”
22nd December 2014

OFFICE MEMORANDUM

Subject: **Promotion of Lower Grade Employee**

In pursuance of the policy of Federal Government issued vide O.M No 1(4).R-1/2009 dated 31 December 2012 the President Azad Jammu & Kashmir has been pleased to decide as under with immediate effect:-

- i) Employees of BPS 1 to 4 may be entitles to one step promotion to next pay scale twice throughout their service.
- ii) An employee falling in the above category may be given one step promotion to the immediate next pay scale in which he is serving presently after rendering 10 years of satisfactory service from the date of his regular appointment.
- iii) The second one-step promoting to next pay scale may be granted to him after completion of another 10 years of service from the date of first promotion or after rendering satisfactory service of 20 years from the date of regular appointment
- iv) BPS 1 to 4 employees, who were moved one step up w.e.f. 01-07-2007 in pursuance of para-2 of this department’s Office Memorandum No.FD/R(340)/2007 dated 08-09-2007, will be entitled to the second one step promotion to next scale on completion of 20 years satisfactory service from the date of their regular appointment.

3. All the departments are requested to take further necessary action to implement the above policy and will strictly observe prescribed procedure for promotion of these employees.

Sd/--
(Inayat Ali Qazi)
Additional Secretary (Regs.)

INSTRUCTIONS ABOUT ANNUAL CONFIDENTIAL REPORTS (ACRs), 1988

Dated: 30th January, 1988

Notification

No. S&GAD/A-4(67) VI/87. The Azad Government of the State of Jammu and Kashmir is pleased to approve the Instructions about "Annual Confidential Reports" of Government Servants as per Schedule annexed.

SCHEDULE

(INSTRUCTIONS ABOUT CONFIDENTIAL REPORTS)

EXTENT OF APPLICATION

1. The instructions will apply to all Government Servants serving in connection with the affairs of the State, except the following who need not be reported upon :-
 - (a) Judges of Azad Jammu and Kashmir Supreme Court, High Court and Shariat Court;
 - (b) Chairman and members of Azad Jammu and Kashmir Public Service Commission;
 - (c) Chief Election Commissioner/Custodian Evacuee Property;
 - (d) Chairman Islamic Ideology Council/Chairman Services Tribunal;
 - (e) Employees of B-1 to B-3.
2. **Importance of writing confidential reports and precautions to be taken:** The preparation of confidential reports is an important and responsible duty. The manner in which confidential reports are written will be taken into account in judging the qualities of the reporting officer. The opinions, which are expressed, should represent the result of careful consideration objective assessment, so that, if called upon, the reporting officer could justify the assessment of his subordinate made by him. Furthermore confidential reports on officers are of the greatest importance when appointments or promotions have to be made. The necessity of preparing these reports with the utmost care cannot, therefore, be over emphasized.
3. **Reports should be rendered without reference to previous reports by reporting officers:** Neither the reporting nor the countersigning officer should pass to another officer any notes or copies of his reports which he may have made. Although the reporting officers should write the confidential reports initially without reference to the previous reports to facilitate unbiased judgment, they may afterwards consult previous reports particularly to ensure whether any additional comments are required on points previously reported on.
4. **When should a Report be written:** The report shall relate to a calendar year. It shall be initiated in the first week of January by the initiating authority and forwarded to the higher authority in the same week. The higher authority shall give its remarks within one week. In case it is necessary send the report to a third authority, it will be sent to that authority immediately the final authority shall also record its views within a week. Time schedule has been laid down so that the remarks are based on the performance of Government servants during the calendar year to which they relate. Otherwise, consciously or subconsciously subsequent events can contribute towards the formation of opinion in respect of the past year. Thus the reports should be completed within the month of January each year.

5. **Responsibility of the final Authority to ensure prompt writing of Confidential Reports:-** generally, the writing of confidential reports gets delayed, which affects the disposal of cases in which it is necessary to consult character Rolls. This also leads to frustration among the Government Servants. The final authority about the writing of confidential report will be responsible for obtaining confidential reports for the preceding calendar year within the month of January, each year. It would then furnish a certificate to Services and General Administration Department that all the confidential reports which were due to be completed have actually been completed and placed on the character rolls. This certificate should reach the concerned authority as specified in para 26, in the first week of February. The defaulting authorities shall be brought to the notice of Government for appropriate disciplinary action.
6. **Minimum period for writing of reports: -** The minimum period during which an officer is expected to form a judicious opinion about the work of his subordinate or the purpose of writing a report on his work and conduct shall be three months. The period less than three months should be ignored. The period of three months will mean and include the actual period in which the work, performance and conduct of an officer/official has been seen by the reporting officer, the period spent on leave will not be included.
7. **More than one countersigning officers:-** Where there are more than one countersigning officers during a year, the one who has seen the performance of his subordinates for the major part of the year is entitled to countersign their confidential reports.
8. **Officers/officials under suspension:-** There is no need to record a confidential report on an officer/official for the period during which he remained under suspension/absent from duty.
9. **Writing/countersigning of ACRS by officers under suspension:-** The officer under suspension may not be allowed to write or countersign the ACRs of their subordinates during the period of their suspension.
10. **Writing/countersigning of ACRs by retired/transferred officers:-** In the case of Government officers who are transferred, the officer proceeding on retirement should write/countersign reports on the officers proceeding on retirement should write/countersign reports on the officers and staff who have worked under them for more than three months before their retirement. If an officer proceeds on retirement without writing/countersigning the reports and cannot be contacted or fails to oblige despite repeated requests, the following procedure should be adopted:-
 - (a) The officer who would have countersigned, had the report been initiated by the retired officer, should initiate the report, provided he has seen work of the officer/official, reported upon, for a maximum period of three months. The next higher officer, if any, should countersign it.
 - (b) If the report has already been initiated but the countersigning officer has retired, the next higher officer, if any, should countersign, provided he has personal knowledge of the work of the officer/official concerned.
 - (c) If both the initiating and the countersigning officers have retired, the officer next higher than both of them, if any, should initiate and the next higher officer, if any should countersign it. In such cases both the initiating and countersigning officers must have personal knowledge of the work of the officer/official reported upon.
 - (d) In case the report cannot be initiated at all, a suitable note to this effect be recorded in the A.C.R. Dossier. If the report has been initiated but cannot be countersigned, the reasons, therefore, be recorded.

11. Placing Government Servants on special reports:- If it is convinced, on good grounds, that the work of a particular Government servant is not satisfactory, he may be put on a special report. A special report on the work be drawn on the expiry of six months, irrespective of the fact whether the annual report on him becomes due during this period. Such special report recorded on him should be placed on the character roll. If such a special report does not indicate any improvement in the work of the Government servant concerned it would be open to the competent authority to take such action against him as may be permissible under the existing rules.

12. Reporting Channel:- The report shall be initiated by the immediate superior officers/officials and shall be countersigned by the next higher authority.

¹[However, the ACRs of the Secretaries to Government and Heads of Departments shall be complete as follows :-

| S.# | Designation | Reporting Officer | First Countersignature | Second Countersignature |
|-----|------------------------------|-------------------|------------------------|-------------------------|
| 1 | Secretary | Chief Secretary | Minister Incharge | Prime Minister |
| 2 | Heads of attached Department | Secretary | Minister Incharge | Prime Minister |

13. Report on personal staff of Ministers:- annual confidential reports on the personal staff of the Ministers/Advisors to the Prime Minister are to be written by the Ministers/Advisors to the Prime Minister and need not be countersigned.

14. Report on Private Secretaries/Personal Assistants:- annual confidential reports on private Secretaries/Personal Assistants (B-16) should be written by the officers with whom they are attached. The annual confidential reports on these officials need not be countersigned by the next higher officer as they are not expected to have any personal knowledge of the performance of these officials.

15. report on OSD/Officers awaiting posting and on long leave: Confidential reports on officers on special duty who have been assigned any job are to be written in the normal manner. Reports on officers who are awaiting posting cannot be written for the obvious reason that they have not been assigned any work. A note to this effect, however, should always be placed in their ACR dossiers so that no break occurs in their record. Similar note should also be placed in respect of Government servants who are on long leave or more than nine months during the year under report and the condition of minimum period prescribed for writing a report is not fulfilled. In such cases, the grading earned in their ACRs of existing/previous years would be taken into account for promotion purposes.

16. Reports of Persons on deputation:- The annual confidential report will be written by the borrowing authority/department.

17. Officers on deputation to foreign organizations:- it is not advisable to call for reports on officers who are serving with foreign organizations.

18. Reports of officers detailed for training:- The reports of officers detailed at various institutions, e.g; administrative Staff College, N.I.P.A, and Rural Development Academies etc. will be placed on the character rolls of the officers. Similarly the assessment report on the officers attending training courses abroad shall also form part of their character rolls.

²[19. (a) Annual confidential reports of the Revenue Officers, exercising first Class Magisterial powers, shall be initiated by the District Magistrate concerned, on a separate form

¹ Added vide Notification No.S&GAD/A-4(67)/VI/89, dated 06.04.1989

- (Schedule 'E' appended) and sent to the Session Judge for his remarks, as appellate authority in Judicial work, who after recording his remarks shall submit the same to the Commissioner.
- (b) ACRs of Judicial Officers, working as Magistrates shall be initiated by the Sessions Judge concerned, on a separate form ³[Annexure 'E' referred above] and sent to the District Magistrate for his remarks, who after recording his remarks, shall submit the same to the High Court.
- (c) Detailed ACR on the form 'A' specified vide para 23 of the said instructions shall be recorded in respect of above mentioned officers as per laid down instructions.
- ⁴(d) ACRs of Deputy Commissioners, ⁵[Senior Superintendents of police & Superintendents of police] shall be recorded by the Commissioner and Secretary Revenue shall countersign them and submit the same to the Chief Secretary for second countersignature.]
20. The report should be written in duplicate and in hand legible; the name and designation of reporting officer should be clearly written in block letters or typed under the signatures. The date on which the report is signed should also be given. Cutting be avoided and if any it should be initialed.
21. **Reporting by relations:** Whenever a reporting officer is related to the officer reported upon, this fact should invariably be mentioned in the confidential report and he should submit the case to the higher officer for writing of report without recording his remarks.
22. **Character Rolls:** A Face-sheet should be inserted at the beginning of each character roll giving the following information:
- (a) Name and qualifications
- (b) Father's Name
- (c) Date of birth
- (d) Place of domicile
- (e) Place where immovable property, if any, is held.
23. **Forms for the writing of reports have been prescribed in ⁶[Annexure A to D].** The reports should be written on one of these forms according to the nature of the post held by the Government Servant reported upon.
24. **Instructions for the reporting officers.** (i) While reporting on your subordinates:-
- (a) Be as objective as possible.
- (b) Be as circumspect as possible.
- (c) Be clear and direct, not ambiguous or evasive in your remarks.
- (d) Avoid exaggeration and guess under-statement.

² Substituted vide Notification No. S&GAD/A-4 (67) VI/87 Dated 14.06.1988

³ Further substituted vide Notification S&GAD/A-4 (67)FRJ87, dated 19.02.1989.

⁴ Further substituted by Notification S&GAD/A-4 (67)FRJ87, dated 19.02.1989.

⁵ Inserted by Notification No. S&GADfRJA/4(67) Part III 2000, dated 10.09.2001.

⁶ Further substituted by Notification S&GAD/A-4 (67)FRJ87, dated 19.02.1989

- (ii) State whether any of the defects reported have already been brought to the notice of the officer/official concerned and also whether he has or has not taken steps to remedy them.
- (iii) Fill the form in duplicate (in case of gazetted officers) by initiating the relevant boxes in both copies. If necessary, views under "pen picture" be typed; in that case, affix your signature at the end of the "pen picture".
- (iv) Where two or more qualities are bracketed together in (Part II to IV in case of gazetted officers) and officer reported upon possesses only one of them, bring this fact out in "Remarks" column, e.g., if an officer is cooperative but not tactful say so.

25. Instructions for the countersigning officers: (i) Weigh the remarks of the reporting officer against (a) your personal knowledge, if any, of the officer/officials reported upon; (b) the previous reports in his character roll, and then give your own remarks in Part VII in respect of officers and against entry "general remarks or at the end of report" in respect of officers and against entry "general remarks or at the end of report" in respect of officials.

- (ii) If you consider that a particular remarks of the reporting officer is wrong and should be expunged, score it out in red ink, initial the scoring and add any other remarks, which you may consider appropriate. If you do not wholly agree with a remarks, give your own remark either against the relevant entry in the "Remarks" column in Part II to IV or under "Remarks of the countersigning officer" in Part VII in respect of officers and against entry general remarks or at the end of the report" in respect of officials.
- (iii) See whether any adverse remarks were communicated to the officer/official in a previous year and, if so, whether or not he has taken steps to remedy the defects pointed out to him comment on this aspect unless the reporting officer has already done so.
- (iv) Underline in red ink remarks, which, in your opinion, are adverse and should be communicated to the officer/official concerned.
- (v) After countersigning the form, return it to the officer responsible for the custody of the character roll.

26. Where to be kept ACRs: The annual confidential reports of:-

- (i) Officers of Attached Departments/subordinate Officers. One copy in respect of the officers of Attached Departments/subordinate officers in Grade 17 and above shall be kept and maintained by the Coordination Section of S&GAD and the second copy by the department/office concerned as usual.
- (ii) Officers of Secretariat Department. Two copies in respect of Secretariat Officers in Grade 16 and above shall be kept and maintained by Coord Section of S&GAD.
- (iii) Secretariat Ministerial Staff. One copy of Secretariat Ministerial Staff B-4 to B-15 shall be kept and maintained by the concerned Section of S&GAD and second copy by the respective Secretariat Sections.
- (iv) The Secretaries and Heads of Departments shall prescribe such manner as deem proper for the officers of Grade 16 and staff of their departments/ subordinate offices.

- (v) The special entry regarding the fitness of a Government servant for continued retention in service will commence 3 years before he is due to complete 25 years. These instructions apply to gazetted officers only.
27. **Report of Integrity:** Integrity is the most important trait of character of a Government servant. It should be assessed without fear or favour. The report should not be vague, but definite. An officer/official may be reasonably believed to be corrupt, if:-
- (a) He has a general and persistent reputation of being corrupt; or
- (b) Any of his dependents or any other person through him or on his behalf is in possession of pecuniary resources of property disproportionate to his own sources of income or which he cannot account for satisfactorily; or
- Explanation:* The dependents will include wife/wives, children, step-children, parents, sisters and minor brothers, residing with and wholly dependent on the reported officer/official.
- (c) He has assumed a style of living beyond his means.
28. If any officer/official dabbles in politics, it should be specifically brought out in the general remarks.
29. **Action where more than one reporting officer is eligible to record report:** In case where a Government Servant has served under more than one reporting officer, during the year, a separate report shall be recorded by each officer, provided the condition about minimum period prescribed for writing a report is fulfilled. After examining their reports the countersigning officer may exercise his discretion to decide which of those reports should be accepted. Alternatively, he may himself write the reports of such Government Servants after examining the reports of the reporting officers.
30. **Action in case of inquiry, warning or communication of displeasure:** A formal displeasure conveyed to a Government Servant must appear in his character roll. The result of representation, if filled, should also be reflected in the report.
31. In case an officer/official is punished, a copy of the order awarding punishment should be filed in the character roll of the officer/official concerned. In case an appeal is preferred, a note may be recorded on the copy of the punishment order filed in the character roll, stating the decision taken on the appeal, and a reference to the relevant records.
32. **Manner of writing the reports:** The opinion expressed should be the result of careful consideration; no personal bias, ire, or favoritism should colour the report. The reporting officer should be in a position to justify his views, if called upon, to do so.
33. Confidential reports, which are not in accordance with the above instructions, should be returned by the higher authority to the reporting officer for revision in compliance, with these instructions.
34. **Use of typewriter in preparation of the reports:** The confidential reports shall be written in the reporting officer's own hand. While reporting the gazetted officer, relevant boxes of the ACRs (in both original and the duplicate) may be initialed; the views expressed under pen picture may be typed and signed by the reporting officer. The name and designating of the reporting as well as countersigning officers be typed or written in block letters on the confidential reports.
35. **Communication of adverse remarks:** The heads of Attached Departments, Secretaries to Government and other authorities dealing finally with the reports should see that the Government Servants reported upon are made aware of any defects pointed out in the confidential reports/evaluation reports.
36. **It is emphasized that the annual confidential reports contain the assessment of the superior officer about a Civil Servant's character:-** If the confidential report of a Civil Servant contains

any adverse remarks, whether remediable or not, a copy of the whole report should be furnished to him at the earliest opportunity, with a D.O. letter, a copy of which should be signed and returned by the Civil Servant concerned in acknowledgment of the report. It is essential that the Civil Servants should be given a fair deal by communicating to them the whole report containing adverse remarks so that they may endeavor to remove the defects and improve their performance or be in a position to represent where necessary.

37. The timely communication of the report containing adverse remarks is a paramount importance: The authorities designed to communicate the adverse remarks should, therefore, ensure that the whole report containing adverse remarks is communicated to the Civil Servant concerned at the earliest opportunity and in any case within one month from the date the report is countersigned and completed. A serious view should be taken of any failure on the part of the officer/official concerned to furnish a copy the report containing adverse remarks to the Civil Servant reported upon within the stipulated period and disciplinary action taken against the person(s) responsible therefore. In any case the report containing adverse entries should be furnished to the Civil Servant at any time it comes to the ⁷[.....]
38. When a report consists of opinion of different departmental superiors in gradation, it is only the opinion as accepted by the highest reporting officer, which need be considered from the point of view of communication.
39. If the highest officer does not comment on the remark of a lower authority it will be presumed that he has accepted it.
40. If the report containing the adverse remarks is not communicated or if communicated there is no record of its having been communicated and acknowledgement by the Civil Servant concerned, the adverse remarks contained therein should be ignored for purpose of promotion and premature retirement. But in the A.C.R dossier of the person responsible for failure or delay in communication of such a report adverse entry should be recorded, which would be in addition to the disciplinary action required to be taken under para 37 and which has to take its course.
41. (i) The reporting officer should specifically state whether the defects reported have been already brought in another connection to the notice of the Civil Servant concerned. The defect of communication of adverse remarks should be carefully watched and the reporting officer should when drawing up a report in the next year, state whether the officer/official reported upon has or has not taken steps to remedy the defects to which his attention was drawn in the previous year. Such remarks should also be Communicated to the Civil Servant concerned so that he may know that his effects to improve have not passed un-noticed.
- (ii) Where criticism is proposed to be withheld, the final authority to consider the report should record instruction with reasons, according to the nature of the defects discussed as to the period for which communication is to be kept back. In such cases (where judgment is suspended) the remarks should not be communicated during the specified period.
42. **If a person's integrity is adjudged as "Average"** it shall not be construed to be an adverse remark and shall not be communicated.
43. **Action in case of recording adverse remarks by some reporting officer for two successive years:** In order to guard against personal likes and dislikes an officer/official receiving adverse remarks for two successive years from the same reporting officer should be placed under another reporting officer.

⁷ The original text has been consulted which contains this incomplete sentence, as well; the instruction giving authority is suggested to take thereof

44. Expunction of adverse remarks: A person who is communicated adverse remarks can apply for the expunction of such remarks but this should be done not later than one month from the date of receipt of the communication. The representation must be made in temperate nature should be made; indiscreet and irresponsible allegations against reporting officers will result in disciplinary action.

⁸[44-A The Competent Authority while expunging the adverse remarks, should give his own assessment about the work and conduct of the representationist in the light of his own information and overall record previous and subsequent to the entries being expunged.]

45. All representations about expunction of adverse remarks will be made through proper channel to the appointing authority.

46. If the final authority dealing with a report considers it to be biased or unjustified or inconsistent with the facts and decides that the entries should be expunged, then the adverse entries should be scored through, but not in such a way as to make them illegible.

47. Representations for expunction of adverse entries: The officer/official making representations against adverse remarks recorded in their confidential reports should not make any personal remarks against the integrity of the reporting officer. Violations of this rule will be considered misconduct and will also render the representation liable to be summarily rejected.

48. Comments of the reporting/countersigning officers should be obtained only after a representation has been made by the officer/official adversely reported upon: These comments are meant for the senior officers competent to take final decision on such representations. They are, in no case, to be divulged to the individual concerned before or after he has made a representation to avoid generating avoidable controversy between such officer/official and the reporting officer.

49. Safe Custody: Except to the extent of communicating the remarks in accordance with the above instructions, the contents of the reports should not be divulged to the Government servants concerned. In no case should an officer/official have access to his own reports. In order to guard against the confidential reports bearing tempered with, the reports when filed in the character rolls will be page number in ink and entered in the index on first page after the face sheet prescribed in paragraph 22, in the form given in Schedule D.

50. Reports will be kept in the safe custody of the next higher officer-in-charge of administration. In no case should an officer/official have access to his own report.

51. Secretaries to Government should satisfy themselves that no officer in Secretariat or in an Attached Department or Subordinate Officers has custody of his own character roll.

52. Except for the communication of adverse remarks, as mentioned in para 35, the contents of the reports will not be divulged to the Government Servant concerned.

53. There is too much reason to believe that some Secretariat/Attached Departments and Subordinate Officers do not take sufficient care to preserve the secrecy of these reports. Some have reached the Services and General Administration Department under covering notes signed by very junior officers. The most scrupulous care is taken here in regard to their secrecy and it is requested that the reports should be kept in the personal custody of senior officers.

54. Confidential record to be page-numbered: In order to minimize the possibility of any of these reports being tempered with, it is necessary that the sheet in confidential record should be page-numbered in ink.

55. The annual medical exams reports in respect of officers of grade 17 and above should be sent as usual to Coord; Section, S&GAD regularly.

⁸ Inserted vide Notification No S&GAD/R/A-4(67)/87, dated 04.04.1993

Important Clarifications/ Directions Regarding ACRs

ASSESSMENT OF AVERAGE REPORTS FOR PROMOTION

No. S&GAD/R/A-4(67)/87

Dated: 06.04.1993

I am directed to state that the competent selection Board/ Selection Committee may come across cases where a Civil Servant has been rated as average in the Column of the ACRs pertaining to the overall grading even through his/her performance is reported upon as good in the other columns and the remarks contained in the “Pen Picture” and “assessment of performance” columns also supports this position. In order to resolve this discrepancy it has now been decided by the Competent Authority that when a Government employee is rated as “Average” by the reporting Officer under the overall assessment column consecutively over a number of years, the Departmental promotion Selection Board / Committee should give due consideration to the entries in all other columns in his/her ACRs as also suitably appraise the “Pen Picture” in order to make a rational judgment in regard to the employee’s promotion/ move-over to the higher Post/Scale.

2. It has also been decided that where an Officer receives two consecutive average reports the same should be brought to the notice of the Civil Servants concerned in an advisory capacity for enabling him to improve his quality of work.
3. I am to request that the above instructions may be brought to the notice of all concerned for guidance/compliance.

Sd/-
Under Secretary
Services (Regulation)

EXPUNCTION OF ADVERSE REMARKS (ACRS)
Office of the Chief Secretary
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
(Coordination Section)

Muzaffarabad the 4th of July, 1997

OFFICE MEMORANDUM

Sub: **Competent Authority for Expunction of Adverse Remarks (ACRs) by the Officers Holding Constitution Posts.**

The undersigned directed to say that a question has been raised as to who should be the competent authority for the expunction of adverse remarks in respect of the Annual Confidential Reports (ACRs) initiated/countersigned by the officer's holding Constitutional posts i.e. Chief Justice of Supreme Court, Chief Justice of High Court, Mohtasib, Chairman PSC and Advocate General of Azad Jammu & Kashmir.

2. The matter has been examined by the Establishment Division in consultation with law and Justice Division, Government of Pakistan. It has accordingly been decided that the aggrieved officers working under the above said officers may address their representations direct to the concerned officers, as the case may be, for review against the adverse remarks recorded in their Annual Confidential Reports.

3. The above decision may be brought to the notice of all concerned.

Sd/---

(Ali Akbar Awan)
Under Secretary (Coord.)

LEGAL STATUS OF NEXT HIGHER AUTHORITY IN ACRs

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

مورخہ 18 فروری / 2016ء

نمبر اختتامیہ / اے-4 (67) 2015 پارٹ-iv

سرکلر!

عنوان:- سالانہ کارکردگی رپورٹ میں "Next Higher Authority" کے بحیثیت دوسرے آفیسر توثیق کنندہ کے متعلق جوازیت اور اس کی جانب سے مثبت ریمارکس کی قانونی حیثیت۔

معاملہ عنوان الصدر میں حسب ہدایت تحریر خدمت ہے کہ سالانہ کارکردگی رپورٹ (PERs) میں "Next Higher Authority" کے بحیثیت دوسرے آفیسر توثیق کنندہ کی قانونی حیثیت کی بابت معاملہ کا "Instructions and Annual Confidential Reports, (ACRs), 1998" کی روشنی میں جائزہ لیا گیا۔ "ACRs" انسٹرکشنز کا قاعدہ 12 بالکل واضح ہے، جس کے تحت سیکرٹری صاحبان حکومت اور سربراہ محکمہ جات کی حد تک "Next Higher Authority" کی بطور دوسرے آفیسر توثیق کی تشریح کی گئی ہے۔ متذکرہ قاعدہ میں دیگر ملازمین کا ذکر نہ ہے۔ اس طرح دیگر ملازمین کی "ACRs" پر "Next Higher Authority" کی توثیق کی ضرورت نہ ہوگی۔

2- لہذا "ACRs" انسٹرکشن کے قاعدہ 12 کے تحت سیکرٹری صاحبان و سربراہان منسلک محکمہ جات کو چھوڑ کر دیگر سرکاری ملازمین کے ضمن میں "Next Higher Authority" بحیثیت دوسرے آفیسر توثیق کنندہ رائے اندراج کرنے کی مجاز ہوگی۔

3- مجاز اتھارٹی نے ہدایت فرمائی ہے کہ بالا ہدایات پر سختی سے عملدرآمد کو یقینی بنایا جائے۔

دستخط / --

سیکشن آفیسر سروسز (قواعد)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS WING)**

Muzaffarabad, the 7th July, 2015.

OFFICE MEMORANDUM

Subject: **ADOPTION OF PRINCIPLES LAID DOWN BY SUPREME COURT OF PAKISTAN TO STREAMLINE THE SERVICE STRUCTURE OF CIVIL SERVICE**

I am directed to refer to the Ministry of Kashmir Affairs & Gilgit Baltistan letter No. 2(3) Z&C-2013 dated 10th February, 2014 on the above subject and to convey that the following policy guidelines, based on the judgments of hon'ble Supreme Court of Pakistan dated 12.06.2013 clubbed with a number of other petitions, the streamline the civil service of AJ&K, are as under:-

2. The following practices have been declared as illegal:
 - i) a civil servant, who after passing the competitive exam in terms of the recruitment rules, is appointed on merits, loses his right to be considered for promotion, when an employee from any other organization is absorbed without competing or undertaking competitive process with the backdated seniority and is conferred the status of a civil servant in complete disregard of recruitment rules.
 - ii) Absorption of a non Civil Servant conferring on him status of a Civil Servant and likewise absorption of a Civil Servant from non cadre post to cadre post without undertaking the competitive process under the recruitment rules.
 - iii) Introduction of any validation law in the nature of multiple or parallel legislation on the subject of service law.
 - iv) Benefit of 'absorptions' extended since 1994, with or without backdated seniority, are declared ultra vires of the Constitution.
 - v) The re-employment/rehiring of the retired Civil/Government Servants being violative of the Constitution are declared nullity.
3. The Apex Court has further held that:
 - a) No non-civil servant can be transferred and appointed by way of deputation to any cadre. The procedure provided under ESTA Code has been approved by the Supreme court of Pakistan in the case of Mohammad Arshad Sultan.
 - b) No Civil Servant of a non-cadre post can be transferred out of cadre to be absorbed to a cadre post which is meant for recruitment through competitive process.

- c) The procedure provided under ESTA Code requires that a person who is transferred and appointed on deputation must be a Government Servant and such transfer should be made through the process of selection. The borrowing Government has to establish the exigency in the first place and then the person who is being transferred/placed on deputation in Government must have matching qualification, expertise in the field with required experience.
 - d) An employ holding a post under any authority or corporation, body or organization established by or under any provincial or Federal law or which is owned or controlled by Federal or provincial Government or in which Federal Government or Provincial Government has controlling share or interest, could not be conferred status of Civil Servants.
 - e) It is settled principle of law that if the right or promotion is not blocked by re-employment then such powers can be exercised, then too in exceptional cases for a definite period. Besides it violates the fundamental rights of the serving Civil Servants, on account of such rehiring on contract are deprived of their legitimate expectancy of promotion to a higher cadre, which is violation of the provisions of Articles 4, 9 and 25 of the Constitution.
 - f) The absorption and out of turn promotion will also impinge on the self respect and dignity of the Civil Servants, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been inducted from other service/cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all), hence are violative of Article 14 of the Constitution.
 - g) Principle of locus poenitentiae is the power of receding till a decisive step is taken but it is not a principle of law that order once passed becomes irrevocable and past and closed transaction. If the order is illegal then perpetual rights cannot be gained on the basis of an illegal order.
 - h) Any backdated seniority cannot be granted to any absorbee and his inter-se seniority, on absorption in the cadre shall be maintained at the bottom as provided under Rules regulating the seniority.
4. The above guidelines have been approved the Prime Minister of Azad Jammu and Kashmir for adoption in AJ&K.
5. Accordingly the guidelines ibid shall herewith stand adopted and complied with in letter and spirit.

Sd/--
(Raja Muhammad Asif Khan)
Section Officer (Regulations)

**THE AZAD JAMMU AND KASHMIR
GRANT OF AND APPOINTMENT TO BS-21 & BS-22 RULES, 1994**

“Muzaffarabad”

Dated: 19th April, 1994

NOTIFICATION:

No. S&GAD/R/A-4(263) R/94. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Azad Government of the State of Jammu and Kashmir is pleased to make the following Rules, namely:-

1. These rules may be called “The Azad Jammu and Kashmir Grant of and Appointment to BS-21 & BS-22 Rules, 1994”.
2. These Rules shall regulate the grant & appointment to the posts of BS-21 and BS-22 inclusive of professional and Technical posts in BS-21 & BS-22 except posts in BS-21 or BS-22 created under a special statute.
3. The posts of BS-21 and BS-22 shall be the selection posts and selection to these posts shall be made on the recommendations of the Selection Board No. 1 constituted by the Government from time to time under the law.
4. In the special meritorious cases, BS-21 and BS-22 shall be granted to the officers who have acquired high proficiency or exceptional skill in a profession or an extra-ordinary technical education or training from any recognized foreign institution of a post-graduate level, or above, subject to the following conditions:-
 - i) In special meritorious cases the Secretaries to Govt. in BS-20 shall be considered for the grant of BS-21. The BS-22 may be granted in meritorious cases to those officers who have served at least for two years in BS-21.
 - ii) The grant of BS-21 or BS-22 as the case may be, shall be admissible to an officer once only in his career.
 - iii) The BS-21 or BS-22, granted to an officer will be personal to him and the up gradation of any post shall not be condition precedent for this purpose. The officer granted such scale shall carry with him higher scale, in the event of his transfer to another post.
 - iv) Only such officers will be considered for grant of BS-21 who has completed 22 years of service in BS-17 and above.
 - v) The maximum number of posts for BS-21 or BS-22 shall not exceed twelve and half percent of existing technical and professional posts in BS-20, subject to the condition that:-
 - a) Not more than one officer from one service shall be allowed BS-21 or BS-22.
 - b) The officer holds the technical post in the cadre concerned on regular basis and possesses professional/technical qualification as laid down in the relevant recruitment rules.
 - c) His confidential reports should be good/very good with no adverse entry.
 - d) His expertise is particularly needed in the technical post held by him.

- ¹[e) He has successfully completed a regular course at the Pakistan Administrative Staff College or an equivalent course in another Institution.

Provided this condition will not be strictly applicable to Civil Servants who are in specialist Cadres, such as doctors, teachers and professors, research scientists and incumbents of purely technical posts for promotion within their own line of specialization. The criteria for promotion in their case would continue to be the technical qualification, experience and accomplishment (research, publication etc.) relevant to their specialism.

²{Provided further that this requirement would also be waived for officers who have exceeded the age of 56 years}

- f) The proposals for grant of BS-21 in specially meritorious cases shall be placed before the Selection Board, constituted by the Government for the purpose, with the particulars of each officer in the proforma attached as annexure A, B and C.]

Explanation: For the purpose of this paragraph, all Engineers shall be treated as belonging to one service, all Doctors, Surgeons and Specialists shall form one service, the teachers, professors or other educationists shall be one service. Similarly, the Forest, Agriculture and Animal Husbandry shall be the separate service, ³[Economist, Information Technology, Computer Sciences, Chartered Accountant/Cost Accountants, MBAs, Mass Communications/Information (Public Relations), Environmental Studies].

- vi) All the officers belonging to different cadres and services subject to condition in paragraph 5 be jointly considered for the grant of BS-21 and BS-22 on the basis of professional and technical qualification with due regard to the factum of the requirement of their retention in the service.
5. In the cases for other than the professional and technical officer, BS-21 shall be granted for meritorious and brilliant service career without any penalty or adverse entry in their record while BS-22 shall be granted to such officers who have not less than two years of service in BS-21 and who have the service qualifying for BS-22 according to the Rules and instructions in force.
6. These Rules shall take immediate effect.

Sd/--

DEPUTY SECRETARY SERVICES
(Regulations)

¹ Added vide Notification No. S&GAD/R/A-4(262)/91, dated 18.10.1994.

² Added vide Notification No. S&GAD/R/A-4(263)/2003, dated 03.04.2003.

³ Added vide notification No. S&GAD/R/A-4(262)/2001 dated 29.05.2001.

ANNEXURE 'A' TO NOTIFICATION NO. S&GAD/R/A-4(262)/91 DATED 18-10-1994

| A. | Particulars of post/officers as on (give the date) | Main Ministry/ Division | Attached Department. | Federal Subordinate Offices. | Total of columns 2, 3 & 4. |
|----|--|-------------------------|----------------------|------------------------------|----------------------------|
| | 1 | 2 | 3 | 4 | 5 |
| | i) Total number of technical/ professional posts sanctioned in BPS-20 | ..... | ..... | ..... | ..... |
| | ii) Total number of officers holding technical/ professional posts in BS-20 or 21 as the case may be on regular basis. | ..... | ..... | ..... | ..... |
| | iii) Pool posts @ 12.5% of the total number of posts in BPS-20 (i.e. of (i) above). | ..... | ..... | ..... | ..... |

B. Particulars of Officers Proposed for Grant of BPS-21/22.

1. Name of the officer
2. Date of birth
3. Technical/professional category to which the post belongs.
4. Qualification including technical qualification possessed by the officer.
5. Service/Cadre to which he belongs.
6. Present posting.
7. Date of regular appointment to a post in BPS-20 or 21 and its designation.
8. Total length of service in posts in basic pay scale 17 and above possessed by the officer.
9. (1) Analysis of confidential reports (Appendix B).
(2) C.R. Score-overall grading, quality/output and integrity.
10. In the case of adverse entry, indicate the year, nature of adverse entry, whether it was communicated, whether it was expunged or retained. (If a representation against adverse remarks is pending, it should be indicated).
11. State whether he has been suspended or any penalty has been imposed or any proposal for disciplinary action or suspension is under consideration.
12. State the reasons for which his case is considered to be a "specially meritorious" case, and how his expertise is particularly needed in the technical post.

Signature _____
 Designation _____
 (To be signed by a senior officer)

ANNEXURE 'B' TO NOTIFICATION NO. S&GAD/R/A-4(262)/91 DATED 18-10-1994.

Analysis of Confidential Reports.

| Officer | *Overall Assessment | Work | | *Integrity | | | Fitness for Promotion. |
|---------|---------------------|---------|---------|------------|---------|--------------|------------------------|
| | | *Output | Quality | Moral | General | Intellectual | |
| | | | | | | | |

- Final assessment as made by the countersigning officer.

ANNEXURE 'C' TO NOTIFICATION NO. S&GAD/R/A-4(262)/91 DATED 18-10-1994

Details of length of Service.

| Designation of post held | Method of appointment | Pay scale | Service rendered. (period with date). | Calculation Years months |
|--------------------------|-----------------------|--------------|---------------------------------------|--------------------------|
| | | BPS 17 | | |
| | | BPS 18 | | |
| | | BPS 19 | | |
| | | BPS 20 | | |
| | | BPS 21 | | |
| | | Total | | |

**Signature of
Controlling Officer**

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”

Dated: 10th June, 2008

NOTIFICATION:

No. S&GAD/G-4(263)/1994. The President, Azad Jammu & Kashmir in continuation of Notification No. S&GAD/R/A-4(263)/94 dated 19-04-1994 has been pleased to direct that the following criteria of ACR's grading and length of service for promotion to the posts of B-21-22 shall be adopted in Azad Jammu & Kashmir:-

| 1 | Grading of PERs | For B-21 | | For B-22 | |
|---|-------------------|---|---|---|---|
| | | a | 80% of the ACR in B-20 and above should be very good. | a | 80% of the ACR in B-20 and above should be very good. |
| | | b | No adverse or average report in B-19 and above. | b | No adverse or average report in B-19 and above. |
| 2 | Length of Service | For B-21, a minimum of 3 years active service in B-20, excluding leave period (4 months or more and deputation is required) | | For B-22 a minimum 5 years active service in B-20 and above including 3 years in B-21 excluding leaves period (4 months or more) is required. | |
| 3 | Proforma | To be filled by the Secretariat Department Concerned. | | | |

Sd/--

(GHULAM HUSSAIN QURESHI)
Section Officer Services
(Regulation)

THE AJ&K CIVIL SECRETARIAT (SECRETARIES) RULES, 2019
AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
(Regulations)

“Muzaffarabad”

Dated: 03 July, 2019

NOTIFICATION

No.S&GAD/R/A-4(262)/2015. In supersession of the Azad Jammu and Kashmir Secretaries Service Rules, 1992, and in exercise of the powers conferred under Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Azad Govt. of the State of Jammu and Kashmir is pleased to make the following Rules namely:-

1. SHORT TITLE AND COMMENCEMENT:-

- (i) These Rules may be called the Azad Jammu and Kashmir Secretaries Promotion Rules, 2019.
- (ii) These Rules shall come into force at once.

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) Blood count means “Quantification & experience of an officer as per Promotion Policy in vogue at the stage of promotion to BS-20”.
- b) “Common Cadre Pool Strength” means Common Cadre Pool established under Notification No. Admin/PS/ASR/1207/1095/96 dated 06th of June 1996;
- c) “Government” means the Azad Govt. of the State of Jammu and Kashmir;
- d) “Management Group” means officers of Management Group established under the AJ&K Management Group (Composition, Recruitment and Promotion) Rules, 1980;
- e) “Head of Attached Department” means civil servant promoted in BS-20 substantively and appointed head of attached department as such;
- f) “Secretary” means Administrative Secretary to the Government (BS-20) and also includes Senior Secretary to the Government (BS-21) in-charge of a government department listed in column No. 2 of Schedule-I of the Azad Government of the State of Jammu and Kashmir Rules of Business, 1985;
- g) “Secretaries Selection Board” means the Secretaries Promotion/Selection Board constituted under rule 4.
- h) “Secretariat Service Group” means the officers of Civil Secretariat borne on the cadre strength of the Azad Jammu and Kashmir Civil Secretariat under Services and General Administration Department.

3. METHOD OF APPOINTMENT:-

- (1) The Government shall be competent to make appointment of Secretaries to the Government out of the panel of officers (BS-20) who have been selected under these rules by the Secretaries Selection Board.

(2) Subject to sub rule (3) below of this rule, the post of Secretary shall be filled in through promotion on the basis of selection on merit and suitability to hold such office of the higher responsibility from amongst the officers in BS-20 belonging to the following Service Groups of Civil Servants regulated under the AJK Civil Servants Act, 1976:

- a) Management Group;
- b) Secretariat Service Group;
- c) Heads of Attached Departments and officers of Planning and Development Department who are substantively promoted in their respective cadre/post of BS-20;
- d) Officers promoted against Common Cadre Pool Strength.

(3) The officer holding the post of Draftsman Law and/or other law graduate officers of BS-20 of the Management and Secretariat Service groups shall be eligible for promotion as Secretary Law, Justice, Parliamentary Affairs and Human Rights Department.

(4) The Government may fix quota/declare cadre post for different service groups from time to time.

4. SECRETARIES SELECTION BOARD:-

(1) There shall be Secretaries Selection Board comprising the Chairman and members as follows:-

- | | | |
|-------|-----------------|--------------------|
| (i) | Chief Secretary | Chairman |
| (ii) | ACS (Dev.) | Member |
| (iii) | ACS (Gen.) | Member |
| (iv) | SMBR | Member |
| (v) | Secretary S&GAD | Member / Secretary |
| (vi) | Secretary Law | Member |

(2) The Secretaries Selection Board shall examine the record of the eligible Officer(s) and make recommendations for appointment to the post of Secretary to the Government (BS-20).

5. QUALIFICATION:-

- (1) The Officers who have acquired a degree from recognized University shall only be eligible for consideration and promotion as Secretary to Government (BS-20);
- (2) Only such Officers shall be considered for promotion to the post of Secretary to the Government, who have completed minimum length of service which is prescribed for promotion to BS-20 and who have also served in substantive grade BS-20 for at least one year;
- (3) Only such officers shall be considered for promotion as Secretary to the Government or Senior Secretary to Government who have undergone the prescribed trainings i.e. Senior Management Course and National Management Course, respectively and in no case exemption shall be admissible on the basis of age or otherwise. The officers already posted as Secretaries shall acquire the required training within one year;
- (4) The following weightage shall be given while considering credentials of the officers under these rules for the promotion against the post of Secretary to the Government BS-20:

| <u>Nature of Quantification etc.</u> | <u>Weightage %</u> |
|--|--------------------|
| (i) Previous Blood Count | 40% |
| (ii) Quantification of one year ACR/PER earned in BS-20. | 05% |
| (iii) Quantification of TER (SMC) | 30% |
| (iv) Interview by the Secretaries Selection Board | 25% |

Provided that the officers who in the past were promoted prior to enforcement of Promotion Policy shall stand exempted from aforesaid quantification and weightage procedure mentioned in (i) above but their eligibility shall, however, be weighed on the basis of clause (ii), (iii) & (iv).

6. SAVINGS:-

Secretaries to Govt., who have already been appointed as such, by transfer under prevailing rules, shall be deemed to have been promoted under these rules.

7. The Notifications issued in this behalf vide No.S&GAD/R(262) dated 24.02.1992 and No.S&GAD/R/4(112)/93 dated 02.12.1993 shall stand withdrawn.

Sd/--
(Mehrban Hussain Ch.)
Additional Secretary (Regs.) S&GAD

Cc:-

1. Secretary to the President, Azad Jammu and Kashmir.
2. Secretary to the Prime Minister, Azad Govt. of the State of Jammu and Kashmir.
3. PS to the Speaker/Deputy Speaker AJ&K Legislative Assembly.
4. PS to the Ministers/Advisors/Special Assistant, Azad Govt. of the State of Jammu and Kashmir.
5. The Chief Secretary, GoAJ&K.
6. The Additional Chief Secretary (Development).
7. The Additional Chief Secretary (General).
8. The Senior Member Board of Revenue.
9. The Secretary S&GAD.
10. All Secretaries to the Government.
11. All Heads of Attached Departments.
12. The Registrar Supreme Court/High Court/Shariat Court/Service Tribunal and AJ&K University Muzaffarabad.
13. The Accountant General of Azad Jammu and Kashmir Muzaffarabad.
14. All the Officers of S&GAD.
15. The Controller, Govt. Printing Press: For publication in the official Gazette.
16. System Administrator, S&GAD.
17. Master File.

Sd/--
(Ambreen Asghar)
Section Officer (Regs.) S&GAD

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS)**

><>><<><

“Muzaffarabad”

Dated: January 31, 2020

NOTIFICATION

No.S&GAD/R/A-4(262)/2015. In exercise of the powers conferred by Section 23 of Azad Jammu & Kashmir Civil Servants Act, 1976, the Azad Govt. of the State of Jammu & Kashmir is pleased to direct that following amendments shall be made in Rule 5 of the Azad Jammu & Kashmir Secretaries Promotion Rules, 2019 issued vide Notification No. S&GAD/R/A-4(262) 2015 dated 03.07.2019:

- i) In Rule 5(3), the words **“and in no case exemption shall be admissible on the basis of age or otherwise. The officers already posted as Secretaries shall acquire the required training within one year;”** shall stand omitted; and
- ii) In Rule 5(4), in the proviso, the words **“mentioned in (i) above but their eligibility shall, however, be weighed on the basis of clause (ii), (iii) & (iv).”** shall stand omitted.

(Ambreen Asghar)
Section Officer S&GAD
(Regulations)

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. PS to the Speaker/Deputy Speaker AJ&K Legislative Assembly.
4. PS to the Ministers/Advisors/Special Assistant, Azad Govt. of the State of Jammu & Kashmir.
5. The Chief Secretary, Azad Government of the State of Jammu & Kashmir.
6. The Additional Chief Secretary (Development).
7. The Additional Chief Secretary (Gen.)/Chairman Rules Committee.
8. The Senior Member Board of Revenue.
9. The Secretary, S&GAD.
10. The Registrar Supreme Court/High Court/Sheriat Court/Service Tribunal.
11. The Accountant General of Azad Jammu and Kashmir Muzaffarabad.
12. The Controller Govt. Printing Press for publication in extraordinary issue of the Official Gazette.
13. System Administrator, S&GAD.
14. Master File.

Section Officer S&GAD
(Regulations)

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
(Regulations Section)**

“Muzaffarabad”

Dated: 22nd February, 2013

NOTIFICATION:

No. S&GAD /R/A-4(396) Part-III: In exercise of the powers conferred by Section 23 of AJ&K Civil Servants Act, 1976, the President, Azad Jammu and Kashmir, is pleased to make Azad Jammu & Kashmir Civil Secretariat (Senior Additional Secretary Service) Rules as under:-

1. These Rules shall be called Azad Jammu and Kashmir Civil Secretariat (Senior Additional Secretary Service) Rules, 2013.
2. These Rules shall come into force at once.
3. In these rules, appointing authority, minimum qualification and method of recruitment shall be as under:-

| Sr. No. | Name of Department | Functional Unit | Name of the post with Grade | Appointing Authority | Minimum Qualification for Appointment by | | Method of Recruitment | Age for initial Recruitment | | Examination/ Training and other conditions for confirmation |
|---------|--------------------|-------------------|--------------------------------------|----------------------|--|-----------------------|---|-----------------------------|-----|---|
| | | | | | Initial Recruitment | Promotion or Transfer | | Min | Max | |
| 1 | 1 | 2 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1 | S&GAD | Civil Secretariat | Senior Additional Secretary (BPS-20) | Govt. | -- | Graduation | By Promotion on the basis of selection on merit from amongst Additional Secretaries Civil Secretariat Service (BPS-19), having 17 years service in BS-17 & above. | -- | -- | Senior Management Course (SMC) |

Sd/--

(RAJA KHALID SALEEM)
Section Officer Services
(Regulations)

AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT



“Muzaffarabad”

Dated: 04.02.2013

NOTIFICATION:

No.S&GAD/R/A-4(88)/2011: In exercise of the powers conferred by Section 23 of the Azad Jammu & Kashmir Civil Servants Act, 1976, the President of Azad Jammu and Kashmir has been pleased to re-adjust the quota among service group for the posts of Deputy Secretaries and Additional Secretaries in Civil Secretariat as per the following table:

| Name of Post | Secretariat Group | Other Departments | Management Group |
|------------------------------|-------------------|-------------------|------------------|
| Deputy Secretary (BS-18) | 60% | 20% | 20% |
| Additional Secretary (BS-19) | 60% | 22.5% | 17.5% |

2. Notification No. S&GAD/R/A-4(88)/2011 dated 06-06-2011 shall stand withdrawn.

Sd/--
Section Officer S&GAD
(Regulations)

Copy to:

- 1) Secretary to the President, Azad Jammu & Kashmir.
- 2) Secretary to the Prime Minister, Azad Govt. of the State of Jammu and Kashmir.
- 3) Chief Secretary, GoAJ&K.
- 4) Additional Chief Secretary (Development).
- 5) Additional Chief Secretary (General).
- 6) Senior Member Board of Revenue.
- 7) Secretary S&GAD.
- 8) All Secretaries to the Govt.
- 9) Accountant General, Azad Jammu and Kashmir.
- 10) Controller, Govt. Printing Press: For publication in the official Gazette.
- 11) All officers of S&GAD.
- 12) Master File.

Sd/--
Section Officer S&GAD
(Regulations)

**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 Jamia Islamia 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.

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

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:

- (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 of 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.

² Substituted vide *ibid.*

³ Substituted vide *ibid.*

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

**THE AJ&K SECRETARIAT (SECTION OFFICERS)
SERVICE RULES, 1978**

“Muzaffarabad”

Dated: 25th July, 1978

NOTIFICATION:

No. S&GAD/16440-500/78. 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 Azad Jammu and Kashmir Secretariat (Section Officers) Service and prescribing conditions of service for the persons appointed thereto namely:-

**THE AZAD JAMMU & KASHMIR SECRETARIAT
(SECTION OFFICERS) SERVICE RULES, 1978.**

PART – I: GENERAL

1. **Short Title, Commencement and Application:-**

- (1) These rules may be called the Azad Jammu and Kashmir Civil Secretariat (Section Officers) Service Rules, 1978.
- (2) They shall come into force at once.

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) **“Initial Recruitment”** means appointment made otherwise than by promotion or transfer from another Service/Department/Post;
- (e) **“President”** means the President of Azad Jammu and Kashmir;
- (f) **“Recognised University”** means any University incorporated by law in Pakistan including Jamia Islamia Bahawalpur or any other University (which may be) declared by Government in consultation with the Commission to be a recognized University for the purposes of these rules;
- (g) **“Secretariat”** means the Azad Jammu and Kashmir Government Secretariat; and
- (h) **“Service”** means the Azad Jammu and Kashmir Secretariat (Section Officers) Service.

PART-II: RECRUITMENT

¹[3. **Number and Nature of Posts:-** (i) The service shall comprise 80% of the total posts of Section Officers in the Secretariat.

- (i) 20% of total posts of Section Officers shall be filled in from amongst the officers of technical and other service, to be posted by transfer.]

4. **Appointing Authority:-** Appointments to the Service shall be made by the Government or an authority or officer authorized by it in this behalf.

5. **Method of Recruitment:-**

- ²[(1) Method of Recruitment shall be as under:

¹ Substituted vide Notification No. S&GAD/R/A-4(126)/96 Part-II Dated 29.10.1996.

² Substituted vide Notification No. S&GAD/R/A-4(126)09, P-III dated 27.05.2013

The AJ&K Secretariat (Section Officers) Service Rules, 1978

| S.# | Name of the Department | Functional Unit | Name of the Post | Appointing Authority | Minimum Qualification for Appointment By | | Method of Recruitment | Age for Initial Recruitment | | Examination, Training and other conditions required for confirmation/promotion |
|-----|------------------------|-----------------|------------------------|----------------------|--|-----------|--|-----------------------------|-----|--|
| | | | | | Initial Recruitment | Promotion | | Min | Max | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 1- | S&GAD | Administration | Section Officer (B-17) | | Graduate from a recognized University | - | (1) 45% by initial recruitment on the recommendations of the AJ&K Public Service Commission based on the result of combined competitive examination having qualification as per col.No.6. (2) 45% to be filled by promotion on the basis of seniority-cum-fitness from amongst the Superintendents and Private Secretaries of the Azad Jammu and Kashmir Secretariat (Ministerial) Service, ³ [.....], in the ratio of 22.5 each. (3) 05% by selection on merit from amongst the civil servants holding respective posts on regular basis in BS-9 to BS-16 with Master's degree or Bachelor's Degree (4 year) or LL.B from a recognized University, serving in Civil Secretariat under the Government of AJ&K and having the following experience: (a) For officials in (BS-09 to BS-16) = 6 years; (4) 05% by transfer on tenure basis from officer BS-17 of Technical Departments. Note: a) The selection against the quota of 5% (at Sr. No. 3 above) shall be made by the AJ&K Public Service Commission. b) The word "Technical Department" under serial No. 4 shall include Agriculture/ Animal Husbandry, PWD, Health, Electricity and any other department whose officers possess a technical and professional degree. | 21 | 35 | Prescribed Departmental Examination. Note: Those promoted against 45% quota or selected on merit against 5% quota would also undergo comprehensive post-induction training. |

(2) Vacancies to be filled by initial recruitment shall be filled in accordance with quota fixed by the Government from time to time.

^{3.} Omitted vide notification No. S&GAD/R/A-4(126)09, P-III dated 01.11.2013.

6. **Age:-** No person shall be appointed to the service by initial recruitment who is less than twenty one years or more than [thirty five]* years of age:

Provided that in the case of persons whose services under Government have been terminated for want of vacancy, the period of service already rendered by them shall, for the purpose of the upper age limit under this rule, be excluded from their age.

7. **Qualifications:-** (1) No person shall be appointed to the service by initial recruitment unless he is a graduate of a recognised 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 certificates of character from two other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

PART-III: CONDITIONS OF SERVICE

8. **Probation:-** (1) Members of the service appointed against substantive vacancies 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.

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

(2) If the work or conduct of a member of the service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, 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 services.

(3) On completion of the period of probation of a member of the service, the appointing authority may, subject to the provisions of sub-rule (4), either confirm him in his appointment, or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory-

- (a) In case he has been appointed by initial recruitment, dispense with his service; 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 his 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 of probation was last extended or may be deemed to have been so extended.

* Upper age limit relaxed upto 40 years vide notification No. Admin/A-4(49)/2014 dated 13.08.2014 up till 31.07.2016.

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

(5) If a member of the service 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-

(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.

9. Seniority:- (1) The seniority inter se of the members of the service in the various grades thereof shall be determined-

(a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Commission;

Provided that a person selected for appointment to the service in an earlier selection will rank senior to a person selected in a later selection; and

(b) in the case of members appointed otherwise, with reference to the dates of their continuous appointment therein; 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 higher grade temporarily in the public interest even though continuing later permanently in the higher grade, it would not adversely affect the interest of the seniors in the fixation of his seniority in that grade.

Explanation-II: If a junior officer in a lower grade is promoted to 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.

(2) The seniority of the members of the service appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined:

(a) In case both the officers appointed by initial recruitment and those appointed otherwise have been appointed against substantive vacancies or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of an officer appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of an officer appointed otherwise, provided that if the two dates are the same the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment;

(b) In case the officer appointed by initial recruitment has been appointed against a substantive vacancy and the officer appointed otherwise has been appointed against a temporary vacancy, the officer appointed by initial recruitment shall rank senior to the officer appointed otherwise; and

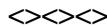
(c) In case the officer appointed otherwise is appointed against a substantive vacancy and the officer appointed by initial recruitment is appointed against a temporary vacancy, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment.

10. **Liability to Transfer:-** Members of the service shall be liable:-
- To transfer anywhere in Azad Jammu and Kashmir; and
 - To serve in any department of Government, any local authority/ or other statutory body set up or established by Government.
11. **General Rules:-** In matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may hereafter 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 whenever 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 the powers under these rules to any officer subordinate to it.
14. **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 the 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 Azad Jammu and Kashmir shall make appropriate orders to safeguard the constitutional and legal rights of such member.

Sd/--
(KHALIL AHMED QURESHI)
Secretary Services

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

**SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS)**



‘Muzaffarabad’

Dated: 13.12.2019

NOTIFICATION:

No.S&GAD/A-4(331)2015/P-II: The President of Azad Jammu & Kashmir is pleased to rename the Azad Jammu & Kashmir Management Group as “**Azad Jammu & Kashmir Administrative Service (AJ&KAS)**” with immediate effect. All references to Azad Jammu & Kashmir Management Group in any rule, order or instruction shall be construed as reference to Azad Jammu & Kashmir Administrative Service.

2. The Notification of Even Number dated 11/12/2019 shall stand withdrawn from the date of issuance.

Sd/--
(Ambreen Asghar)
Section Officer S&GAD
(Regulations)

Copy to:

- 1) Secretary to the president, Azad Jammu & Kashmir.
- 2) Secretary to the Prime Minister, GoAJ&K.
- 3) Chief Secretary , GoAJ&K.
- 4) Additional Chief Secretary (Development)
- 5) Additional Chief Secretary (General)/Chairman Rules Committee.
- 6) Senior Member Board of Revenue.
- 7) Secretary S&GAD.
- 8) All Administrative Secretaries.
- 9) Registrar, Supreme Court/High Court/Service Tribunal.
- 10) Special Secretary, S&GAD.
- 11) All the Heads of Attached Departments/Semi-Government Departments/Autonomous Institutions & Corporations.
- 12) Accountant General, AJ&K, Muzaffarabad.
- 13) Controller, Government. Printing Press: for publication in the Official Gazette.
- 14) System Administrator, S&GAD.
- 15) Master File.

Section Officer S&GAD
(Regulations)

**THE AZAD JAMMU AND KASHMIR ¹[ADMINISTRATIVE SERVICE]
(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 ²[Administrative Service] 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 ³[Administrative Service] (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 ⁴[Administrative Service] 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) ‘⁵[Administrative Service]’ 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 ⁶[Administrative Service] Service.
3. **Formation of ⁷[Administrative Service]** :- ⁸[The Azad Jammu and Kashmir ⁹[Administrative Service] 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

¹ Amended vide Notification No. No.S&GAD/A-4(331)2015/P-II dated 13.12.2019

² ibid

³ ibid

⁴ ibid

⁵ ibid

⁶ ibid

⁷ ibid

⁸ Substituted vide Notification No. S&GAD/11-650/Sec-1/84 dated 13.09.84.

⁹ Amended vide Notification No. No.S&GAD/A-4(331)2015/P-II dated 13.12.2019

- 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. ¹⁰[The syllabus for competitive examination shall be notified by the Public Service Commission];
- (b) ¹¹[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.]
- (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) ¹²[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 ¹³[Administrative Service] 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 ¹⁴[Administrative Service] shall be filled in the manner laid in sub-rule (i) above;

¹⁰ Substituted vide Notification No. S&GAD/R/A-4(331) dated 08.08.2003

¹¹ Substituted vide Notification No. S&GAD/A-4(2)/96 Part-III dated 02.01.1998.

¹² Substituted vide Notification No. S&GAD/A-4(2)/96 Part-III dated 02.01.1998.

¹³ Amended vide Notification No. No.S&GAD/A-4(331)2015/P-II dated 13.12.2019

¹⁴ ibid

(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;

In the case of persons serving in connection with the affairs of the Government upper age limit shall be ¹⁵[thirty years].

¹⁶[(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.

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.

¹⁵ Substituted vide Notification No. S&GAD/SO-I/22787-856/81 dated 13.12.1981.

¹⁶ Deleted vide Notification No. S&GAD/A-4(2)/96 Part-III dated 02.01.1998.

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 ¹⁷[Administrative Service] :
- 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 Commissioner ¹⁸[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

¹⁸ Inserted vide Notification No. S&GAD/MG-53/90 dated 16.05.1990.

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 ¹⁹[Administrative Service] 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.

¹⁹ Amended vide Notification No. No.S&GAD/A-4(331)2015/P-II dated 13.12.2019

- (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.

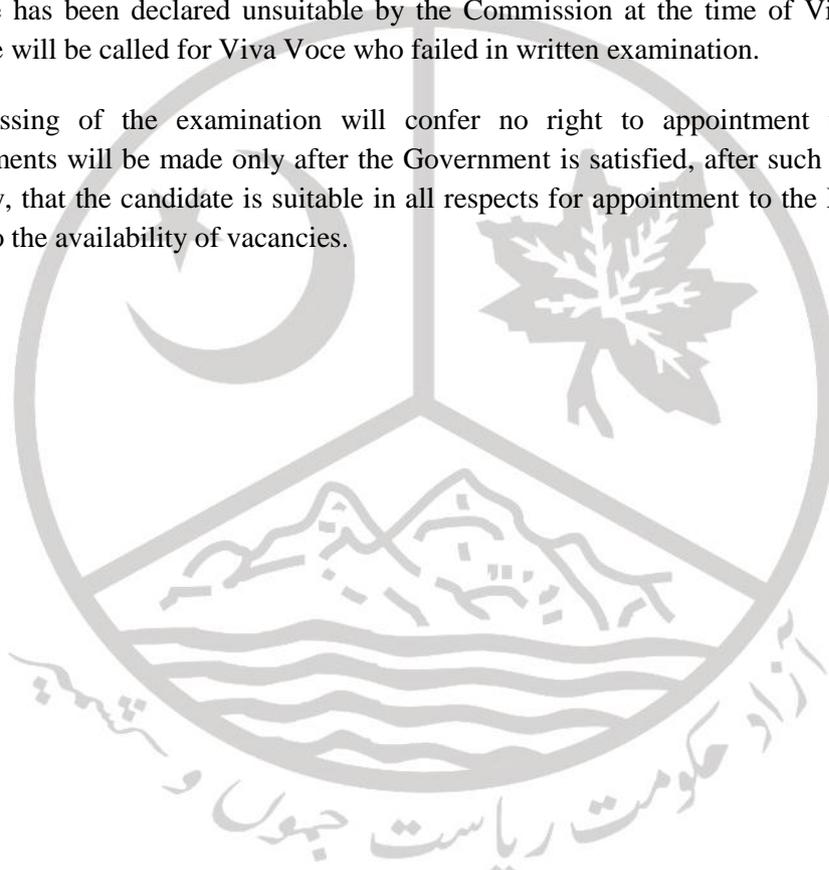
VACANCIES

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.

²⁰[*****]



²⁰ Parts II & III of the Appendix A deleted vide Notification No. S&GAD/R/A-4(331) Dated 08.08.2003.

**THE AZAD JAMMU & KASHMIR POLICE SERVICE
(COMPOSITION AND CADRE) RULES, 1983**

“Muzaffarabad”
Dated: 7th August, 1983

NOTIFICATION:

No. H&P/3149/83. In exercise of the powers conferred by Section 23 of the Civil Servants Act, 1976, the President, Azad Jammu and Kashmir is pleased to make and promulgate the following rules, namely:-

1. **Short Title and Commencement:-** (1) These rules may be called the Azad Jammu and Kashmir Police Service (Composition and Cadre) Rules, 1983.
(2) These Rules shall come into force at once.
2. **Definitions:-** In these rules, unless there is anything repugnant in the subject or context:-
 - (a) “**Cadre Post**” means a post specified in the Schedule;
 - (b) “**Commission**” means the Azad Jammu and Kashmir Public Service Commission;
 - (c) “**Schedule**” means the schedule attached to these rules;
 - (d) “**Service**” means the Azad Jammu and Kashmir Police Service as constituted under rule 3;
 - (e) “**Selection Committee/Board**” means a Committee/Board constituted by Azad Jammu and Kashmir Government for the selection and promotion of Officers in Grade 17 and above.
3. **Composition of Service:-** The Azad Jammu and Kashmir Police Service shall comprise of:
 - (a) The posts of Assistant Superintendent of Police;
 - (b) The posts of Superintendent of Police, Assistant Inspector General of Police, Principal, Police Training School and Deputy Inspector General of Police;The cadre strength of the service shall be specified in the schedule:

Provided that the Government may from time to time vary the Cadre strength of the Service and amend the Schedule so as to include therein or exclude there from any post.
4. **Method of Recruitment and Promotion:-** (1) The recruitment to the post of Assistant Superintendent of Police shall be made in the following manner:-

¹[Provided that 10% of the vacancies shall be filled in by the serving/retired Armed Forces Officers ²[up to] 8 years service as Commissioned Officer by induction through the High Powered Selection Board to be constituted by the Government.]

 - (a) The posts of the Assistant Superintendent of Police shall be filled in by initial recruitment on the basis of competitive examinations to be conducted by the Commission subject to the

¹ Added vide Notification No. S&GAD/R/A-4 (8) /97 Part II dated 15.06.1999.

² Amended vide Notification No. R/A-4 (8) /99 dated 28.10.1999.

allocation of Quota system. The syllabus for the competitive examination shall be prescribed by the department in consultation with the Commission.

³[In proportion to the strength of each Cadre, so as to enable all feeding cadres to get their due share in promotion to higher posts.]

(b) The Assistant Superintendents of Police recruited by initial recruitment may be promoted to the next higher grade after completion of five years service in usual grade.

(2) ⁴[(a) The Post of SP shall be a selection post;

(b) 50% of the posts in the cadre of Superintendent of Police or equivalent as specified in the schedule ⁵[.....] shall be filled in by selection from the ASPs, appointed through initial recruitment and the rest 50% vacancies shall be filled in by Selection from the cadre of DSPs / executive, Reserve/Rangers, Telecommunication and Prosecuting Deputy Superintendents of Police, in proportion to the strength of each cadre, so as to enable all feeding cadres to get their due share in promotion to higher posts.]

b-1) ⁶[.....]

c) ⁷[The post of DIG Police (BPS-20) may be filled in by promotion on the basis of seniority cum fitness from amongst the SSP/AIG Police BPS-19 having 17 years Service in BPS-17 and above with at least 2 years field experience as District Superintendent of Police.]

c-1) ⁸[The post of Additional Inspector General of Police (BS-21) may be filled in by promotion on the basis of seniority-cum-fitness from amongst the Deputy Inspectors General of Police (BS-20) fulfilling following requirements:-

- a. **Length of service:** 22 years service in BS-17 and above with at least, 5 years services/experience as Deputy Inspector General of Police in (BS-20)
- b. **Grading of PERs:** His ACRs/PERs should be good/very good with no adverse entry.
- c. **Experience:** Minimum two years field experience.
- d. **Training:** Successful participation of NMC/NDU]

(d) No person shall be promoted from the post of Assistant Superintendent of Police to the post of Superintendent of Police or equivalent or above unless he successfully qualifies all departmental examinations and training programme as prescribed by the Government of Punjab or Federal Government for the cadre posts shown in the Schedule.

³ Added vide Notification No. Home/P/2/43/91 dated 17.10.1992.

⁴ Substituted vide Notification No. S&GAD/R/A-4 (8) /2007Part-V dated 09.08.2011.

⁵ Omitted vide ibid.

⁶ Added by Notification No. S&GAD/A-4(8)/2004 dated 30.08.2004 and Omitted vide ibid.

⁷ Substituted vide Notification No. S&GAD/A-4(8)/2004 dated 30.08.2004

⁸ Inserted vide Notification No. S&GAD/A-4(08)/2013, P-VII Dated 17.03.2015.

5. **Age:-** No person shall be appointed to the services 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 written examination, on the 1st of 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 applications for appointment;

Provided that in the case of person whose services under Government have been terminated for want of 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;

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

6. **Qualifications:-** (1) No person shall be appointed to service by initial recruitment unless he is a 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 certificates 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 by initial recruitment 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 post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the service during the 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 dispose with his services, 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 4 (d) confirm him in his appointment or 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.

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.

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 4(d) be deemed to have been confirmed in his appointment from the date of his probation was last extended or may be deemed to have been so extended.

8. **Seniority.-** The seniority shall be determined as laid down in the rules made under the Civil Servants Act, 1976.
9. **Liability to Transfer and Serve:-** The member of the service shall be liable:-
(a) to transfer anywhere in Azad Jammu and Kashmir; and in Pakistan;
(b) To service in any Department of Government or any local authority or statutory body setup or established by the Government.
10. **General Rules:-** In all matters not expressly provided for in these rules, members o the service shall be governed by such rules as have been or may hereafter be framed by the Government and made applicable to them.
11. **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 case 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.
12. **Delegation:-** The Government may delegate all or any of its powers under these rules to any officer subordinate to it.
13. **Protection:-** Notwithstanding anything contained in these Rules:
(a) (i) All officers holding the posts of superintendent of Police, Assistant Inspector General of Police, Principal, Police Training School and Deputy Inspector General of Police on the date of enforcement of these rules and all such officers who have held any such post as aforesaid at any time earlier shall be deemed to have been appointed to the service:
Provided such officers have qualified all departmental examinations and training Programme as prescribed by the Government of Punjab or Federal Government for such category of officers and;
Provided further that their conduct and service record found satisfactory by the Appointing Authority.
(ii) The Appointing Authority may pass such order which it deems fit in respect of those officers who do not fulfill the requirements as laid down in (i) above.
(b) The officers of Pakistan Police Group who are posted against the specified posts in the schedule shall be deemed to be posted on 3 years tenure basis. The Government may continue to accept the posting of Police Officers of the Federal Government on reciprocal basis and on such terms and conditions as mutually agreed.

-Sd-

(CH. KHADIM HUSSAIN)
Deputy Secretary (Home)

SCHEDULE
AZAD JAMMU AND KASHMIR POLICE SERVICE
CADRE STRENGTH

1. SENIOR POSTS (PERMANENT)

| | |
|---|---|
| Deputy Inspector General of Police: | 1 |
| Assistant Inspector General of Police: | 2 |
| Superintendent of Police, Special Branch: | 1 |
| Principal Police Training School (SP): | 1 |
| Superintendent of Police Reserve: | 1 |
| Distt. Superintendents of Police: | 4 |

2. JUNIOR POSTS (ASSTT. SUPERINTENDENT OF POLICE)

| | |
|---------------------------------|---|
| Junior post of ordinary duties: | 4 |
| Deputation Posts: | 1 |
| Leave Reserve: | 1 |
| Training Reserve: | 2 |

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS)

><><><>

“Muzaffarabad”

Dated: August 21, 2019

NOTIFICATION:

No.S&GAD-4(126)2014/P-IV: In exercise of the powers conferred under Section 23 of the Azad Jammu & Kashmir Civil Servants Act, 1976, the Azad Govt. of the State of Jammu & Kashmir is pleased to make the following Rules namely:-

1. **Short Title and Commencement.** (1) These rules may be called “**the Azad Jammu & Kashmir Section Officers, Assistant Commissioners & Assistant Superintendents of Police (Probation, Training, Examination & Seniority) Rules, 2019**”.
- (2) These Rules shall be applicable to the persons appointed through initial recruitment on the basis of competitive examination and on the recommendations of the Azad Jammu & Kashmir Public Service Commission to the posts of Section Officers, Assistant Commissioners and Assistant Superintendents of Police, in accordance with Rules already framed to regulate these distinct service cadres/groups.
- (3) These Rules shall come into force at once.
2. **Definitions.** In these rules, unless there is anything repugnant in the subject or context:-
 - (i) “**Appointing Authority**” means the authority made competent to make appointment to the posts of Section Officers, Assistant Commissioners and Assistant Superintendents of Police under the Azad Jammu & Kashmir Civil Servants Act, 1976, the Azad Jammu & Kashmir Civil Servants (Appointment & Conditions of Service) Rules, 1977 and any special rules made applicable to these service cadres/groups;
 - (ii) “**Commission**” means and includes the Azad Jammu & Kashmir Public Service Commission in case of initial recruitment and the Federal Public Service Commission in case of Final Passing Out Examination for the purpose of these rules;
 - (iii) “**Examination**” includes any exercise which from time to time is approved or imposed or adopted by the Government which is intended to evaluate or test performance of the probationer in the field of his training during the training programme being mandatory to continue or confirm in the relevant service cadre/group;
 - (iv) “**Final Passing Out Examination**” means the Final Passing Out Examination to be hereinafter referred as FPOE which shall be conducted by the Federal Public Service Commission after conclusion of specialized training;
 - (v) “**Government**” means the Azad Government of the State of Jammu & Kashmir;
 - (vi) “**Training Institution**” shall include Civil Services Academy, Lahore; Secretariat Training Institute (STI), Islamabad; Pakistan Administrative Service (PAS) Campus,

Lahore; National Police Academy (NPA), Islamabad for the purpose of training of probationers under these Rules;

- (vii) **“Head of training institution”** means the head of a training institution or place where probationers (Section Officers, Assistant Commissioners & Assistant Superintendents of Police) are imparted mandatory training programme;
- (viii) **“Initial training”** means the training prior to specialized training undertaken by the probationers (Section Officers, Assistant Commissioners & Assistant Superintendents of Police) at a training institution or place that the Government may specify;
- (ix) **“Probationer”** means a person who has been selected by and appointed on the recommendations of Azad Jammu & Kashmir Public Service Commission in the service cadre/group including Section Officers, Assistant Commissioners & Assistant Superintendents of Police as per rules respectively;
- (x) **“Specialized Training”** means training subsequent to the initial training undertaken by the probationers (Section Officers, Assistant Commissioners & Assistant Superintendents of Police) at a training institution or place that the Government may specify.

3. Training Programmes and Examination. (1) Every probationer, immediate on appointment, shall undergo training at such training institutions as per schedule approved therefor and also appear in such examination as may be prescribed under the rules in the manner hereinafter specified.

(2) In case any probationer fails in undergoing prescribed training or qualifying prescribed examination shall render his appointment liable to termination without notice:

Provided that Appointing Authority may, on the recommendations of Special Medical Board set up by the Govt. and in consultation with Federal Public Service Commission, allow deferment of training and examination, whatever the case may be, if so justified on the basis of compelling medical grounds only.

(3) A probationer shall have to qualify every examination to the satisfaction of the head of the training institution where he is undergoing training.

(4) In addition to 900 marks prescribed for competitive examination by the Azad Jammu & Kashmir Public Service Commission, 500 marks shall be allocated for initial training programme i.e. Common Training Programme (CTP), 600 marks for specialized training programme (STP) and 1000 marks for the Final Passing Out Examination (FPOE).

(5) Every probationer shall be required to qualify the Final Passing Out Examination to be conducted by the Federal Public Service Commission on completion of specialized training programme by the training institutions:

Provided that the conditions & criteria prescribed from time to time by the FPSC or the training institutions for conducting and regulating the FPOE shall prevail and be followed accordingly.

(6) The maximum of 1000 marks allocated for Final Passing Out Examination shall be distributed among the subjects as approved by the Federal Public Service Commission or the Federal Government.

- (7) If any probationer fails in qualifying any subject or subjects prescribed for the Final Passing out Examination, he shall be allowed two more chances to appear in the examination to be held subsequently in such subject or subjects by the Federal Public Service Commission.
4. **Effect of Unsatisfactory Completion of Training Programme.** (1) If performance or conduct of a probationer during training programmes is marked as unsatisfactory by the head of the training institution concerned, the Government may require such probationer to repeat training as it may deem necessary or expedient.
- (2) In case any probationer is prevented by sickness or any other adequate cause from completing a training programme to the satisfaction of the head of the training institution, the Government may require him to undergo such further training as it deems fit.
5. **Probationer missing the Final Passing Out Examination.** If a probationer is prevented by ill health from taking (in full or in part) Final Passing Out Examination, the Government in consultation with Federal Public Service Commission may arrange for him to be examined specially:
- Provided that, if the probationer fails to appear in the Final Passing Out Examination as arranged for him specially, he shall render his appointment liable to termination without notice.
6. **Probationer failing to qualify the Final Passing Out Examination.** (1) A probationer who does not qualify Final Passing Out Examination shall face the following consequences:-
- a) withholding of one annual increment in case he fails in the first attempt until he qualifies such examination;
 - b) be relegated in seniority to the bottom of his batch if he fails in the second attempt; and
 - c) be discharged from the service under clause (a) of sub section 3 of section 5 of the Azad Jammu & Kashmir Civil Servants Act, 1976 in case he fails in the third attempt.
- (2) Absence from the Final Passing Out Examination, without permission of the Government shall be deemed to be a failure in qualifying the examination.
7. **Seniority.** (1) The inter-se seniority of the probationers in their service cadre/group shall be determined by the appointing authority after their successful completion of training programme and passing of Final Passing Out Examination in the manner as prescribed as under Rule 6 above to be conducted by the Federal Public Service Commission.
- (2) For the purpose of determining the inter-se seniority of the probationers who commence their training with initial training programme, the marks obtained by a probationer in the competitive examination of the Commission shall be added to the marks obtained by him in the initial training programme, specialized training programme and the marks obtained by qualifying the Final Passing Out Examination in his first attempt:
- Provided that the criteria for the time being prescribed for determining inter-se seniority shall be updated in accordance with the conditions from time to time adopted or imposed by the Establishment Division, Govt. of Pakistan.
8. **Probation.** The probationary period shall be prescribed initially for the period of two years or for such period as the Government may extend for his successful completion of prescribed training programmes/examination.

9. **Bond.** A probationer shall, before the commencement of the training, execute a Bond with a surety to refund in the event of his failing to complete his training or resigning from his service during the period of training or within three years thereafter, all such amounts paid to him or spent in connection with his training.
10. **Penalty.** A probationer who fails to comply with the provisions of these rules or to obey any order which he may receive from the appointing authority, or from the head of institution or who neglects his probationary studies, or is guilty of misconduct as unbecoming of an officer shall be liable for removal from service or to such other action as the appointing authority may direct or approve in the public interest:

Provided that a probationer shall be given an opportunity to show cause before his removal from service in compliance with the provision of these rules and the Azad Jammu & Kashmir Civil Servants (Appointment and Conditions of Service) Rules, 1977.

11. **Over-riding effect.** (1) The provisions of these Rules in addition to the Azad Jammu & Kashmir Civil Servants (Appointment and Conditions of Service) Rules, 1977 shall be having effect notwithstanding anything contained in any other rule or rules for the time being in force with regard to dealing with the matters of training including examination and determination of inter-se seniority of probationary Civil Servants as Section Officers, Assistant Commissioners and Assistant Superintendents of Police while in strict application of these rules.

(2) With regard to conducting FPOE, the method and criteria prescribed by the Federal Public Service Commission shall be applicable to the probationers and shall stand adopted if changes are made from time to time by the FPSC.

Sd/--
(Ambreen Asghar)
Section Officer S&GAD
(Regulations)

**THE AZAD JAMMU & KASHMIR
DISCRETIONARY POSTS RECRUITMENT
(TERMS AND CONDITIONS) RULES, 1983**

“Muzaffarabad”
Dated: 30th August, 1983

NOTIFICATION:

No. S&GAD/OSD/45/247-60/83. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Azad Government of the State of Jammu and Kashmir is pleased to make the Azad Jammu and Kashmir Discretionary Posts Recruitment (Terms and Conditions) Rules, 1983, as per Annexure ‘A’ alongwith its Schedule.

Sd/--

(RAJA ABDUL KHALIQ KHAN)
Secretary Services

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. PSs to all the Advisors, Azad Govt. of the State of Jammu & Kashmir.
4. PS to Chief Secretary, Azad Govt. of the State of Jammu & Kashmir.
5. All Administrative Secretaries, Azad Govt. of the State of Jammu & Kashmir.
6. Accountant General, Azad Govt. of the State of Jammu & Kashmir.
7. Controller Government Printing Press.
8. Master File

Issued vide Notification No. S&GAD/OSD/45/247-60/83 Dated the 30th August, 1983.

**THE AZAD JAMMU AND KASHMIR DISCRETIONARY POSTS RECRUITMENT
(TERMS AND CONDITIONS) RULES, 1983:**

PART-I

Short Title and Commencement:- (i) These Rules may be called the Azad Jammu and Kashmir Discretionary Posts Recruitment (Terms and Conditions) Rules, 1983.

(ii) They shall come into force at once and will not affect the persons appointed before the promulgation of these Rules.

1. **Definitions:** (1) In these Rules unless there is anything repugnant in the context;

- (a) “**Government**” means the Azad Government of the State of Jammu and Kashmir;
- (b) “**President**” means the President of Azad Jammu and Kashmir;
- (c) “**Prime Minister**” means the Prime Minister of Azad Government of the State of Jammu and Kashmir and includes the Chief Executive;
- (d) “**Minister**” means the Minister of the Azad Government of the State of Jammu and Kashmir;
- (e) “**Advisor**” means the Advisor to the Azad Government of the State of Jammu and Kashmir;
- (f) “**Presidential Assistant**” means the Presidential Assistant to President of Azad Jammu and Kashmir;
- (g) “**Appointing Authority**” means the authority competent to appoint;
- (h) “**Discretionary Posts**” means the posts listed in Schedule to these Rules which are outside the purview of the Public Service Commission (Functions) Rules, 1978, and the recruitment to which is made by the Government as appointing authority at the discretion of the President, Prime Minister/Chief Executive, Ministers, Advisors and Presidential Assistants, as the case may be.

PART-II

Terms and Conditions

2. **Methods of Recruitment:**

- (a) (i) Appointment to the posts detailed in the Part I of schedule shall be made, as the case may be, at the discretion of the President, Prime Minister/Chief Executive, Minister, Advisors and the Presidential Assistants out of the regular service of Azad Jammu and Kashmir. These appointments shall be purely on temporary basis and the appointees shall, on the President, Prime Minister/Chief Executive, Ministers, Advisor or Presidential Assistant, on whose discretion they were appointed, ceasing to hold such office, be reverted to their parent cadres, if the successor no longer requires their services, or if there is no successor.

¹[(ii)]

¹ Deleted vide Notification No. S&GAD/4(45)VI dated 13.09.1986.

- (b) Appointments to the posts as detailed in the Part II of the Schedule to these Rules shall be made by the Government at the discretion of the President or the Prime Minister/Chief Executive/Minister as the case may be, and these appointments shall be purely on temporary basis and the service of the persons so appointed shall automatically, without issue of any orders, stand terminated when the person at whose direction they were appointed ceases to hold office. However, if the appointee, is a member of the service of Azad Govt. of the State of Jammu and Kashmir, he will be dealt with as per sub-clause (a) above, in all matters.

SCHEDULE DISCRETIONARY POSTS

PART-I

1. Private Secretary ²[(B-16)] to the President.
2. Personal Assistant to the President.
3. Private Secretary to the Prime Minister/Chief Executive.
4. Private Secretaries to the Ministers.
5. Private Secretaries to the Presidential Assistants to the President and Advisors to the Prime Minister/Chief Executive.

PART-II

1. Press Secretary to the President.
2. Political Secretary to the Prime Minister/Chief Executive.
3. Press Secretary to the Prime Minister/Chief Executive.
- ³4. Political Secretary (B-18), to the President.
5. Private Secretary (B-17), to the President.
6. Duty Officer, (B-17), to the President.
7. Controller, (B-17), to the President.]
8. PROs to President/Prime Minister/Chief Executive/ Ministers.
- ⁴9. Khatib/Qari BPS-17 Prime Minister's Secretariat]
- ⁵10. Mufti/Religious Scholar, (B-18) Prime Minister Secretariat.
11. Press & Publication Officer (B-18) Prime Minister Secretariat.
12. Cameraman (B-14), Prime Minister Secretariat.
13. Telephone Operator (B-07), Prime Minister Secretariat.
14. Barber, (B-07), Prime Minister Secretariat.
15. Driver, (B-04), Prime Minister Secretariat.
16. Cook, (B-04), Prime Minister Secretariat.
17. Waiter, (B-04), Prime Minister Secretariat.
18. Qasid, (B-02), Prime Minister Secretariat.
19. Naib Qasid, (B-01), Prime Minister Secretariat.]

² Added vide Notification No. S&GAD/JS/45/471-490/86 dated 19.02.1986.

³ Added vide ibid.

⁴ Added vide Notification No. S&GAD/A-4(45)/R/85, dated 15.10.2001.

⁵ Added vide Notification No. S&GAD/R/A-4(45)/85 dated 20.01.2010.

UP-GRADATION OF POSTS RULES, 1984
AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT

“Muzaffarabad”
Dated: 15th December, 1984

NOTIFICATION:

No. S&GAD/JS/1-A/1138-1238/84. In exercise of the powers conferred by Section 23 of the Azad Jammu and Kashmir Civil Servants Act, 1976, the Government is pleased to direct that the process of up-gradation of Posts shall be regulated by the following Rules, namely:-

1. These Rules may be called “the Up-gradation of Posts Rules, 1984.
2. Upgradation of post shall imply the abolition of the existing post and creation of a new post in the higher grade.
3. Upgradation of a post shall not mean automatic up gradation of its incumbent.
4. Appointment to upgraded post shall have to be made in the manner prescribed for that post.
5. If a post is upgraded with immediate effect the incumbent shall be left without any post in his grade until he is approved for appointment to higher grade. Therefore, while sanctioning up-gradation of the existing posts, it shall be clearly provided in the sanction letter that up-gradation of the post would take effect from the date the post is filled by a person in the higher grade. Until the existing incumbent is formally appointed to higher grade the post and the incumbent would continue in lower grade.

Sd/--

(CHOUDHRY MUHAMMAD LATIF)
Joint Secretary Services

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ



"مظفر آباد"

مورخہ: 1996-10-28

نوٹیفکیشن

نمبر انتظامیہ / آر/ اے-4/87/90ء جناب صدر، آزاد جموں و کشمیر نے ضلع پونچھ (راولاکوٹ) اور ضلع میرپور کو تقسیم کر کے نئے اضلاع علی الترتیب سدھوتی (پلندری) اور بھمبر کا درجہ دیئے جانے کے نتیجے میں سرکاری ملازمتوں اور پاکستان کے مختلف فنی، پیشہ وارانہ و دیگر اداروں میں برائے آزاد جموں و کشمیر کی مختص نشستوں پر امیدواران کی نامزدگی کے سلسلہ میں ضلع پونچھ (راولاکوٹ) ضلع میرپور کے لیے مقررہ کردہ کوٹہ میں تقسیم کی منظوری صادر فرمائی ہے۔

2- جملہ اضلاع اور مہاجرین جموں و کشمیر (مقیم پاکستان) کا مقرر شدہ علاقہ وار کوٹہ یکجا کر کے حسب ذیل جاری کیا جاتا ہے۔ ضلع وار کوٹہ کے سلسلہ میں قبل ازیں جاری شدہ احکامات زیر نمبرات / انتظامیہ / 4476-4526 / ج ص / 72ء مورخہ 1972-3-12ء و نمبر انتظامیہ / اے-142 / ایس۔ او۔ اول / 80 مورخہ 1980-8-19ء شوال 1400ھ و نمبر انتظامیہ / اے-4(87) / 73 مورخہ 1987-11-24 منسوخ تصور ہوں۔

| | | |
|----|------------------------|---------|
| 1- | مظفر آباد | 20 فیصد |
| 2- | میرپور | 9 فیصد |
| 3- | کوٹلی | 13 فیصد |
| 4- | ضلع پونچھ (راولاکوٹ) | 9 فیصد |
| 5- | باغ | 10 فیصد |
| 6- | بھمبر | 8 فیصد |
| 7- | سدھوتی (پلندری) | 6 فیصد |
| 8- | مہاجرین (مقیم پاکستان) | 25 فیصد |

دستخط / --

(عبدالعزیز خان)

سیکشن آفیسر سروسز (تقاعد)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ



"مظفر آباد"

مورخہ 2001-01-24

نوٹیفکیشن

نمبر انتظامیہ / آر اے 4(87)/90 جناب صدر، آزاد جموں و کشمیر نے بتسلل نوٹیفکیشن محررہ 10-10-1996-28 کا بینہ کے فیصلہ مورخہ 12-12-2000 کی روشنی میں 1989ء کے بعد مقبوضہ کشمیر سے آنے والے مہاجرین کے لیے، مہاجرین مقیم پاکستان کے لیے پہلے سے مختص شدہ کوٹہ 25% میں سے برائے حصول ملازمت و تعلیمی اداروں میں داخلہ کے لیے کوٹہ 1/4 مختص کرتے ہوئے بذیل شرح سے مختص کیئے جانے کی منظوری صادر فرمائی ہے:-

- | | | |
|----|---|---------|
| 1- | مہاجرین مقیم پاکستان | 19 فیصد |
| 2- | 1989ء کے بعد آنے والے مقبوضہ کشمیر کے مہاجرین | 6 فیصد |

دستخط / --

(ارشاد محمود)

سیکشن آفیسر سرورسز (قواعد)



آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 4 مئی 2005ء

نوٹیفکیشن

نمبر۔ ایس ایبڈی اے ڈی / اے۔ 4(87)/2005 جناب صدر، آزاد جموں و کشمیر نے بتسلل نوٹیفکیشن نمبر انتظامیہ۔ ایس ایبڈی اے ڈی / اے۔ 4(87)/90 مورخہ 10-10-1996ء ضلع مظفر آباد اور ضلع نیلم کے درمیان بذیل کوٹہ کی تقسیم کی منظوری صادر فرمائی ہے:-

- | | | |
|----|---------------|------------|
| 1- | ضلع مظفر آباد | 16.70 فیصد |
| 2- | ضلع نیلم | 3.30 فیصد |

دستخط / --

(غلام حسین قریشی)

سیکشن آفیسر سرورسز (قواعد)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ



"مظفر آباد"

مور نمبر 16 اکتوبر 2009ء

نوٹیفکیشن

نمبر ایس اینڈ جی اے ڈی / اے-4 (87) / 2009ء جناب صدر، آزاد جموں و کشمیر نے بتسلل نوٹیفکیشن نمبر ایس اینڈ جی اے ڈی / اے-4 (87) / 90ء مور نمبر 10-28-1996 و نمبر ایس اینڈ جی اے ڈی / اے-4 (87) / 2005ء مور نمبر 4 مئی 2005ء ضلع مظفر آباد، ضلع ہٹیاں بالا، ضلع باغ، ضلع حویلی (کہوٹہ) کے درمیان بذیل کوٹہ کی تقسیم کی منظوری صادر فرمائی ہے:-

| | | |
|------------|-------------------|----|
| 12.15 فیصد | ضلع مظفر آباد | -1 |
| 04.55 فیصد | ضلع ہٹیاں بالا | -2 |
| 07.17 فیصد | ضلع باغ | -3 |
| 02.83 فیصد | ضلع حویلی (کہوٹہ) | -4 |

دستخط / --

(ثریاراق)

سیکشن آفیسر سرورسز (قواعد)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 04 جنوری 2013ء

نوٹیفکیشن

- نمبر انتظامیہ / جی-7 (6) 2012 (P-III): جناب صدر، آزاد جموں و کشمیر نے خصوصی پارلیمانی کمیٹی کی سفارشات کی روشنی میں سرکاری ملازمتوں میں مختلف انتظامی یونٹس بالخصوص مہاجرین جموں و کشمیر کے لیے مختص کوٹہ پر عملدرآمد کے حوالہ سے بذیل امور کی منظوری صادر فرمائی ہے:
- 1- جملہ سربراہان محکمہ جات / ادارہ جات (سرکاری و نیم سرکاری) کو پابند کیا جائے گا کہ وہ S&GAD کے جاری شدہ نوٹیفکیشن ہائے مطابق تمام یونٹس کے جاری شدہ کوٹہ پر من و عن عملدرآمد کو یقینی بنائیں اور مستقبل میں کسی بھی سرکاری محکمہ میں آسامیوں کی مشترگی کے وقت اس امر کو یقینی بنایا جائے گا کہ کسی بھی یونٹ کے کوٹہ کی خلاف ورزی نہ ہو۔ آئندہ جو اتھارٹی کوٹہ کی خلاف ورزی کی مرتکب ہو اس کے خلاف نافذ العمل قانون کے تحت سخت ترین انضباطی کارروائی عمل میں لائی جائے گی۔
 - 2- ماضی میں جس یونٹ کے کوٹہ کو نظر انداز کیا گیا ہو سب سے پہلے اس یونٹ کے کوٹہ کی کمی کو Carry Forward فارمولہ کے تحت پورا کیا جائے گا۔
 - 3- مہاجرین مقیم پاکستان کے لیے ملازمتوں کے لیے اشتہارات کم از کم 02 قومی سطح کے اخبارات میں شائع کیا جانا ضروری قرار دیے جانے کے علاوہ حکومت آزاد کشمیر کی سرکاری ویب سائٹ پر بھی جاری کیے جانے کو یقینی بنایا جائے گا۔
 - 4- ایسی تمام ترقیاتی سکیم ہاکی آسامیوں پر بھی کوٹہ کا اطلاق کروایا جائے جب یہ آسامیاں نارمل پر منتقل ہوں تو اس پر بھی ہر یونٹ کا کوٹہ تعین کیا جائے اس کا اطلاق عارضی / عومی، کنٹریکٹ، بلقطع آسامیوں پر نافذ العمل قرار دیا جائے گا۔
 - 5- غیر جریدہ ملازمتوں کی ایسی آسامیاں جو اضلاعی نوعیت کی ہوں ان پر کوٹہ کا اطلاق نہ ہو گا جب کہ جریدہ آسامیوں کے لیے حسب سابق کوٹہ کا اطلاق بہر صورت یقینی بنایا جائے گا تاکہ اضلاع کے اندر مہاجرین مقیم پاکستان و مہاجرین 1989ء کو Carry Forward فارمولہ کے مطابق عملدرآمد کروایا جائے اور باقی بچ جانے والی آسامیوں کو تحت ضابطہ Fill کیا جائے۔
 - 6- اس امر کو یقینی بنایا جائے گا کہ تین سال کے بعد تمام آسامیوں پر تقرریاں اوپن میرٹ پر کرنے کے لیے اقدامات کیے جائیں گے تاکہ پڑھے لکھے اور اہل افراد کو میرٹ پر سرکاری ملازمتوں کے مواقع مل سکیں۔
 - 7- تمام سیکرٹریٹ کے کوٹہ کا تعین سکیل 1 سے عمل میں لایا جائے گا۔
 - 8- تمام اضلاع کا آبادی کی بنیاد پر سال 1998ء کی مردم شماری کے پیش نظر سرکاری ملازمتوں کے کوٹہ کا از سر نو تعین کروایا جائے گا۔
 - 9- مہاجرین مقیم پاکستان کے لیے 19 فیصد اور مہاجرین سال 1989ء و بعد کے لیے 6 فیصد کوٹہ مختص ہے اس پر عملدرآمد کو یقینی بنایا جائے گا۔
 - 10- کسی بھی محکمہ جات میں نافذ العمل کوٹہ کے برعکس اوپن میرٹ یا کسی خاص ضلع / اضلاع کے لیے مختص آسامیوں کے حوالہ سے جاری شدہ تمام نوٹیفکیشن ہاء منسوخ تصور ہوں گے۔
 - 11- جملہ سربراہان محکمہ جات ملازمتوں کے لیے آسامیوں کی مشترگی کے اشتہار کی ایک مصدقہ کاپی محکمہ سروسز اینڈ جنرل ایڈمنسٹریشن کو ارسال کرنے کے پابند ہوں گے اور عملدرآمد نہ کرنے کی صورت میں متعلقہ محکمہ کا سربراہ تحت قانون قابل مواخذہ ہو گا۔
 - 12- سرکلر نمبر سروسز / جی- (6) 2012 مورخہ 07.04.2012 کے تحت عائد تقرریوں پر پابندی اٹھائی جاتی ہے۔

دستخط / ---

(سید سلیم گریزی)

ڈپٹی سیکرٹری سروسز (جنرل)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 20 جون 2013ء

نمبر سروسز/جنرل-7(6)/2013ء

سرکلر

بخدمت:

1- جناب ایڈیشنل چیف سیکرٹری (جنرل)،

2- جناب ایڈیشنل چیف سیکرٹری (ترقیات)،

3- جناب سینئر ممبر بورڈ آف ریونیو،

4- جملہ سیکرٹری صاحبان حکومت،

5- جناب انسپکٹر جنرل پولیس،

جملہ سربراہان محکمہ جات بشمول نیم سرکاری ادارہ جات و کارپوریشن ہاؤس

آزاد حکومت ریاست جموں و کشمیر

آزاد جموں و کشمیر میں ملازمتوں میں مہاجرین جموں و کشمیر مقیم پاکستان کے کوٹہ پر عملدرآمد

عنوان:

السلام علیکم!

بتسلسل سیکرٹریٹ ہذا کے نوٹیفکیشن نمبر انتظامیہ / جی-7(6)/2012ء (P-III) مورخہ 04 جنوری 2013ء حسب ہدایت تحریر خدمت ہے کہ حکام بالا

کے نوٹس میں لایا گیا ہے کہ اکثر محکمہ جات کی جانب سے متذکرہ نوٹیفکیشن کی شق نمبر 5 پر عملدرآمد کے حوالہ سے ابہام پایا جاتا ہے۔ متذکرہ شق کا اقتباس بذیل ہے۔

1- غیر جریدہ ملازمین کی ایسی آسامیوں جو اضلاعی نوعیت کی ہوں ان پر کوٹہ کا اطلاق نہ ہو گا۔ جب کہ جریدہ آسامیوں کے لیے حسب سابق کوٹہ کا اطلاق بہر صورت یقینی بنایا جائے گا تاکہ اضلاع کے اند مہاجرین مقیم پاکستان اور مہاجرین 1989ء کو Carry Forward فارمولہ کے مطابق عملدرآمد کروایا جائے اور باقی بچ جانے والی آسامیوں کو تحت ضابطہ Fill کیا جائے۔

2- اس سلسلہ میں خصوصی پارلیمانی کمیٹی جس کی سفارشات پر حکومتی منظوری کے بعد نوٹیفکیشن مورخہ 04 جنوری 2013ء جاری کیا گیا تھا ممبران کی جانب سے بھی توجہ دلائی گئی ہے کہ اکثر محکمہ جات میں ضلعی نوعیت کی آسامیوں سے مراد میونسپل کمیٹی ہاؤس، ضلعی کونسل اور ڈسٹرکٹ مجسٹریٹ / ڈپٹی کمشنر کے محکمہ جات / دفاتر ہیں جب کہ بقیہ تمام محکمہ جات قواعد کار 1985ء شیڈول 1 (نقل منسلک) میں درج سیکرٹریٹ ہاؤس، منسلک محکمہ جات، سپیشل ادارہ جات اور خود مختار ادارہ جات بشمول پبلک سیکٹر میں قائم تمام یونیورسٹیز / تعلیمی ادارہ جات میں جملہ آسامیوں پر ضلعی کوٹہ کا اطلاق ہو گا۔ لہذا تمام سرکاری و نیم سرکاری محکموں کے سربراہان اس اصول کو مد نظر رکھتے ہوئے آسامیوں کو تحت قواعد ضلعی کوٹہ مشتہرگی کے بعد تقرری کی کارروائی عمل میں لائیں۔

3- جملہ محکمہ جات نوٹیفکیشن نمبر انتظامیہ / جی-7(6)/2012ء (P-III) مورخہ 04 جنوری 2013ء کے بعد اور وضاحت ہذا کی روشنی میں مشتہرگی کی جانے والی جملہ آسامیوں کے اشتہارات کی نقول بمعہ پوزیشن کوٹہ واضح کرتے ہوئے محکمہ سروسز کو فوری طور پر مہیا کئے جانے کا اہتمام فرمائیں۔

معاملہ اشد ضروری و فوری تصور ہو۔

سیکشن آفیسر (جنرل)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

بخدمت،

- | | |
|-------------------------------|---|
| | 1- جناب سینئر ممبر بورڈ آف ریونیو |
| | 2- جناب ایڈیشنل چیف سیکرٹری (ترقیات) |
| آزاد حکومت ریاست جموں و کشمیر | 3- جملہ سیکرٹری صاحبان حکومت |
| | 4- جملہ سربراہان محکمہ جات بشمول نیم سرکاری ادارہ جات |
| | عنوان :- <u>آسامیاں کم ہونے کی صورت میں ضلع کوٹہ کی تقسیم</u> |

السلام علیکم!

آزاد کشمیر میں جریدہ آسامیوں پر بھرتی مقرر شدہ ضلعی کوٹہ کے مطابق عمل میں لائی جاتی ہے۔ آزاد کشمیر کے سات اضلاع بشمول مہاجرین مقیم پاکستان بھرتی کے لئے آٹھ انتظامی یونٹ بنتے ہیں۔ مشاہدہ میں آیا ہے کہ ایسے معاملات میں جہاں کسی سکیل کی تخلیق شدہ آسامیوں کی تعداد دو یا تین یا جملہ انتظامی یونٹس کی تعداد سے کم ہوتی ہے۔ وہاں پر محکمہ جات اپنی صوابدید پر کسی ایک انتظامی یونٹ سے سلیکشن کر لیتے ہیں۔ جس سے بقیہ یونٹس (Units) کی حق تلفی ہوتی ہے۔

بالا صورت حال کے پیش نظر یہ پالیسی فیصلہ کیا گیا ہے کہ جب کل آسامیوں کی تعداد انتظامی یونٹس سے کم ہو تو ایسی صورت میں اوپن میرٹ کی بنیاد پر تقرری کی کارروائی کی جائے اور میرٹ پر آنے والے امیدواران کو بھرتی کیا جائے اور یہ آسامی اس ضلع کو مجر کر دی جائے جس سے امیدوار کا تعلق ہو۔ مستقبل میں ایسی آسامی خالی ہونے پر اس یونٹ کے کوٹہ سے منہا کر لی جائے۔ نیز اگر اوپن میرٹ کی بنیاد پر ایک ہی ضلع کے امیدوار کو ایضائی کرتے ہوں تو ایک امیدوار سے زیادہ اس ضلع سے بھرتی نہ کی جائے بلکہ مجموعی میرٹ پر اس کے بعد جس ضلع کا امیدوار آتا ہو اسے بھرتی کا موقع دیا جائے۔

والسلام

(محمد راشد حنیف)

سیکشن آفیسر سرورسز (قواعد)

نقل بالا بخدمت

- | | |
|--|--|
| | 1- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔ |
| | 2- سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔ |
| | 3- پرائیویٹ سیکرٹری ہمراہ جناب سپیکر قانون ساز اسمبلی۔ |
| | 4- پرائیویٹ سیکرٹری ہمراہ جناب سینئر وزیر حکومت۔ |
| | 5- پرائیویٹ سیکرٹری ہمراہ جناب جملہ وزراء۔ |
| | 6- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری۔ |
| | 7- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری سرورسز۔ |
| | 8- جناب انسپٹر جنرل پولیس۔ |
| | 9- جملہ ڈپٹی کمشنر صاحبان اضلاع۔ |

سیکشن آفیسر سرورسز (قواعد)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 25 اگست 1998

نوٹیفکیشن

نمبر انتظامیہ / ایچ۔ 12 (20) / شعبہ جنرل / 97 جناب صدر، آزاد جموں و کشمیر نے ایسے میاں بیوی سرکاری ملازمین کو جو علیحدہ علیحدہ سٹیشن پر تعینات ہوں، کو حتی الامکان ایک ہی سٹیشن پر تعینات کیئے جانے کی منظوری صادر فرمائی ہے۔

دستخط / --

سیکشن آفیسر سروسز (جنرل)

"مظفر آباد"

مورخہ 03 جولائی 2006

نوٹیفکیشن

نمبر انتظامیہ / جی۔ 7 (7) / 2004، جناب صدر، آزاد جموں و کشمیر نے سرکاری ملازم خواتین کو ان کے خاندان (اگر وہ سرکاری ملازم نہ بھی ہوں) کی جائے رہائش کے نزدیک ترین سٹیشن پر تعینات کیئے جانے کی منظوری صادر فرمائی ہے۔

دستخط / --

سیکشن آفیسر سروسز (جنرل)

**AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”
Dated: 20th February, 2010

NOTIFICATION:

No. S&GAD/G-5(22)/2010. Consequent upon the decision taken during the meeting of Azad Jammu and Kashmir Cabinet held on 18.01.2010, the President Azad Jammu and Kashmir has been pleased to accord approval to constitute the following committee to scrutinize the matters of re-complement/extension in service/contract employment:-

- | | |
|--|------------------|
| 1. The Chief Secretary/Secretary Cabinet, Govt. of AJ&K. | Chairman |
| 2. The Secretary, S&GAD, Govt. of AJ&K. | Member |
| 3. The Secretary, Finance, Govt. of AJ&K. | Member |
| 4. The Secretary, Law, Justice, Parliamentary Affairs & Human Rights, Govt. of AJ&K. | Member |
| 5. Secretary of the concerned Department. | Member/Secretary |
2. All the cases of re-employment//extension in service/contract employment will be referred to the said committee with the due recommendation of the concerned Minister.
3. The Committee after due scrutiny and recommendation will submit the cases to Prime Minister for orders.

Sd/--

(MAZHAR FAROOQ JANJUA)
Section Officer (General)
S&GAD

**RE-EMPLOYMENT POLICY
FOR RETIRED CIVIL SERVANTS, 2010**

“Muzaffarabad”
Dated: 3rd May, 2010

NOTIFICATION:

No. S&GAD/G-5(22)/2010. In exercise of the powers conferred by Section 23 read with Section 13, of Azad Jammu and Kashmir Civil Servants Act, 1976, the President, Azad Jammu and Kashmir has been pleased to approve the following policy for regulating the matters of re-employment of retired civil servants against the civil posts in connection with affairs of the Azad Govt. of the State of Jammu and Kashmir, namely;

- i) The re-employment beyond superannuation shall be an exception and not the rule.
- ii) It shall be recommended only in cases where government considers that the person is highly competent, with distinction in his/her profession/field and no qualified and experienced person is available from the existing cadres.
- iii) The retention of the officer is in the public interest and shall not block the promotion prospects of other officers.
- iv) Re-employment beyond the age of 63 years shall not be allowed.
- v) The civil servants who have been, or may be, retired by the competent authority on or after completion of 25 years of service qualifying for pension shall not be considered fit for retention in government service.
- vi) A civil servant on leave preparatory to retirement and is desirous of seeking re-employment, including those seeking such re-employment within first two years of their retirement, shall seek prior permission of the concerned authority.
- vii) A person, whose services have been terminated as a result of disciplinary action against him, shall not be re-employed.
- viii) No request for grant of ex-post facto approval to the re-employment/ extension in service, contract employment in any circumstances shall be entertained.
- ix) No officer appointed on contract or serving on re-employment shall be allowed to continue in the respective post after the expiry of the tenure and in case of overstay the financial liability shall rest upon the head of the department and the officer concerned himself/herself.

- x) All the cases of re-employment, extension in service, contract employment beyond the age of superannuation shall be considered by the committee constituted vide Notification No. S&GAD/G-5(22)/2010 dated 20.02.2010 and issued under the Azad Jammu and Kashmir Cabinet decision taken in the meeting held on 18th January, 2010.
2. It has further been approved that Administrative Secretary concerned shall refer the proposals of such cases to the scrutiny committee, in the form of summary, containing the recommendations of the Minister-in-Charge, duly signed by him and shall be accompanied/supported with the following verifications, information and documents:
- (a) All the proposals for re-employment shall indicate reasons for non-availability of substitute and steps taken to train a substitute and statement of circumstances in which no other officers could be groomed to take up the assignment.
 - (b) The proposed re-employment/extension in service of employment, contract employment of any retired civil servant shall not create promotion blockade for other officers.
 - (c) A brief report on the performance of the officer, proposed for re-employment/extension in service or contract employment during his/her last 5 years of service.
 - (d) The officer proposed for re-employment/extension in service or contract employment is medically fit.
 - (e) The Administrative Secretary shall forward the proposals to the scrutiny committee at least two months before the date of superannuation or date of expiry of current period of re-employment/ extension in service, contract employment as the case may be.
3. This notification shall take immediate effect.

Sd/--

(SYED FIDA HUSSAIN GARDEZI)
Additional Secretary S&GAD
(General/Cabinet)

**AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT**

“Muzaffarabad”
Dated: 4th February, 2015

NOTIFICATION:

No. S&GAD/A-1(85)/2015(Gazetted-I). The President, Azad Jammu & Kashmir, on the recommendations of Committee to scrutinize the matters of re-employment/ extension in service/contract appointment, has been pleased to accord following approval:

- i) In future, re-employment shall be made on contract basis for an initial period of one year probation, further extension in contract period will be granted on the basis of satisfactory performance report submitted/forwarded by the concerned Administrative Secretary and will be evaluated by third party i.e. M&E wing of P&DD, GoAJ&K headed by the ACS (Development);
- ii) The above condition will also be applicable to already re-employed persons, their performance report(s) will also be considered/evaluated during last week of June, 2015 and concerned Secretaries will ensure timely submission of such reports before the Scrutiny Committee.

Sd/--

(KHALIQUE AHMED KHAN)
Section Officer (Gazetted-I)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد
سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 01.04.2005

نوٹیفکیشن

نمبر ایس اینڈ جی اے ڈی / اے-4(112)/2003ء جناب صدر، آزاد جموں و کشمیر نے بمنشاء قاعدہ 4(2) آزاد جموں و کشمیر سول سروسز (تقرر و شرائط) ملازمت قواعد مجریہ 1977 بذیل سلیکشن بورڈ ہا تشکیل دیئے جانے کی منظوری صادر فرمائی ہے:-

- 1- خصوصی سلیکشن بورڈ (برائے گریڈ بی-21، 22)
- | | |
|----------------|--|
| چیئر مین | 1- جناب وزیر اعظم |
| ممبر | 2- جناب چیف سیکرٹری |
| ممبر | 3- جناب ایڈیشنل چیف سیکرٹری (جنرل) |
| ممبر | 4- جناب سیکرٹری مالیات |
| ممبر | 5- جناب سیکرٹری قانون و پارلیمانی امور |
| ممبر | 6- جناب سیکرٹری برائے جناب وزیر اعظم |
| ممبر / سیکرٹری | 7- جناب سیکرٹری سروسز |
- 2- سلیکشن بورڈ نمبر 1 (برائے گریڈ 19، 20 و ڈپٹی کمشنر / ڈپٹی سیکرٹری و ایس پی بی-18)
- | | |
|----------------|--------------------------------------|
| چیئر مین | 1- جناب چیف سیکرٹری |
| ممبر | 2- جناب ایڈیشنل چیف سیکرٹری (ترقیات) |
| ممبر | 3- جناب ایڈیشنل چیف سیکرٹری (جنرل) |
| ممبر | 4- جناب سینئر ممبر بورڈ آف ریونیو |
| ممبر | 5- جناب سیکرٹری مالیات |
| ممبر / سیکرٹری | 6- جناب سیکرٹری سروسز |
- 3- سلیکشن بورڈ نمبر 2 (برائے گریڈ بی-18)
- | | |
|----------|--|
| چیئر مین | 1- جناب ایڈیشنل چیف سیکرٹری (جنرل) |
| ممبر | 2- جناب سیکرٹری قانون و پارلیمانی امور |
| ممبر | 3- جناب سیکرٹری سروسز |
| ممبر | 4- سیکرٹری متعلقہ محکمہ |

Notifications Regarding Constitution of Selection Boards

| | | |
|----------|--|----|
| ممبر | ایڈیشنل سیکرٹری مالیات (قواعد) | 5 |
| سیکرٹری | ایڈیشنل سیکرٹری سروسز | -6 |
| | سلیکشن بورڈ نمبر 3 (برائے آسامیاں بی-16، 17) | -4 |
| چیئر مین | سیکرٹری متعلقہ محکمہ | -1 |
| ممبر | سربراہ منسلک محکمہ | -2 |
| ممبر | ایڈیشنل سیکرٹری سروسز (قواعد) | -3 |
| ممبر | ایڈیشنل سیکرٹری مالیات (قواعد) | -4 |
| سیکرٹری | ڈپٹی سیکرٹری متعلقہ محکمہ | -5 |
| | سلیکشن بورڈ برائے ترقیاتی سکیم ہاء (سکیل 19، 20) | -5 |
| چیئر مین | جناب چیف سیکرٹری | -1 |
| ممبر | جناب ایڈیشنل چیف سیکرٹری (ترقیات) | -2 |
| ممبر | جناب سیکرٹری مالیات | -3 |
| ممبر | جناب سیکرٹری سروسز | -4 |
| ممبر | سیکرٹری متعلقہ محکمہ | -5 |
| سیکرٹری | ایڈیشنل سیکرٹری (ترقیات) | -6 |
| | سلیکشن بورڈ برائے ترقیاتی سکیم ہاء (سکیل بی-16 تا بی-18) | -6 |
| چیئر مین | جناب ایڈیشنل چیف سیکرٹری (ترقیات) | -1 |
| ممبر | جناب سیکرٹری مالیات | -2 |
| ممبر | جناب سیکرٹری سروسز | -3 |
| ممبر | سیکرٹری متعلقہ محکمہ | -4 |
| سیکرٹری | ایڈیشنل سیکرٹری (ترقیات) | -5 |
| | نوٹیفیکیشن بالا میں درج آفیسران سلیکشن بورڈ کی کارروائی میں خود شامل ہوں گے۔ ان کی جانب سے نمائندہ بطور ممبر کارروائی میں حصہ لینے کا مجاز نہیں ہوگا۔ قبل ازیں قائم سلیکشن بورڈ ہاء منسوخ تصور ہوں گے۔ | -7 |

دستخط / --

(غلام حسین قریشی)

سیکشن آفیسر سروسز (قواعد)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سر و سز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 24 مئی 2005

نوٹیفیکیشن

نمبر ایس اینڈ جی اے ڈی / اے-4(112)/2003 جناب صدر، آزاد جموں و کشمیر نے سلیکشن بورڈ ہاء کے قیام کے سلسلہ میں جاری شدہ نوٹیفیکیشن نمبر- ایس اینڈ جی اے ڈی / اے-4(112)/2003 مورخہ 01.04.2005 کے نمبر شمار 2 سلیکشن بورڈ نمبر 1، سے ڈپٹی کمشنر، ڈپٹی سیکرٹری اور ایس پی، بی پی ایس کی 18 کی آسامیوں پر ترقیاتی کے معاملات نمٹانے کے اختیارات حسب سابق سلیکشن بورڈ نمبر 2 کو تفویض کیے جانے کی منظوری صادر فرمائی ہے۔

دستخط / --
(غلام حسین قریشی)
سیکشن آفیسر (تقاعد)

AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR, SERVICES & GENERAL ADMINISTRATION DEPARTMENT

“Muzaffarabad”
Dated: 02nd June, 2007

NOTIFICATION:

No. S&GAD/R/A-4(112)/2006. The President of Azad Jammu & Kashmir is pleased to delegate powers to recommend promotions to the posts of Deputy Commissioners (B-18) and Superintendents of Police (B-18) to Selection Board No.1, instead of Selection Board No. 2.

Sd/--

(GHULAM HUSSAIN QURESHI)
Section Officer S&GAD
(Regulations)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 16 اگست 2019ء

نوٹیفیکیشن

نمبر سرورسز / اے-4(112)2018 پارٹ-VIII جناب صدر، آزاد جموں و کشمیر نے بمشء قاعدہ 4 (2) آزاد جموں و کشمیر سول سروسز (تقرر و شرائط) ملازمت قواعد مجریہ 1977ء جاری شدہ نوٹیفیکیشن نمبر سرورسز / اے-4(112)2003 پارٹ-VIII مورخہ 01.04.2005 کے ضمن نمبر 2 میں ترمیم کرتے ہوئے سلیکشن بورڈ نمبر 01 کی تشکیل کی بذیل منظوری صادر فرمائی ہے:-

01- سلیکشن بورڈ نمبر 01 برائے گریڈ 20، 19 و ڈپٹی کمشنر کیڈری بی ایس-18، سپرنٹنڈنٹ پولیس بی ایس 18

| | |
|----------------|--|
| چیئر مین | 1- چیف سیکرٹری |
| ممبر | 2- ایڈیشنل چیف سیکرٹری (ترقیات) |
| ممبر | 3- ایڈیشنل چیف سیکرٹری (جنرل) |
| ممبر | 4- سینئر ممبر بورڈ آف ریونیو۔ |
| ممبر | 5- سیکرٹری برائے جناب وزیر اعظم |
| ممبر / سیکرٹری | 6- سیکرٹری سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ |
| ممبر | 7- سیکرٹری مالیات |
| ممبر | 8- سیکرٹری قانون، انصاف پارلیمانی امور و انسانی حقوق |
| ممبر | 9- سیکرٹری متعلقہ محکمہ |

دستخط / --

ڈپٹی سیکرٹری سرورسز (قواعد)

(قیدی احمد اعوان)

نقل بالا خدمت

- 1- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔
- 2- سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔
- 3- پرائیویٹ سیکرٹری صاحبان ہمراہ جملہ وزراء کرام / مشیران کرام / چیئر مین وزیر اعظم عملدرآمد و معائنہ کمیشن۔
- 4- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر۔
- 5- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (ترقیات)۔
- 6- پرائیویٹ سیکرٹری ہمراہ جناب ایڈیشنل چیف سیکرٹری (جنرل)۔
- 6- پرائیویٹ سیکرٹری ہمراہ جناب سینئر ممبر بورڈ آف ریونیو۔
- 7- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری مالیات۔
- 8- جملہ سیکرٹری صاحبان حکومت۔

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

"مظفر آباد"

مورخہ 28 ستمبر 2020

نوٹیفیکیشن

نمبر ایس اینڈ جی اے ڈی / اے۔4(112) / 2003، جناب صدر، آزاد جموں و کشمیر نے بمقتضیٰ قاعدہ 4 (2) آزاد جموں و کشمیر سول سروسز (تقرر و شراکت) ملازمت قواعد مجریہ 1977 سلیکشن بورڈ ہاء کی تشکیل کے نوٹیفیکیشن نمبر۔4(112) 2003 پارٹ-VIII مورخہ 01.04.2005 کے ضمن 4 میں سلیکشن بورڈ نمبر 3 برائے آسامیاں (بی ایس 16 و 17) کو بذیل طور تشکیل دیئے جانے کی منظوری صادر فرمائی ہے:

01- سلیکشن بورڈ نمبر 3 (برائے آسامیاں بی ایس 16، 17)

| | | |
|----------------|---|----|
| چیئر مین | سیکرٹری متعلقہ محکمہ | 1- |
| ممبر | سربراہ منسلک محکمہ | 2- |
| ممبر | ایڈیشنل سیکرٹری سرورسز (قواعد) | 3- |
| ممبر | ایڈیشنل سیکرٹری مالیات (قواعد) | 4- |
| ممبر / سیکرٹری | ایڈیشنل سیکرٹری / ڈپٹی سیکرٹری متعلقہ محکمہ | 5- |

نوٹ: نوٹیفیکیشن بالا میں درج آفیسر ان سلیکشن بورڈ کی کارروائی میں خود شامل ہوں گے۔ ان کی جانب سے نمائندہ بطور ممبر کارروائی کا حصہ بننے کا مجاز نہیں ہو گا۔ البتہ جن محکمہ جات میں ایڈیشنل سیکرٹری کی آسامیاں نہ ہوں ان میں سے ڈپٹی سیکرٹری بطور نمائندہ شامل ہو گا۔

دستخط / --

(عفاف فیاض راٹھور)

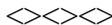
سیکشن آفیسر سرورسز (قواعد و نم)

نقل بالا خدمت

| | |
|--|----|
| سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔ | 1- |
| پرنسپل سیکرٹری صاحب برائے جناب وزیر اعظم، آزاد حکومت ریاست جموں و کشمیر۔ | 2- |
| پرنسپل سٹاف آفیسر صاحب مہراہ چیف سیکرٹری۔ | 3- |
| جناب ایڈیشنل چیف سیکرٹری (ترقیات) | 4- |
| جناب ایڈیشنل چیف سیکرٹری (جنرل)۔ | 5- |
| جناب سینئر ممبر بورڈ آف ریونیو۔ | 6- |
| جناب سیکرٹری سرورسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ | 7- |
| جملہ سیکرٹری صاحبان۔ | 8- |

آزاد حکومت ریاست جموں و کشمیر

No. S&GAD/A-4(94)2020 P-XIV
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(REGULATIONS)



Muzaffarabad, September 14, 2020

Circular:

1. The Additional Chief Secretary (D),
2. The Additional Chief Secretary (G),
3. Senior Member, Board of Revenue,
4. All Administrative Secretaries,
5. All Heads of Attached Departments/Autonomous Bodies.

Govt. of AJ&K, Muzaffarabad

SUB: OBSERVANCE OF RULE 13 OF THE RULES OF BUSINESS, 1985.

I am directed to refer the subject cited above and to state that the rule 13(1) b), (2) b) & (3) and item No. 15 (a,g,h) under Serial No. 23 of schedule II of the Rules of Business, 1985 postulate that the matters pertaining to co-ordination with all departments with respect to the service under their control, consistency of treatment, recruitment, conditions of service, organization methods, staffing patterns, enhancement of general efficiency of departments and career pattern of Govt. employees, have been assigned to S&GAD. Referred provisions of Rules of Business 1985 are reproduced as under:

- (i) **Rules 13.(1);** The Services & General Administration Department shall be responsible for;
- b) the Co-ordination of the policy of all departments with respect to the service under their control so as to **secure consistency of treatment.**
 - (2) No Department shall, without the concurrence of Services and General Administration Department, authorise any orders, other than orders in pursuance of any general or special delegation made by the Services and General Administration Department which involve;-
 - b) **re-organization or change in the status of Department,** attached Department and offices directly administered by the Department.
 - (3) No order in respect of **emoluments, promotion or conditions of service** of any officer **employed in the Finance Department shall be made** and no expenditure proposal relating to the Department shall be sanctioned without prior concurrence of the Services and General Administration Department. The Chief Secretary shall perform in respect of such matter, the functions of the Secretary, Finance Department.
- (ii) **Schedule (II) serial No. 23 Item No. 15 Organization and methods including:**
- a. *Periodic review of the organization, staff, functions and procedure of the departments, attached departments and subordinate offices and suggesting for improvements thereof;*
 - g. *Career pattern of Government employees;*
 - h. *Review of the staffing pattern of Government Department;*

2. It has been observed that as a common practice, mostly departments ignore/overlook above referred provisions of RoB regarding consultation with S&GAD. Generally departments submit cases regarding creation/ upgradation/re-designation of posts directly to Finance Department for the purpose of provision of career opportunities to certain employees quiet contrary to the aforementioned scheme of Law. Moreover, under sub rule 2 of Rule 13, no order involving re-organization or change in the status of Department and under sub rule, Rule 13(3) no order regarding emoluments, promotion or conditions of service of the employees of Finance Department, shall be made without prior concurrence of S&GAD. Whereas the proposals pertaining to these matters are frequently being submitted directly to Finance Department without concurrence of S&GAD and such proposals are entertained contrary to the above statutory provision.

3. The secretaries committee, in its several meetings, has deliberated upon non-observance of Rules of Business while disposal of official business by the administrative departments. Decisions taken by the secretaries committee in its meeting held on 04.05.2017 is reproduced for facilitation of concerned authorities:

| Agenda item # | Date of Meeting |
|----------------------|---|
| 1(i) | 04.05.2017; to ensure observance of Rules 12, 13, 15 & 16 of RoB, 1985. |

4. Foregoing in view, it is requested that above mentioned provisions of Rules of Business, 1985 may strictly be adhered and complied with and due consultation may be made with S&GAD in term of Rules 13 (2 & 3) of the ibid rules, before submitting the proposals regarding creation & up-gradation of posts, change of nomenclatures or re-designations of posts and re-organization of the department to Finance Department for formal concurrence.

This issues with the approval of Secretary S&GAD.

(Muhammad Younus Mir)
Additional Secretary S&GAD
(Regulations)

Cc:

1. PSO to the Chief Secretary, GoAJ&K.
2. PS to the Secretary, S&GAD.

Additional Secretary S&GAD
(Regulations)

COMPULSORY MEDICAL EXAMINATION OF OFFICERS
OFFICE OF THE SECRETARY GENERAL
(CABINET SECRETARIAT)
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR

Government Order No.304/62

dated 19.06.1962

ORDER:

1. The Azad Government of the state of Jammu & Kashmir is pleased to order that:

Every class I officer i.e. an officer drawing pay in the scale of 500-25-650/30-800 in the employ of the Azad Jammu & Kashmir Government of the State of Jammu & Kashmir shall be medically examined every year.

2. The object of the medical examination will be to discover physical defects of the Government servants at an early stage and ensure an early and easy treatment.
3. The report of the Medical Examination will be in the form of annexure¹ to this order and will be furnished by the examining officer direct to the Secretary/Head of the department concerned.
4. The medical examination will be conducted by an authorized medical officer as follows:-

| | | |
|----|--|--|
| a) | Officers at the District H.Q. | By the D.M.O |
| b) | Other class I officer not stationed at District H.Q. | By the C.M.O. of the area |
| c) | Officers posted outside the state or on long leave | By any Gazetted Medical Officer not below the rank of an Assistant Surgeon |
| d) | Officer who is an indoor patient | By any Medical Officer of the Hospital not below the rank of Assistant Surgeon |

5. The report will be disclosed to the officer. If he contests the medical category assigned to him by the Medical Officer conducting the medical examination he may be placed before a medical board.
6. Failure on the part of a Government Servant to submit to Medical examination shall be treated as non-compliance of orders punishable under government servants conduct rules.

The Government order shall be incorporated in the Kashmir Service Regulations.

¹ For Annexure to this order as referred to in para 3 may be available at Govt. Hospitals.

No. LD/58/2001

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE & PARLIAMENTARY AFFAIRS DEPARTMENT

“Muzaffarabad”

Dated: the 26th July 2001.

NOTIFICATION:

WHEREAS it is mandatory under Section 52-A, (3) of the Azad Jammu and Kashmir Interim Constitution Act, 1974, that all contracts and assurances of property, relating to the exercise of the executive authority of the Government, shall be executed on behalf of the President by such persons authorized by him in this behalf;

AND WHEREAS, it is expedient to authorize suitable officers of the Government who may be empowered to sign and execute all contracts and assurances of the property on behalf of the President;

NOW, THEREFOR, in exercise of the powers conferred by subsection (3) of Section 52-A of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to authorize, all secretaries to the Government to sign and execute all the contracts and assurances of property, concerning to the subjects assigned to them, on behalf of him.

The Notification shall not effect the powers already delegated to any other officer of the Government, under the aforesaid Section.

Sd/--

(IRSHAD AHMED QURESHI)
DEPUTY SECRETARY (D)

Copy to:-

1. Secretary to the President.
2. Secretary to the Prime Minister.
3. Private Secretary to the Chief Secretary.
4. Registrar Supreme Court/ High Court.
5. All Secretaries to the Government.
6. All Heads of Attached Departments/ Corporations/ Atonomous Bodies.
7. Controller, Govt. Printing Press Muzaffarabad for publication in extraordinary Official Gazette.
8. All Officers of the Law Depadrntment.
9. Master File.

Sd/--

DEPUTY SECRETARY (D)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

مورخہ: 04 جنوری 2019

نمبر سروسز/جنرل-7(15)پارٹ 11-2017

سرکلر

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد

- 1- جناب ایڈیشنل چیف سیکرٹری (ترقیات)،
- 2- جناب ایڈیشنل چیف سیکرٹری (جنرل)،
- 3- جناب سینئر ممبر بورڈ آف ریونیو،
- 4- جملہ سیکرٹری صاحبان حکومت،

عنوان: معزز عدالت العظمیٰ آزاد جموں و کشمیر کے فیصلہ مصدرہ 2018-11-20 میں ایڈہاک ملازمین کی مدت ملازمت میں توسیع کا وضع شدہ طریقہ کار۔
اسلام علیکم!

معاملہ عنوان الصدر میں بحوالہ مکتوب دفتر چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر زیر نمبر پی ایس او/اسی ایس/ (17) 30-27/2019 مورخہ 03 جنوری 2019 (نقل لف ہے) حسب ہدایت تحریر خدمت ہے کہ مورخہ 02 جنوری 2019 کو جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر نے جناب چیف جسٹس، آزاد حکومت ریاست جموں و کشمیر سے ملاقات کی۔ دوران ملاقات، جناب چیف جسٹس نے حکومت کے زیر انتظام کثیر تعداد میں ایڈہاک تقرریوں اور ان میں بار بار توسیع کیے جانے پر تشویش کا اظہار فرمایا۔ جناب چیف جسٹس نے عدالت العظمیٰ کی جانب سے ایڈہاک تقرریوں کے بارہ میں صادر کردہ فیصلہ پر عملدرآمد کرنے اور اس رجحان کے خاتمہ کیلئے حکومتی سطح سے خصوصی اقدامات اٹھائے جانے کی بھی ہدایت صادر فرمائی ہے۔

عدالت العظمیٰ نے اپیل بعنوان "مظہر احمد وغیرہ بنام آزاد حکومت ریاست جموں و کشمیر پبلک سروس کمیشن" و "ڈاکٹر ماریہ ادریس بنام مظہر احمد وغیرہ" میں اپنے فیصلہ مصدرہ 2018.11.20 میں ایڈہاک تقرریوں کی نسبت ہدایت صادر فرمائی ہیں۔ متذکرہ فیصلہ کے پیرا نمبر 32 کا اقتباس بذیل ہے:-

"قانون نافذ الوقت آزاد جموں و کشمیر سول سروس ایکٹ 1976ء اور اس کے تحت وضع کردہ قواعد یعنی آزاد جموں و کشمیر سول سروس (تعییناتی و شرائط ملازمت) قواعد 1977ء و 1994ء کی منشاء اور روح کے مطابق ایڈہاک تقرری کے لیے شرائط مقرر ہیں۔ ایسی تقرریاں غیر معینہ مدت کے لیے عمل میں نہیں لائی جاسکتیں بلکہ اس کی مدت 6 ماہ مقرر ہے اور وہ بھی اس شرط کے ساتھ کہ ایسی آسامیوں پر باقاعدہ تقرری کے لیے اشتہار جاری کر دیا جائے اور متعلقہ انتخابی ادارہ کو میرٹ پر انتخاب کے لیے کارروائی شروع کرنے کا موقع دے دیا جائے۔ اس طرح ابتدائی طور پر ایڈہاک تقرری زیادہ سے زیادہ 6 ماہ کے عرصہ کیلئے ہو سکتی ہے۔ تاہم قواعد 1994 کے قاعدہ 3 کے تحت ہر سال پبلک سروس کمیشن کو آسامیوں کا مطالبہ انتخاب بھیجنے کی تاریخوں کا تعین کر دیا گیا ہے۔ ایسی صورت میں ممکن ہو سکتا ہے بعض دفعہ 6 ماہ سے زائد عرصہ کے لیے ایڈہاک تقرری حالات کا تقاضہ ہو لیکن یہ عرصہ کسی طور پر بھی ایک سال سے زیادہ نہیں ہو سکتا کیونکہ قاعدہ 3 کے مطابق ہر سال یکم ستمبر اور یکم دسمبر تک مطالبہ انتخاب ارسال کرنا لازمی ہے اس لیے قرار دیا جاتا ہے کہ 6 ماہ کی ایڈہاک تقرری میں صرف ایک توسیع کی گنجائش ہے اور وہ بھی اس شرط کے ساتھ کہ قاعدہ 3 میں درج وقت کے اندر مطالبہ

انتخاب بھیجے کیلئے وقت درکار ہو یا مقررہ وقت پر مطالبہ بھیجنے کے بعد پبلک سروس کمیشن کی طرف سے انتخاب ممکن نہ ہو سکا ہو تو اس صورت میں عرصہ کیلئے ایڈہاک تقرری میں توسیع کی جاسکتی ہے۔ دیکھنے میں آیا ہے کہ معمول کے مطابق برس با برس تک ایڈہاک تقرریوں کی توسیع کرنے کا رواج ہے جو قطعاً غیر قانونی ہے۔

لہذا قرار دیا جاتا ہے کہ آئندہ ایڈہاک تقرریوں کی توسیع مندرجہ بالا شرائط کی صورت میں ہی ہو سکے گی۔ اس کے بغیر اگر توسیع کی جاتی ہے تو وہ باطل ہوگی اور محکمہ حسابات پابند ہوگا کہ ایسی باطل توسیع کے احکامات کی بنا پر تعینات شدہ افراد کی تنخواہ و دیگر ادائیگیاں روک لے۔

محالات بالا، جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر نے عدالت العظمیٰ آزاد جموں و کشمیر کی جانب سے صادر شدہ فیصلہ جات کی روشنی میں سرکاری ملازمتوں میں ایڈہاک تقرریوں کے رجحان کا خاتمہ کرنے، قانون کی عملداری، میرٹ کو یقینی بنانے اور حسب منشاء قانون مستقل تقرریاں عمل میں لائے جانے کیلئے ضروری اقدامات کیے جانے کی ہدایت صادر فرمائی ہے۔

معاملہ انتہائی اہمیت کا حامل تصور ہو۔

دستخط / --

(محمد گلزار)

سیکشن آفیسر سروسز (جنرل-I)



آزاد حکومت ریاست جموں و کشمیر مظفر آباد

سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ

(شعبہ جنرل)

مورخہ: 17 اپریل 2019

نمبر سروسز/جی-7(15)2019

سرکلر

بخدمت:

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد

1- جناب ایڈیشنل چیف سیکرٹری (ترقیات)،

2- جناب ایڈیشنل چیف سیکرٹری (جنرل)،

3- جناب سینئر ممبر بورڈ آف ریونیو،

4- جملہ سیکرٹری صاحبان حکومت،

عنوان: ایڈہاک بنیادوں پر تقرریوں کو توسیع معیاد کا طریقہ کار۔

اسلام علیکم!

معاملہ عنوان الصدور میں جملہ سربراہان سرکاری محکمہ جات کو تاکید مطلع کیا جاتا ہے کہ قبل ازیں سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ سے جاری شدہ سرکلرز زیر نمبری 7(15) پارٹ-II/2017 مورخہ 04 جنوری 2019 اور محکمہ حسابات کے مکاتیب نمبر 944/حسابات-انسپشن/2019 مورخہ 01-16-2019 و نمبر 281/حسابات-پے رول-1/2019 مورخہ 03-04-2019 کے تناظر میں فاضل عدالت العظمیٰ کے فیصلہ عنوانی "مظہر احمد وغیرہ بنام آزاد جموں و کشمیر پبلک سروس کمیشن" مصدورہ 11-20-2018 میں صادر قرارداد کی اصل روح و متن کی روشنی میں مذکورہ فیصلہ پر عملدرآمد کو یقینی بنائے جانے کے سلسلہ میں آزاد جموں و کشمیر کابینہ نے اجلاس منعقدہ 02-04-2019 میں ایڈہاک بنیادوں پر تقرریوں کو قانون و قواعد کے تابع لائے جانے کے سلسلہ میں تفصیل ذیل راہنمائی اور آئندہ ذیل مترشح طریقہ کار اپنائے جانے کی منظوری صادر فرمائی ہے۔

"1- جملہ محکمہ جات آزاد جموں و کشمیر پبلک سروس کمیشن پر ویسپر رولز 1994 کے قاعدہ 3 کے تحت مستقل تقرریوں کے لیے خالی دستیاب اسامیوں کے خلاف باقاعدہ تقرری کے لیے پبلک سروس کمیشن کے ذریعہ لازمی انتخاب کی خاطر مقررہ شیڈول کے مطابق ہر سال یکم ستمبر اور یکم دسمبر سے قبل پبلک سروس کمیشن کو ریکورڈیشن ارسال کرنے کے عمل کو بہر طور پر یقینی بنائیں گے۔

2- جملہ محکمہ جات مستقل بنیادوں پر دستیاب خالی اسامیوں کی پبلک سروس کمیشن کو ریکورڈیشن ہاء ارسال کرنے کی لازمی شرط کی بنا پر انتظامی ضرورت کے پیش نظر ایڈہاک تقرریاں اولاً عرصہ 06 ماہ کی توسیع کے ساتھ زیادہ سے زیادہ مہلہ ایک سال کی مدت کے لیے پبلک سروس کمیشن کو ریکورڈیشن ہاء ارسال کرنے کی شرط کے ساتھ کر سکیں گے بصورت دیگر ایڈہاک تقرری باطل تصور ہوگی۔ جبکہ پبلک سروس کمیشن کو ریکورڈیشن ہاء ارسال کرنے کے بعد موزوں امیدواران کے باقاعدہ انتخاب اور سفارشات کی دستیابی تک انتظامی مفاد اور حکمانہ ضرورت کے پیش نظر ایڈہاک تقرری کے عرصہ میں پہلے سے طے شدہ طریقہ کار کے مطابق (پبلک سروس کمیشن سے پیشگی عدم اعتراض سرٹیفکیٹ حاصل کرتے ہوئے) توسیع کی جاسکے گی۔ اس طرح ریکورڈیشن ہاء ارسال کرنے اور پبلک سروس کمیشن کی جانب سے باقاعدہ انتخاب میں صرف ہونے والے دروانیہ پر ایڈہاک تقرریوں کو جاری رکھنے میں متذکرہ بالا ایک سال کے عرصہ میں توسیع اس ناگزیر صورت حال کے پیش نظر حکومتی منظوری سے کی جاسکے گی۔

- 3- مختصر دورانیہ بشمول حق عود، سٹڈی لیو، طویل رخصت / مستعار الخدمت (ڈیپوٹیشن) یعنی عارضی طور پر خالی دستیاب اسامیوں کے خلاف محکمہ ضرورت اور انتظامی مفاد کے پیش نظر ایڈہاک تقرریوں کے لیے پبلک سروس کمیشن کو لازمی ریکوزیشن ہاء کی اس سلسلے کی ضروری تصور نہ ہوگی۔ کیونکہ یہ ایڈہاک تقرری Stopgap Arrangement ہوتا ہے۔ جو براہ راست اسامیوں کے خلاف نہیں ہوتا۔ اس طرح ریکوزیشن بھی نہیں بھیجی جاتی۔ لہذا، ایسی قلیل المدتی بنیادوں پر کی گئی ایڈہاک تقرریوں کے سلسلہ میں ریکوزیشن ہاء بھیجے کی شرط کے سلسلہ میں ایڈہاک تقرری کے حوالہ سے ایک سال کی قدغن بھی عائد / موثر نہ ہوگی۔ البتہ ایسی نوعیت کی جملہ ایڈہاک تقرریوں کے لیے انتخاب اور میرٹ کے تعین کے لیے اسامیوں کی باقاعدہ مشہورگی جیسی دیگر شرائط تحت قانون باسٹور لاگو ہوگی۔
- 4- محولہ بالا صراحت کی روشنی میں کی گئی ایڈہاک تقرریوں کے حامل ملازمین سالانہ ترقی کے لیے مقررہ معیار و اہلیت کی صورت میں ایڈہاک ملازمت کے عرصہ کے دوران سالانہ ترقی کا مفاد پہلے سے طے شدہ طریقہ دار کے مطابق بدیں شرط حاصل کر سکیں گے کہ انہیں ایڈہاک تقرری کے تسلسل یا طوالت کی بنا پر کسی طور باقاعدہ اور مستقل تقرری کے زمرہ میں ماسوائے حسب قواعد شمارگی عرصہ ایڈہاک ملازمت دیگر کسی قسم کا ترجیح سلوک / مفاد کا استحقاق حاصل نہ ہوگا۔
- 5- فاضل عدالتی فیصلوں کی تعمیل میں ایڈہاک تقرریوں کے لیے وضع طریقہ کار میں مطابقت پذیری اور ہم آہنگی کو یقینی بنانے کی خاطر متعلقہ قوانین / قواعد میں بجز ممکنہ مناسب ترامیم عمل میں لائی جائیں گی۔
- 2- لہذا، آپ سے گزارش خدمت ہے کہ آئندہ محولہ بالا ہدایات کی روشنی میں فیصلہ عدالت العظمیٰ پر عملدرآمد کو یقینی بنایا جائے۔ بنا بریں، محکمہ سروسز سے جاری شدہ سرکلر نمبری 7(15) پارٹ-II/2017ء مورخہ 04 جنوری 2019ء تاریخ اجراء سے منسوخ تصور ہوگا۔

وسلام

دستخط / --

(محمد گلزار)

سیکشن آفیسر سروسز (جنرل-I)

نقل بالا خدمت:

- 1- سیکرٹری صاحب برائے جناب صدر، آزاد جموں و کشمیر۔
- 2- سیکرٹری صاحب برائے جناب وزیراعظم، آزاد حکومت ریاست جموں و کشمیر
- 3- پرائیویٹ سیکرٹری ہمراہ جناب چیف سیکرٹری، آزاد حکومت ریاست جموں و کشمیر
- 4- پرائیویٹ سیکرٹری ہمراہ جناب سیکرٹری سروسز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ۔
- 5- جناب سیکرٹری آزاد جموں و کشمیر پبلک سروس کمیشن۔
- 6- جناب ناظم اعلیٰ حسابات، بحوالہ مکتوب ہاء نمبر 944 / حسابات - انسپشن / 2019 مورخہ 16-01-2019 / نمبر 281 / حسابات۔ پے رول-1 / 2019ء مورخہ 04-03-2019
- 7- ماسٹر فائل۔

سیکشن آفیسر سروسز (جنرل-I)

آزاد حکومت ریاست جموں و کشمیر مظفر آباد
سر و سز اینڈ جنرل ایڈمنسٹریشن ڈیپارٹمنٹ (شعبہ جنرل)

مورخہ 14 اکتوبر 2010

نمبر انتظامیہ / اے-4(269)/97

سرکلر

بخدمت:

آزاد حکومت ریاست جموں و کشمیر، مظفر آباد

1- جناب ایڈیشنل چیف سیکرٹری (ترقیات)

2- جناب سینئر ممبر بورڈ آف ریونیو

3- جملہ سیکرٹری صاحبان حکومت

4- جناب انسپکٹر جنرل پولیس

5- جملہ سربراہان محکمہ جات بشمول نیم سرکاری ادارہ جات و کارپوریشن ہاؤس

عنوان: عملدرآمد قواعد بالائی حد عمر

معاملہ عنوان الصدر میں حسب ہدایت (ایڈیشنل چیف سیکرٹری جنرل) تحریر ہے کہ بالائی حد عمر میں نرمی کے قواعد زیر نمبر S&GAD/R/A-

(49)/P(IV) مورخہ 01.09.1997 کو جاری ہوئے (نقل لف ہے)۔ قواعد کی رو سے ایسے افراد جو پہلے ملازمت کر رہے ہوں اور اسی دوران عمر کی بالائی حد کو پہنچ

جائیں تو انہیں عرصہ ملازمت کی حد تک بالائی حد عمر میں نرمی کا استحقاق حاصل ہے۔ متعلقہ پیراجات کا اقتباس بذیل ہے۔

- vi) In the case of a person whose services under Government have been terminated for want of vacancy, the period of service already rendered by him shall for the purposes of upper age limit under any rule, be excluded from his age; or
- vii) In the case of an Ex-Defence personnel, the interval between the date of his release from the Defence Forces of Pakistan, including the Mujahid Force and the date of re-employment in a Civil Department, subject to a maximum of seven years, the whole period of service rendered by him in such Forces shall, for the purposes of upper age limit under any rule, be excluded from his age; or
- viii) In the case of a person who has rendered National Service under the Pakistan National Service Ordinance, 1970, the period actually spent by him in such service shall, for the purpose of upper age limit prescribed under any rule, for appointment to any post/service, be excluded from his age; or
- ix) In case where additional period spent by the specialists after acquiring the minimum qualification prescribed for a post in pursuit of their professional studies/professional work shall be excluded from their age while determining their age for appointment to civil posts; or

Relaxation in Upper Age Limit

- x) According to the amendment made to these rules vide Notification No S&GAD/R/A-4 (49)/Part-IV dated 19 April 2005
- xi) In the case of a candidate already working ¹[or has been working] as a Government servant on permanent, ad-hoc, work charge, contract or temporary basis, the period of his continuous service as such, shall for the purpose of upper age limit prescribed under any service rules of the post for which he is a candidate, be excluded from his age.

مشاہدہ میں آیا ہے کہ ایسے تمام افراد جو پہلے سے ایڈہاک، ورک چارج، کنٹریکٹ یا عارضی بنیادوں وغیرہ پر ملازمت کر رہے ہوں اور تحت قاعدہ بالائی حد عمر میں نرمی کے لیے Admissible Category کے زمرہ میں آتے ہیں کی درخواستیں بھی نرمی قواعد کمیٹی کے اجلاس میں بغرض نرمی بالائی حد عمر کی جاتی ہیں۔ حالانکہ متذکرہ بالا قواعد کی روشنی میں ان افراد کے معاملات متعلقہ محکمہ جات کی سطح سے یکسو ہو سکتے ہیں۔ بہرہائی آئندہ درج بالا کیٹیگریز کے لیے مطابق قواعد عملدرآمد کیا جائے۔

دستخط / --
(ثریارزاق)
سیکشن آفیسر سروسز (قواعد)



FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR

September 20, 2019

NOTIFICATION:

No. FD/R/16776-16775/2019. In supersession of Office Memorandum No.FD/R/433/04 dated 26.09.2008, the President Azad Jammu & Kashmir has been pleased to accord the approval for grant of Overtime Allowance @ Rs. 4000/- per month w.e.f. 01.09.2019 to the Drivers, Dispatch Riders, Mechanics, Garage superintendents and Supervisors working in the Azad Jammu & Kashmir Civil Secretariat and Drivers attached with the Judges of the AJ&K Supreme & High Court, Registrar Supreme Court and High Court, Chairman Public Service Commission & Service Tribunal and officers in regular BS-21.

2. Overtime Allowance would be liable for deduction if the supervising officer is dissatisfied with the extent of extra duty performed during a particular month.

3. Required funds will be adjusted in the Revised Budget Estimates for FY 2019-20.

Sd/--
(Inayat Ali Qazi)
Additional Secretary (Regs.)

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. PSs to all the Ministers/Advisors/Special Assistant, Azad Govt. of the State of Jammu & Kashmir.
4. PS to Chief Secretary, Azad Govt. of the State of Jammu & Kashmir.
5. PS to Additional Chief Secretary (Gen.), Azad Govt. of the State of Jammu & Kashmir.
6. PS to the Senior Member Board of Revenue, Azad Govt. of the State of Jammu & Kashmir.
7. PS to Additional Chief Secretary (Dev.), Azad Govt. of the State of Jammu & Kashmir.
8. All Administrative Secretaries, Azad Govt. of the State of Jammu & Kashmir.
9. Registrar Supreme Court of Azad Jammu & Kashmir.
10. Registrar High Court of Azad Jammu & Kashmir.
11. PS to Chairman Azad Jammu & Kashmir Public Service Commission.
12. Accountant General, Azad Govt. of the State of Jammu & Kashmir.
13. Director General Audit, Azad Govt. of the State of Jammu & Kashmir.
14. Registrar Service Tribunal, Azad Jammu & Kashmir.
15. Controller Government Printing Press.
16. All Officers of finance Department.
17. Master File

(Muhammad Rafique Ch.)
Section Officer (Regs.)

FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR

June 28, 2019

NOTIFICATION:

No. FDT-1(65)PIII/19/10241-90/2019. In exercise of the powers conferred under Section 3 of the Azad Jammu & Kashmir Levy of Tolls continuance Act 1956, and in supersession of all the previous notifications, the Azad Government of the State of Jammu & Kashmir has been pleased to sanction, the following Schedule of rates of Road Toll to be levied on Motor Vehicles at the Toll Stations in the territory of Azad Jammu & Kashmir to be recovered by the Inland Revenue Department, Government of Azad Jammu & Kashmir:

| Category | Rates (In Rs.) Entry/Exit |
|--|------------------------------|
| 1. For Private Vehicle | |
| Jeep/Car/Land Cruiser/pajero and Tractor without Trolley and equipment | Rs.20/- |
| 2. For Public Carriers | |
| Vehicles with seating capacity up to 35 seats/Wagon | Rs. 30/- (each way) |
| Vehicles with seating capacity more than up to 35 seats/Busses | Rs. 50/- (each way) |
| 3. For Good Carriers | |
| Vehicles 10 Wheals or less /2 Axel Trucks | Rs. 60/-(each way) |
| Vehicles more than 10 Wheels / 3 Axel Trucks | Rs. 80/- (each way) |
| Articulated Trucks | Rs. 200/- (each way) |

2. The revised rates shall be effective from 01.07.2019.

Sd/--
(Haleema Qureshi)
Section Officer (Taxes)

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. Private Secretaries to all Ministers, Azad Jammu & Kashmir Legislative Assembly.
4. PSO to Chief Secretary, Azad Govt. of the State of Jammu & Kashmir.
5. PS to Additional Chief Secretary (General), Azad Govt. of the State of Jammu & Kashmir.
6. PS to the Senior Member Board of Revenue, Azad Govt. of the State of Jammu & Kashmir.
7. PS to Additional Chief Secretary (Dev.), Azad Govt. of the State of Jammu & Kashmir.
8. PS to Secretary Finance, Azad Govt. of the State of Jammu & Kashmir.
9. The Inspector General Police, Azad Jammu & Kashmir.
10. The Accountant General, Azad Jammu & Kashmir.
11. Director General Audit, Azad Jammu & Kashmir.
12. The Commissioner Inland Revenue Department, Azad Govt. of the State of Jammu & Kashmir.
13. The Controller Government Printing Press, Muzaffarabad.
14. Master File

Section Officer (Taxes)

FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR

June 28, 2019

NOTIFICATION:

No. FDT-1(26)PII/2002/101912401/2019. In exercise of the powers conferred by clause (e) and (f) of Section 43 (2) of the Azad Jammu & Kashmir Motor Vehicle Ordinance 1971, the Azad Government of the State of Jammu & Kashmir has been pleased to accord approval for enhancement in fee for registration of motor vehicles in AJK by amending Rule 41 of the Azad Jammu & Kashmir Motor Vehicle Rules, 1973. The revised rates are as under :-

| Description of Vehicle | | Rates |
|---|---|---------------|
| Private Vehicle | | |
| 1) | Vehicles with engine capacity not exceeding 1000 CC | 1% of value |
| 2) | Vehicles with engine capacity exceeding 1000CC but not exceeding 1500CC | 2% of value |
| 3) | Vehicle with engine capacity exceeding 1500CC but not exceeding 2000CC | 2% of value |
| 4) | Vehicle with engine capacity exceeding 2000CC | 4% of value |
| Commercial Vehicles | | |
| | Truck/Bus | 1% of value |
| Rates for two & three wheelers-Motorcycles, Auto Rickshaw & Chingchi etc | | |
| 1) | Two Wheeler Motorcycle | 1% of value |
| 2) | Three Wheeler Chingchi (06 Seaters) | Not permitted |
| 3) | Three Wheeler Auto Rickshaw (four Stroke) | 1% of value |

2. The revised rates shall be effective from 01.07.2019.

Sd/--
(Haleema Qureshi)
Section Officer (Taxes)

Copy to:-

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to Prime Minister, Azad Government of the State of Jammu & Kashmir.
3. Private Secretaries to all Ministers, Azad Jammu & Kashmir Legislative Assembly.
4. PSO to Chief Secretary, Azad Govt. of the State of Jammu & Kashmir.
5. PS to Additional Chief Secretary (General), Azad Govt. of the State of Jammu & Kashmir.
6. PS to the Senior Member Board of Revenue, Azad Govt. of the State of Jammu & Kashmir.
7. PS to Additional Chief Secretary (Dev.), Azad Govt. of the State of Jammu & Kashmir.
8. PS to Secretary Finance, Azad Govt. of the State of Jammu & Kashmir.
9. The Accountant General, Azad Jammu & Kashmir.
10. Director General Audit, Azad Jammu & Kashmir.
11. The Commissioner Inland Revenue Department, Azad Govt. of the State of Jammu & Kashmir.
12. The Controller Government Printing Press, Muzaffarabad.
13. Master File

Section Officer (Taxes)

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SECTION)**

No. S&GAD/G-12(72)/2019

Dated: 15th July, 2020

To

- 1) The Additional Chief Secretary (Dev.),
- 2) The Additional Chief Secretary (Gen.),
- 3) The Senior Member Board of Revenue,
- 4) All Administrative Secretaries to the Govt.,
- 5) All Heads of Attached Departments,

Azad Govt. of the State of
Jammu & Kashmir,

**Subject: INSTRUCTIONS REGARDING TIMELY RESPONSE TO CURB THE
MALICIOUS CAMPAIGN IN PRINT, ELECTRONIC AND SOCIAL MEDIA**

I am directed to refer to the subject noted above and to state that it has been observed that a malicious campaign in print, electronic and social media is going on to undermine the credibility and performance of the public officials, Government servants and public institutions. Hence, to curb this trend effectively and timely, there is a dire need to highlight the outstanding progress of the Government and its institutions & to bring it before the public for which an effective Mechanism is required to be evolved at each Department level.

2. The Prime Minister, Azad Govt. of the State of Jammu & Kashmir has been pleased to direct that such malicious contents appearing in print, electronic and social media may be timely responded by the concerned department(s) by evolving a mechanism, to ensure the creditability of the Government and its functionaries.

3. Foregoing in view, needful may please be ensured, accordingly.

Sd/---

(Muhammad Gulzar)

Section Officer (Gazetted-I)

Copy to:

- 1) Secretary to the President, Azad Jammu & Kashmir.
- 2) Principal Secretary to the Prime Minister, GoAJ&K.
- 3) Chief Secretary, GoAJ&K.
- 4) Secretary S&GAD.
- 5) Secretary, Information, Tourism & IT.
- 6) Inspector General of Police, AJ&K.
- 7) Director General, Information.
- 8) Divisional commissioners, Muzaffarabad, Mirpur and Poonch.
- 9) Office Copy.

Section Officer (Gazetted-I)

JUDGEMENTS OF SUPERIOR COURTS

i. **Absence from Duty**

The superior Courts held that a civil servant having remained absent from duty for more than five years ceased the status of civil servant. **AJK Govt. & 2 others versus Mehr-un-Nisa & 5 others 2016 SCR 594**

Absence from duty for five years- Effect- shall cease to be in Government employment **1997 PLC 279**

ii. **Acquiescence**

Appellant applied for the post, participated in the test and interview but could not qualify --- After failing, he challenged the process of selection---Held: appellant has acquiesced and estopped by conduct from challenging the process of selection. 2016 SCR 15.

Meaning and scope -- Ordinary meanings of word “acquiescence” was “consent” either express or implied abandonment of a right or failure to enforce it and secondly, act by which acquiescence was inferred should be inconsistent with the right. (Basharat Ahmad Sheikh, J) Umar Hayat v. AJK Govt. 1999 PLC (C.S) 93.

Acquiescence; Acquiescence is a species of estoppels- it arises where a party is aware of his right induced other party acting upon and on mistaken notion of his right, sleeps and does not inform him of such act- held: acquiescence plea was not tenable. NLR. 1992 TD. 788.

The appointment order does not mentioned any amount of salary --- Document relied and brought on record by the appellant himself proves that at the time of his appointment, salary package was Rs. 80,000/- per month---held: in presence of the admission of the appellant and his conduct, there remains no legal dispute regarding amount of salary. 2010 SCR 215

Acquiescence and estoppels are two recognized grounds in presence of which jurisdiction based on equity cannot be exercised --- writ jurisdiction of the High Court is equitable in nature and no relief is granted to a litigant if he himself is instrumental in the making of an order of if he acquiesces in it – He cannot be allowed to turn round and challenge it --- Equitable jurisdiction cannot be exercised in favour of a litigant with objectionable conduct. 2000 SCR 97.

The petitioner participated in the test and interview --- He failed to raise any objection about the presence of the report --- at this belated stage on the principle of acquiescence he cannot be allowed to challenge the presence of the member of selection board --- 2004 SCR 467.

Petitioners have participated and duly assisted the Commission of Inquiry and they have all along been with the Commission during inquiry --- They challenged the notification of appointment of Commission of Inquiry after the report was submitted by the Commission and when they found it against them --- Held: A person who duly participated in an enquiry and acquiesced to the jurisdiction is stopped from calling in question the proceedings and the result thereof. 2005 SCR

Change of date for examination --- Test was conducted --- affect of --- It was done because no building was available at Muzaffarabad --- No building at Islamabad was also available for 09th October --- Test was conducted on 07th --- All the candidates were informed accordingly--- Appellant also participated --- No objection was raised --- When appellant failed then he raised objection --- Held: he cannot raise objection at this stage. 2008 SCR 67.

iii. **AJ&K Civil Servants (Terms and Conditions of Service) Rules, 1977**

Rule 17 ---Mandatory requirement ---All posts in grade I and above have to be advertised in newspapers before making appointments. *Rashid Hussain Vs. Gul Afsar Khan & others* 1999 SCR 435.

AJ&K Civil Servants (Terms and Conditions of Service) Rules, 1977---

Rule 17---All posts in B-1 and above have to be advertised in newspapers---- This is a mandatory requirement----appointment made in violation of this rule cannot be protected under law---Posts were not advertised, as required by rule 17, the recommendations made by any Selection Committee & appointments made are of no consequence---The appointments of private respondents by promotion against such up-graded posts are illegal and cannot be maintained---This fact has not been brought to the notice of the court as to whether these posts were created earlier under the approval of controlling authority or were subsequently created by the Chairperson subject to the approval of the Board----Appellants are directed to fill these posts strictly in accordance with law and rule applicable. *AJ&K BISE Vs. Abdul Rauf Khan & others*. 2002 SCR 139

iv. a. **AJ&K Civil Servants Act, 1976**

Section 4 --- an appointment against a civil post shall be made in the prescribed manner by the Government or an authorized person. *Molvi Abdul Latif Qadri & others Vs. Azad Govt. and others* 2014 SCR 1104.

a. **AJ&K Civil Servants (Appointment and Conditions of Service) Rules, 1977**

Rule 17--- under rule 17, all the appointments in B-1 and above through initial appointment shall be made on the basis of examination or test to be held by the appropriate Committee or the Board after advertising the vacancies and appointments have to be made under prescribed rules. **Held:** Any appointment order made without framing the rules, without advertising the post and without conducting the test and interview by the appropriate Selection Committee or Board is against the law and not maintainable. 2002 SCR 263, 2002 SCR 139 & 2008 SCR 512 *rel* *Molvi Abdul Latif Qadri & others Vs. Azad Govt. and others* 2014 SCR 1104.

v. **Authority**

Against the order of DEO the next higher authority was the Divisional Director before whom the appellant filed appeal --- the High Court under a mistaken view assumed the director education as the next higher authority. 2004 SCR 429

Term “Authority” means a person or authority which is competent to appoint a civil servant or one designated as such to proceed against civil servants under the AJ&K Civil Servants (E&D) Rules, 1977 --- It also includes functionary of the state who can finally determine any right, term or condition of service of a civil servant. 2008 SCR 230

Appellate authority. 2005 PLC 554 = 2009 PLC 630

vi. **Authority to frame charge sheet:-**

--Charge sheet must be framed by the authority competent to inflict punishment. Where the charge sheet was signed by an authority lower than the appointing authority the charge sheet was held illegal and the ensuing proceedings were declared void. **PLD 1979 SC 711.**

Charge Sheet – Mandatory provision- non-compliance constitutes denial of reasonable opportunity, which per se vitiates action taken-non-supply of statement of allegations-caused prejudice to accused. **PLD 1970 Lahore 811**

Charge- Charge against civil servant- Charges not framed specifically and properly and statement of allegation was missing – Order awarding punishment was set aside. **1992 PLC 1000.**

Charge- More than one charge leveled – penalty imposed on the basis of one charge would be inferred to have not been established- **1993 PLC 143.**

Charge of illegal gratification- Employee was thus precluded to prove his non-involvement in the matter and falsehood- Action taken by authority was untenable for its amounted to his condemnation without affording him opportunity of hearing. **1996 SCMR 639 =1996 PLC 700**

Charge Sheet- Inadequate and improper could lead to miscarriage of justice. **1991 PLC 9**

Charge Sheet- Charge sheet served post was sufficient compliance of law **1995 SCMR 1754**

Charge sheet was not drawn and served as required by law – Leave granted to consider the matter. **1987 SCMR 1774**

Charge Sheet:- Charge Sheet to be supplied to civil servant within three days – r 6 (2) does not provide for supply of material evidence alongwith charge sheet. **1992 PCL. 1185.**

Charge Sheet- Charge sheet could be amended- **1980 PCL 167.**

vii. **Authority and Authorized Officer :-**

Authority and Authorized Officer :- for the purpose of the Efficiency and Discipline rules there are two different and distinct authorities Namely “Authority” and Authorized Officer. The authority after deciding initiation of disciplinary action and giving direction to “Authorized Officer” goes into background till the case comes before it for the imposition of major penalty. The authorize officer after receipt of direction from imposition of major penalty. The authorized officer after receipt of direction from authority occupies position of prominence and importance to decide either to charge-sheet and impose minor penalty. **1982 PLC (CS) 42**

Definition of “Authority” :- Authority is defined by rules of Government or authority designated by it to exercise powers of “Authority” under rules. **PLD 1982 Lah 525 1981 SCMR 1034-1987 SCMR 1947**

Domestic inquiry by domestic tribunal- elementary justice and fair play is to show that they are acting on their own independently and impartially. **1985 PLC. (CS) 711 Akram Shah vs. Azad Government**

Authority can act as authorized officer- **1985 PLC 290**

Authority- R. 6(3) postulates that inquiry officer is required to examine oral or documentary evidence in support of the charge- **1996 PLC 766**

Authorized officer has discretion to agree or disagree with the findings and recommendation of inquiry officer. **1994 PLC 713**

Authority- Order of authorized officer (exonerating of accused) being merely a recommendation could not be taken as a final order- **1986 SCMR 1066**

Authority- Order passed by authority not competent is a nullity in law. **1993 PLC 153**

Average ACRs – Treated as generally good for purpose of move-over- Dictum in Muhammad Anwar’s case **[PLD 1992 SC 144]=1994 SCMR 544.**

Disciplinary action- power of authorized officer exercised by authority violate of rules- adhered to strictly and faithfully. **1982. PLC (C.S.) 180**

Disciplinary proceedings- Procedural rule mandatory and penal in nature must be adhered to strictly and faithfully. **1982. PLC (C.S.) 181**

“Competent Authority”- connotation of **PLD 1987 SC AJK 87.**

Departmental Authority- terms “Departmental authority” chief Minister vested with power to appoint and initiate disciplinary proceedings against specified class of officers would fall within ambit of “departmental authority” **PLD 1992 Lah 127**

Departmental Authority- Connotation – Expression- **1995 PLC 932.**

Authorized officer- Authorized officer has no power of ordering de novo inquiry- Such power expressly vested in Authority by virtue of provisions of E& D rules. **1997 PLC 929**

Unlaw-full authority- Disciplinary orders passed by Chief Executive by exercising all powers of authorized officer as well i.e. issuance of charge sheet and appointment of inquiry officer- held, violative of rules and not maintainable – **1986 PLC 380.**

Authorized officer- Authorized officer and Authority separate entity- Major penalty could not be imposed by authorized officer. **1997 PLC 657**

viii. **Appeal Rules – Several review**

“Sufficient Cause” --- When a cause is dismissed for default of appearance of a party or his counsel, it is duty of that party or counsel to show ‘sufficient cause’ as to why the cause was not prosecuted on the relevant date --- If the circumstances beyond the control of the party or his counsel, then the same has always been considered to be a sufficient cause for the restoration of suit or appeal, as the case may be *AJK Govt. v. Abdul Rashid* 2002 SCR (A).

The contention that the appeal should have been decided on merits as valuable rights of the parties are involved has not been recognized as a sufficient cause for the restoration of suit/appeal which is dismissed in default for non-appearance --- It was also the duty of appellants as well to abreast their counsel of the fact that which date was fixed for hearing the appeal because there are as many as 11 appellants who though are Government officials but they cannot be absolved of their responsibility to contact their counsel to appear and argue the appeal. *AJ&K Govt. & 10 others v. Abdul Rashid and 5 others* 2002 SCR 100 (B).

ix. **Appointment by Transfer**

Service benefits --- Pay protection n--- The criteria laid down for appointment in whatsoever manner it may be made, may vary from case to case as per rules applicable to the post --- But a person in service if appointed by transfer to another service, does not lose the acquired benefits, if there is continuity in the service without any break and the period spent in earlier service has to be counted for the purpose of pay, leave, move-over, pension etc. **Azad Govt. & another v. Sardar Muhammad Ashiq Khan** 2008 SCR 142 (A)

Rule. 9 --- *AJ&K Civil Servants (Appointment and Conditions of Service) Rules, 1977* --- the appointment by transfer the condition of recommendations by the appropriate Committee or Board is to be fulfilled. The appointment by transfer of civil servant of other department cannot be treated as valid one unless rules are framed in this regard. **Ejaz Hussain v. Azad Govt. 6 others** 2015 SCR 367 (B) 1992 SCR 468 & 2014 SCR 676 rel.

x. **Appointment from waiting List**

Rule. 13 --- *AJ&K Public Service Commission (Procedure) Rules, 1994* --- candidate from waiting list --- appointment of --- a candidate next in merit form the waiting list can only be appointed against the post if the selected candidate recommended by the Public Service Commission on the basis of merit fails to join the service or is declared medically unfit. There are two eventualities justifying the appointment from the candidate falling in the waiting list. (1) Validity of waiting list only for 180 days. (2) Waiting list not valid for fresh vacancy. **AJ&K Govt. & v. Noman Akbar** 2015 SCR 361 (A) 2014 SCR 479 rel.

xi. **Appointment in Civil Service**

Appointment to the post of Junior Clerk --- condition that post was created by the struggle of respondent therefore he is entitled to be appointed as a matter of right --- **Held:** the rules and regulations don not permit the authority to make any appointment without following the prescribed procedure of law, even Prime Minister does not have any powers to relax the rules or regulations just to accommodate a person of his own choice. Any appointment which has been made without following the prescribed procedure of law shall be illegal and the same cannot be protected even by the Legislative Assembly. **Syed Shabir Shah Gillani v. Imtiaz Ahmed Abasi & 5 others 2014 SCR 418 (A) 2010 SCR ref.**

xii. **Cadre**

Cadre – Cadre is the strength of service or part of service sanctioned as a separate unit and each cadre consists of a certain number of posts. 1988 SCMR 1453

Cadre – Amalgamation of two cadres 1991 PLC 379 = 1994 PLC 513

xiii. **Charge Sheet**

Charge Sheet:- A charge sheet is a document specifying the charges leveled against a civil servant, which he is called upon to explain. It is necessary that the charge sheet should be compiled with care. The charges must be specific and not vague. These would not frivolous and the necessary details to substantiate the charges must also be supplied to be concerned official.

Principles about the framing of charges: - the principles about the framing of charges are:-

The departmental inquiry starts from the charge sheet.

The charge sheet must be specific and should set out all necessary particulars.

It is no excuse to say that regard being had to the previous proceeding the delinquent should be taken to have known all about the charges.

Whether he knew it or not he must again to told of the charges to which he is called upon to show cause and charges must be specific and all particulars must be stated for selection posts persons in order of seniority have to be considered. PLD 1971 SC 124, = PLD 1981 SC 172, = & 1982 SCMR 622= 1992 PLC (SC) 1374

xiv. **Civil Servant**

“Civil servant” is a person who holds a civil post. It does not include person employed on contract or on work charged basis or paid from contingency or worker or workman or person on deputation from Federation or any province or Authority or vice versa. 1983 PLC (C.S) 642. = 1989 PLC (CS) 25= PLD 1985 Q. 234 = 1986 PLC 1932 1991 PLC 415 = PLD 1990 S.C. 712

Civil Servant: Question is that all police officers are “Civil Servant” within the meaning of civil servant Act- This act applies then where the matters which are not covered by the Police Act. 1993 PLC (CS) 286-986. =1993 SCR 241

Civil Service Maxim, Audi alteram parted termination of service on telephonic order such order was clear violation of rule and natural justice. Termination order set aside. Petitioner was re-instated with back benefits. 1992 PLC 75.

xv. **Confirmation**

Confirmation provision in civil servant Act:- The main provision of section 6 of the civil Servant Act 1976 about confirmation are as follows:-

1. A person appointed on probation is on satisfactory completion of this probation eligible for confirmation in the manner prescribed by rules.
2. A civil servant promoted on regular basis is eligible for confirmation after rendering satisfactory service for the prescribed period.
3. There can be no confirmation against a temporary post.
4. Confirmation of a civil servant is to take effect from the date of occurrence of permanent vacancy.

Confirmation rules and Practice:- Confirmation is in the discretion of the employer- confirmation can only be made when a permanent post exists against which a new incumbent can be confirmed. PLD 1968 S.C.37

Civil Services- Confirmation- Considerations relevant for confirmation, Seniority, Satisfactory work, availability of permanent post- Confirmation is not an automatic process merely following date of appointment. 1971 PLC (C.S) 72

Confirmation- Out of turn, on ground that junior had successfully passed upper school course- Seniority alone give a right or entitlement to senior civil servant over junior confirmation and not the higher qualification. 1994 PLC 672

Confirmation- Government servant allowed to continue in service for long time- Relevant authority to apply its mind in order to decide whether Government Servant should be confirmed or not-Held: It is not proper for Supreme Court to give direction in that respect- 1983 PSC. 51

xvi. **Certified Copy**

No form of certificate is prescribed by law so as to show how a document is to be attested and certified. **Raja Abdul Qayyum v. Ch. Latif Akbar & others 1995 SCR 1 (FF)**

xvii. **Condonation of Delay for circumstances beyond ones control**

Delay in filing appeal before Service Tribunal was not international but due to judicial pronouncements which gave rise to various complications --- Delay condoned. **Mehboob-ur-Rehman v. Ishfaq Ahmed & 2 others 1999 SCR 300 (C)**

If it is found that limitation in filing revision petitions/appeals before the Commissioner would be deemed to have been condoned by necessary implication. There was no justification in remanding the case to the Commissioner --- Revenue Commissioner decided the review petition on merits despite the fact that question of limitation was hotly debated --- Commissioner did not specifically recorded that he was condoning the delay --- Yet the delay would be deemed to have been condoned by necessary implication. **Shah M. Khan v. M. Haleem and others 1999 SCR 189 (A)**

A party seeking the Condonation of delay has to satisfactorily explain the delay of each and every day and the explanation put forth must be a reasonable and cogent. **Azad Government and another v. Zaid Ullah Khan and 8 others 2000 SCR 614 (A)**

No date was fixed for delivery of the copies to the appellant on 27.3.1999 and 28.3.1999 to 30.3.1999 were closed holidays, the appellant is entitled to the Condonation of delay. **Andleeb Sahir Butt v. Naveed Hussain and 2 others 2000 SCR 57 (B)**

The affidavit and medical certificate are totally silent on the point as to when the appellant fell ill- Certificate does not even carry any date on which it was signed --- The affidavit and the medical certificate are silent on the point as to when the appellant remained under treatment as outdoor patient --- Appellant was treated as outdoor patient and was not admitted in Hospital makes it doubtful that he was actually confined to bed--- Held: That medical certificate as well as affidavit

lack factors for implicit reliance --- Application for Condonation of delay is rejected. **Fateh Din v. Muhammad Boota and 11 others 2000 SCR 542 (A)**

The fact that copies were obtained and were misplaced does not make out case of Condonation --- Misplacing a document is an example of carelessness or negligence. **Ajaib Hussain and another v. Zareen Akhtar and 11 others 2000 SCR (D)**

The petitioner was well aware of the notification issued by the Registrar of this Court and it was only for this purpose that he filed the petition before the Registry office and obtained a relief of ad interim pre-arrest bail in his favour from vacation Judge, on the one hand the petitioner claimed a relief from the vacation Judge praying that he may be admitted to ad interim pre-arrest bail and on the other he pressed into service the submission that whole period of summer vacation should not be computed in the period of limitation --- Conduct of petitioner contradictory in nature --- He does not deserve the condonation of delay, particularly so when the ground has not been taken in application for condonation of delay. **Mujahid Hussain Naqvi vs. Director/Deputy Director Anti-corruption & 4 others 2001 SCR 272 (D)**

After the amendment in law, the limitation for filing the suit of pre-emption is four months from the date of registration of the sale-deed --- Whereas suit was filed after about ten months of the registration of the sale-deed --- Application for condonation of delay was made about five months after the institutions of the suit --- It has been averred in the application that the respondent was not aware of the date of execution and the registration of sale-deed --- The plaintiff was aware of the fact that the sale deed pertaining to 12 marlas of land was registered. There was no explanation is to why the respondent kept the mum for seeking the condonation of delay --- Even otherwise, the discretion with regard to the condonation of delay or refusing the same by the Courts below is hardly interfered with by this Court. **M. Malik v. Yaqoob Javed Batalvi 2002 SCR 47 (B)**

On account of willful absence from duty her services were terminated --- She remained engaged in pursuing remedies not admissible to her under service laws-only such period can be condoned which was spent in wrong forum despite due care and diligence --- The forum selected were not chosen with due care and diligence the period spent in pursuing such forums cannot be condoned --- **Held:** The Service Tribunal rightly dismissed the appeal in limine. **IQBAL BEGUM vs. AZAD GOVERNMENT & 6 others 2002 SCR 532 (B)**

Right of appeal or revision is the creation of the statute --- Anybody interested in availing such remedy is obliged to observe the parameters laid down in the statute for such remedies --- The appellants has not denied that he had no notice that concession of bail has been refused to him, therefore, when order of the Court come to his notice he should have filed his appeal within next sixty days --- If parties were involved in negotiations to settle the dispute even then after filing appeal the terms for settlement outside the Court and in case of compromise of parties the same would have been given effect by the Court --- On such like excuse as has been taken in the present appeal the period of limitation prescribed under law cannot be condoned. **Abdul Ghafoor v. State and another 2002 SCR 332 (A)**

Vague pleading supported by a vague affidavit does not furnish sufficient cause for the condonation of delay in lodging a writ petition in the High Court--- **Held:** Writ petition was suffering from laches and liable to be dismissed. **Faiz Akbar v. Nasim Begum) & 8 others 2003 SCR 240 (D)** Without crossing the bar of limitation the Courts are not justified to enter into the merits of the case --- The delay can be condoned only if some sufficient cause has been shown in the application seeking condonation of delay. **M. Aslam and another v. Muhammad Rashid 2006 SCR 11 (B)** Application for condonation of delay does not reveal the exact date on which the

appellants came to know that Collector has issued award --- However, it has been mentioned that an attested copy of award was procured on 9.6.2003 --- If this date is considered to be date of information, the appellants were bound to file their reference within six weeks from 9.6.2003 which comes to 22.7.2003 --- They could file the reference on 22.7.2003 or at the most before 25.7.2003 whereas reference was filed on 12.12.2003 after about more than four months --- **Held:** It Was enjoined upon the appellants to mention the exact date on which they came to know of the issuance of award. **Govt. of Pakistan and another v. Syed Ghulam Haider Shah, and 5 others 2007 SCR.175 (B)** After excluding the time spent in obtaining the copy of impugned order the petition is barred by 34 days --- Learned Advocate for appellant was asked as to what is the explanation for delay, he stated that appellant fell ill--- No proof is on record neither can this be a ground for condonation of delay --- **Held:** The time once starts running, does not break for the-purpose of legal remedy.

xviii. **Deputation**

A Civil servant cannot claim that he shall remain posted on deputation on a particular post without consent of the borrowing Department. 2014 SCR 446

Deputationist is defined to be a Govt. servant who is appointment or transferred through process of selection to a post in a Dept. or service – Such Govt. servant continues to enjoy the status of deputationist so long he holds the new post in an officiating capacity but once he is confirmed or reverted to his substantive post, he ceases to be regarded deputationist. PLD 1996 SC 771

xix. **Deputation Policy 1979**

A civil servant cannot claim that he shall remain posted on deputation on a particular post without consent of the borrowing Department. **Shahid Hussain Malik v. Azad Govt. 2014 SCR 466 (B)**

Deputation Policy 1979

Notification dated 12.11.1979 --- period of deputation of a civil servant --- under the deputation policy, the period of deputation of a civil servant shall not exceed a period of 5 years. Initially the period of deputation may be 3 years and after completion of 3 years' period the Govt. servant is required to serve in his parent department for a minimum period of 2 years. Thereafter he can again be sent on deputation. **Held:** although the Government has authority to extend the period of 1 year but before proceeding' for second time it is mandatory that a civil servant shall serve in his parent department for a minimum period of 2 years. **Shahid Hussain Malik v. Azad Govt. & 3 others 2014 SCR 466 (A)**

Clause (X) of deputation policy --- **Held:** the period of deputation cannot be extended without sending the civil servant back to his parent department. **Shahid Hussain Malik v. Azad Govt.**

2014 SCR 466 (B) Chairman BISE v. Raja M. Ayaz Khan and 3 others (Civil Misc. No. 194/2012 dated 3.8.2012) ref

Rule (X) & (iv) --- the normal period of deputation is three years --- under Rule (iv) of the Deputation Policy dated 19' 12. 1979, the borrowing organization may revert a civil servant on deputation to his parent department even before the expiry of deputation period with prior consultation of the parent department. **Abdul Haq Khan v. Azad Govt. & others 2016 SCR51 (A)** Rule (X) & (iv) --- initially the period of deputation shall be three years which may be extended up.

xx. **Directive of Prime Minister**

Writ --- **Held:** Only legal orders of the Prime Minister can be implemented and a writ can be issued

for enforcement of the said orders. 2016 SCR 24

So far as the directive of Prime Minister is concerned, any such directive can only be implemented by the Courts of Law if it is issued according to spirit of law and under the powers vested by law --- held: the directives of Prime Minister which are inconsistent with law cannot be implemented by courts of law. 2010 SCR 264

Contention that the direction of the Prime Minister should be carried out--- held: the directions of the Prime Minister can only be carried out which are consistent with law and any direction contrary to law cannot be carried out. **2014 SCR 298**

xxi. **Efficiency Bar**

In the national pay scale an efficiency bar is provided at a particular stage usually after five years. The purpose of efficiency bar is that unless the official is judged efficient, he is not to cross the bar, and allowed further increment. Such bars are aimed at the Promotion of efficiency among the services.

Crossing of efficiency bar- ACR measure to evaluate performance of a civil servant – 1989 SCMR 1413 = 1983 PLC 350, 779, 629.

xxii. **Family Pension**

Proposition; whether Family Pension falls in inheritance or not --- Family pension not an inheritable right --- It is a grant--- Family pension becomes payable to the family of Govt. Servant after his death. It does not fall in inheritance. Family pension shall not be distributed among all the legal heirs whether those shall be entitled to whom such grant is given. 2015 SCR 568

The deceased is surviving only by a daughter – Held: she alone is entitled for family pension. 2015 SCR 568

xxiii. **Government Servant**

Government Servant means a person serving executive, judicial, legislative and administrative business, of State. 1983 PLC (C.S) 642 = 1986 SCMR. 747.

xxiv. **Higher Qualification**

Appointment --- held: person who possesses higher qualification as prescribed for the post is' fully eligible to apply for that post. **Naheem Ahmed Abbasi v. Azad Government & 4 others 2014 SCR 945 (A) 2007 SCR 406 rel**

Minimum Qualification

When the basic merit is not legal and valid, any recommendation on the basis of such list has no authenticity and does not create any vested right. **A. Baseer Tajwar v. AJK P.S.C. 2016 SCR 1599 (D)**

Minimum Qualification

Appointment --- anybody possessing the qualification less than that of prescribed by the rules cannot be considered for appointment but if a candidate of higher qualification is available, the bar of minimum qualification does not operate. **Naheem Ahmed Abbasi v. Azad Govt. 2014 SCR 945 (B)**

xxv. **Illegal Appointment**

An illegal appointment cannot be restored in exercise of writ jurisdiction because one who comes to the Court to seek equity must come with clean hand. 2000 SCR 308

xxvi. **Illegal Order**

Secondary Education recalled the promotion order of the appellant because it was contrary to law and passed by an authority having no jurisdictional competence--- He being head of department recalled an illegal order and before doing so he was not legally obliged to issue any show cause notice--- if an order is passed by a competent authority even if suffers from other lacunas or legal defects it cannot deprive a civil servant of any privilege, right or other benefit relating to terms and conditions of his service without providing the right of audience and show cause notice --- Held: in the present case order was passed in colorful exercise of jurisdiction, having no jurisdictional competence, Secretary Education was not legally bound to issue show cause notice to the appellant. 2003 SCR 264

An illegal order cannot be protected on the ground that the same has been implemented. **2014 SCR 878**

Secondary Education recalled the promotion order of the appellant because it was contrary to law and passed by an authority having no jurisdictional competence--- He being head of department recalled an illegal order and before fixing so he was not legally obliged to issue any show cause notice. 2003 SCR 264

An illegal order until the same is not challenged remains in the field. 2015 SCR 1449

It is a celebrated principle of law that when the basic order is found illegal, the subsequent order shall ipso facto fall to the ground. Mohammad Azam Khan C.J- 2017 SCR 87

xxvii. **Illegal Process**

If the basic process is illegal the whole superstructure built upon it falls to the ground. **Abdul Baseer Tajwar v. AJ&K P.S.C. & 2 others 2016 SCR 1599 (A)**

xxviii. **Inherent Powers**

Ordinarily in cases where judgment is found faulty we remand the case to the concerned Court or Tribunal for fresh hearing and judgment---In this case remand order shall cause further financial burden to the parties as appeal before the Tribunal was not filed in accordance with law---Appeal decided by Court itself. Abdul Haq Mughal Vs. Muhammad Naseer Usmani & others 2002 SCR 146.

xxix. **Judgment**

Judgment is expression of Court's opinion given after due consideration of pleadings of the parties and arguments addressed before the Court or special Tribunal performing judicial functions---In the present case the Tribunal mentioned in detail the respective pleadings of the parties and the points raised but has not resolved the same---No reason had been given in support of the conclusion nor the order contained evaluation of documentary evidence--- Therefore the judgment of the Tribunal is no judgment in the eye of law. Abdul Haq Mughal Vs. Muhammad Naseer Usmani & others 2002 SCR 146.

xxx. **Lien**

Its termination --- **Held:** that the lien of a permanent civil servant against a post cannot be terminated unless he is permanently adjusted/appointed in the borrowing department. **Naseem Abbas Shah and another v. Imran Shaffi and 6 others 2014 SCR 1022 (C)**

The technical training wing of the Industries Department along with posts, budget and assets including substantive post of the appellant had been shifted to TEVTA department --- Held: the lien of the appellant has already been shifted to TEVTA and now the appellant cannot claim any right in

the Industries, Commerce and Labour department. **Raja Shoukat Ali Khan v. The Secretary S&GAD 2015 SCR 449 (A)**

Further Held: --- The lien of a permanent civil servant can only remain intact if he is not permanently absorbed in the borrowing department. It is settled principle of law that the lien of permanent civil servant post. **Raja Shoukat Ali Khan v. Secretary Services & 22 others 2015 1105 (A)** 1992 SCMR 435, 2014 SCMR 67 and 2000 SCMR 780 *rel.*

xxxi. **Locus Poenitentiae**

Authority which can pass an order, is entitled to vary, amend add, to or to rescind that order, PLD 1992 SC 207 = PLD 1985 AJK 17

xxxii. **Merit List**

Any merit list prepared on the basis of Marks awarded after rechecking is without lawful authority -- - when the basic merit is not legal and valid, any recommendation on the basis of such list has no authenticity and does not create any vested right. 2016 SCR 1599

xxxiii. **Minimum Qualification**

Appointment--- any body possessing the qualification less than that of prescribed by the rules cannot be considered for appointment but if a candidate of higher qualification is available; the bar of minimum qualification does not operate. 2014 SCR 945

xxxiv. **Necessary Party**

All the parties in lower forum against whom an appeal is preferred, must be arrayed as party in the line of respondents and all those persons who were party in the lower forum and any relief is claimed against them without arraying them as party in the line of respondents, the appeal is not competent and merits dismissal. *Molvi Abdul Latif Qadri & others Vs. Azad Govt. and others* 2014 SCR 1104.

xxxv. **Officiating Promotion**

Appellants --- promoted on officiating basis --- and alleged that after shifting of the post --- They have been promoted against the post. Thus, they are aggrieved and no order can be passed adversely affecting their terms and conditions of Service. Held: these appellants are holding the posts on officiating basis and the officiating promotion does not confer any right for regular induction against the post. **Syed Khadim H. & others v. Imran Aziz Butt & others 2015 SCR 1528 (E)**

xxxvi. **Pension of Civil Servants**

Pension --- entitlement for --- Held: when a civil servant is first appointed against a post and later on joins another department with the permission of the former department without any break in service, his period of previous service shall be treated as part of his service --- He is entitled for pensionary benefits of the said period. **Ghulam Sarwar v. Director Auqaf 2015 SCR (C)** Civil Servants --- calculation of pension --- mode of --- on basis of last drawn pay --- with attached condition --- only while holding post on regular basis --- according to the presently enforce mode, a person in the civil services who retired after 1st July, 1986, his pension shall be calculated at the existing rate of last pay and emoluments drawn provided the post has been held by him on regular basis as is mentioned in the Finance Department of AJ&K Regulations, FD/R/(33)/81, dated 23.9.1986. Thus, it is clear that under the provision of enforced law regarding the civil servant's pension, calculation has to be made on the basis of last pay drawn with only condition that such pay is drawn while holding the post on regular basis. **Justice Retried Abdul Rashied Sulehria v. Azad**

Govt. & others 2015 SCR 1396 (C)

xxxvii. **Practice & Procedure**

Principle of audi alterm Partem----- right of hearing---- dispensation ----principle----argument that the appellants were appointed and without hearing them, their appointment orders have been set aside which offends the long standing celebrated principle of audi alterm partem---Uf an opportunity is provided to defend the appointments made through notification dated 06.08.2011 which has been declared as illegal, how they will justify their orders---**Held:** When the law on point is settled and the notification has been issued in clear violation of settled law then acceptance of appeal and remand of case will be an exercise in futility. 2000 SCR 263 and District & Session Judge Bagh & another vs. Muhammad Wajid (Civil appeal No. 87 of 2012, decided on 10.04.2013), rel Molvi Abdul Latif Qadri & others Vs. Azad Govt. and others 2014 SCR 1104.

xxxviii **Principle of Law**

It is an established principle of law that an act is required to be performed in a particular manner the act must be performed according to the proscribed manner or not at all. Abdul Haq Mughal Vs. Muhammad Naseer Usmani & others 2002 SCR 146.

xxxix. **Promotion**

A Promotion can only be validly ordered on their recommendation of a selection Board. **Abdul Latif Ansari v. AJ&K Government 1992 SCR 284 (A)**

It is the competent authority which has to decide the suitability or promotion and not the Service Tribunal. **Muhammad Azad Khan v. The Secretary AK Council 1993 SCR 387 (D)**

Order of promotion-Retrospective effect- the antedation is sound because on that date promotee was fit for promotion and order in his favour had been withheld without any justification. **Muhammad Azad Khan v. The Secretary AJK Council 1993 SCR 387 (J)**

Selection post has to be filled up on the basis of merits alone-best has to be selected. **Muhammad Azad Khan v. The Secretary AJK Council 1993 SCR 387 (I)**

Promotion does not go by seniority alone. **Ghulam Mustafa Qureshi v. Azad Government and others 1994 SCR 227 (F)**

Matter of regular promotion of parties would be decided by the competent authority after considering their requisite qualifications--- Present promotion is on acting charge basis---In view of temporary nature of promotion the same cannot be annulled merely because respondent was not heard---Specially so when she was not B.Ed. and was not qualified for promotion on said date. Promotion is to be made on the basis of seniority-cum-fitness. **Rehana Aziz v. Shakeela Ashraf and two others 1998 SCR 281 (B)**

In the service hierarchy it is not only the pay scale that matters but it is the office, the privileges, the powers and the over-all control and administration of the institution which really matters and also the position that one enjoys by becoming the head of the institution. **Akbar Khatoon v. Farhat Khizar & 2 others 1999 SCR 305 (A)**

Civil servants --- Ante – dating of --- Should be ordered according to justice of the case. **Abdul Latif & 2 others v. Secretary AJ&K Council and 2 others 1999SCR 222 (D)**

Post of District Agriculture Officer --- Promotion for --- Requisite qualification of ---**Held:** Mere fact that appellant was in possession of degree of M.Sc.(plant pathology) and that subsequently obtained M.Sc. degree in ‘Agriculture Extension Education does not entitled him to be promoted

when in seniority list is much junior. **M. Asif Khan v. AJK Govt. 2000 SCR 373 (A)**

There is no denying of facts remains that he was not debarred to be again sent to Selection Board for promotion irrespective of fact that the submitted any review petition or not; a civil servant by his performance can render himself fit for promotion. **Muhammad Ilyas Khan and 6 others v. Muhammad Hafeez Khan and 3 others 2000 SCR 630 (A)**

Retrospective promotion of respondent from the year 1987 was not challenged, the same has attained finality and the argument that he could not be promoted prior to year 1990 cannot be pressed into service because retrospective promotion of respondent was not challenged within the period of limitation. **M. Ilyas Khan and 5 others v. M. Hafeez Khan and 4 others 2001 SCR 179 (D)**

The Court repeatedly held that there is no rule for promoting a person in a higher grade in his own pay scale. **Muhammad Javaid v. Secretary Home and 5 others 2002 SCR 1 (A)**

Mere seniority cannot be counted for further promotion against a post requiring a particular skill--- Seniority is to be reckoned as ground for promotion but in order to judge the suitability of the candidate the department is bound to keep in sight all factions collateral to job to which promotion is to be made. **M. Ammer & another v. M. Shoukat and 3 others 2003 SCR 450 (B)**

The respondents are graduate and possess five years service as LDC not as UDC while the appellant does not possess the length of service--- Respondents cannot be deprived of the right of promotion simply for the reason that they have been promoted to the higher grade where they do not possess required length of service in the grade although they did possess the required length of service in the lower grade for promotion to the present post --- What is visualized by the rules is that one should possess five years service as UDC or LDC to make him eligible to be promoted as Inspector --- One does not lose the acquired right for his reason only that he does not possess the length of service in the upper grade --- The UDC's and LDC's stand at equal footing for promotion to the post of Inspector provided they possess the required academic qualification and length of service. **Maqbool Hussain v. AJ&K Council & 5 others 2005 SCR 344 (A)**

No person can claim promotion on the basis of seniority alone --- However, it is the basic right of every senior person that his merit must be considered by the Selection Committee/Selection Board alongwith other persons in the panel. **M. Sharif v. Minister for Forest 2005 SCR 282 (A)**

Promotion in the next higher rank or grade is not vested right of any individual --- The promotion of any individual cannot be made basis for striking down the rules framed by Govt. or authority in exercise of powers conferred upon it under section 23 of the Civil Servant Act, 1976. **Syed Saleem Hussain Kazmi v. Azad Govt. & 4 others 2005 SCR 259 (C)**

No person can be promoted or transferred on the post carrying higher grade in his own pay and scale. **Azad Govt & another v. Muhammad Sadiq Khan & 14 others 2006 SCR 391(B) 2005 SCR 242, 1995 SCR 128 and 2002 SCR 1 rel.**

Appellant was promoted against a clear vacancy with retrospective effect ---A condition was imposed that the order of promotion shall not affect the service rights of any senior Public Officer -- -Challenge to ---**Held:** The condition imposed by the respondents in the order is not only unwarranted under law but is based on mala fide of the concerned functionaries of the Government --- The judgment of the High Court has to be implemented in letters and spirit and a relief granted to a party cannot be denied. **Ch. Muhammad Arif v. Azad Govt. & 2 others 2008 SCR 175 (C)**

Promotion in a higher grade is a different matter than appointment against a post --- Respondent was recommended for promotion to BPS-20 by Selection Board on 15.09.2001--- Recommendation was approved on 06.10.2001 by competent authority --- **Held:** Notification to this effect ought to have

been issued immediately with effect from the date the competent authority had given the approval. **Azad Govt & 2 others v. Muhammad Nazir Choudhry 2008 SCR 162 (A)**

Main pretext that the post against which appointment was approved was occupied by another person and the post of Director General Anti-Corruption became available on 15.2.2002, hence notification could take effect from 15.2.2002 --- **Held:** Contrary to the spirit of recommendations of Selection Board, approval by the Prime Minister and rights of the respondent-civil servant. **Azad Govt. & 2 others v. Muhammad Nazir Choudhry 2008 SCR 162 (B)**

Three things are to be seen while considering a case of promotion --- First rule is that: is it a part of selection or of seniority-cum fitness or of seniority alone? Second is where the promotion is to take place by seniority-cum-fitness, the question would necessarily be assignment of the correct seniority and proceedings to determine the entitlement of promotion on its basis; third question necessarily would be of a fitness for promotion --- First two questions relate to law and its application to the civil servants awaiting promotion --- Jurisdiction of Service Tribunal is barred where question of fitness of civil servant for promotion is involved --- Determination of eligibility primarily relates to the terms and conditions of service and their applicability to the civil servant concerned. **Dr. Abdul Ghaffar Sulehria v. Azad Govt. & 4 others 2008 SCR 230 (I)**

Appellant held the post of Project Manager on temporary basis and on action charge basis---These orders are not appointments by promotion on regular basis --- **Held:** They will therefore, be not considered as holding the post on permanent or regular basis --- Their continuous appointments would not mean their permanent appointment enabling to claim seniority against directly recruited respondents --- **Held:** Permanent appointment by promotion to the post of Project Manager shall be considered from the date, the concerned Selection Board approved them for regular promotion --- **Held Further:** The case of appellant was considered by Selection Board 16.11.1999 when private respondents had already been appointed directly on regular basis on 9.7.1999--- About 4 months prior to the appointment---Being senior to appellant the seniority list issued on 16.12.2002 was issued in accordance with law --- Seniority of directly appointed respondents could not be destroyed by any method. **M. Farid Shahzad v. Azad Govt. & 11 others 2009 SCR 143 (F)**

Experience --- No doubt comes in merit --- But seniority cannot be ignored --- **Held:** Merely the experience as Child Specialist on officiating basis cannot be considered as a superior qualification against the seniority. **Dr. Sadiq Hussain v. AJ&K Government and 6 others 2009 SCR 345 (F)**

For promotion not only the seniority is to be considered alone but the fitness is also considered by the competent authority ---- No order of the Court violated --- Petition has no force which was dismissed. **Muhammad Arif v. Raja Muhamad Farooq Niaz & 3 others 2009 SCR 140 (D)**

For promotion to a non-selection post the rule of seniority has to be taken into consideration apart from merit and fitness. **Dr. Sadiq H. v. AJ&K Govt and 6 others 2009 SCR 345 (E)**

Retrospective promotion --- Its effect on seniority --- A civil servant can be promoted with retrospective effect --- If he is holding officiating, current charge or any other position in higher grade for which he was otherwise qualified but was not regular promoted --- It cannot take effect for the purpose of seniority viz-a-viz his counterpart civil servants from that date --- Seniority in the higher grade is to take effect from the date of his regular appointment in the grade. **Ch.Safdar H. v. M.Iqbal Nizami 2009 SCR 98 (A)** 2000 SCR 580, PLJ 2000 SC (AJK) 88, 2001 SCR 179 rel retrospective promotion cannot override the seniority rights of civil servants substantively and regularly appointed or promoted earlier. **Ch. Safdar H. v. M.Iqbal Nizami 2009 SCR 98 (B)**

Retrospective promotion shall not affect the seniority of those officers who stood regularly appointed or promoted --- This is the spirit of the service rules. **Ch. Safdar Hussain v. Muhammad Iqbal**

Nizami & 6 others 2009 SCR 98 (C)

A person cannot claim a vested right for promotion to a particular post with the claim that the rules

Promotion after Retirement

Be framed in such a manner so that he may be promoted --- Held further: in the rules the Government fixed such qualification which is necessary for relevant field --- No fundamental rights of appellant have been infringed. Rizwan Muzaffar v. Azad Govt. & 8 others 2010 SCR 156 (D) Argument --- That the departmental order impugned before the Service Tribunal is not a promotion -- Mere absence of word “promotion” makes no difference as the body of the order is very much clear that the appellant has been posted as District Education Officer from the post of Deputy District Education Officer. According to the codal provision the appointment as District Education Officer from the post of Deputy District Education Officer is clearly a promotion. Nazira Begum v. Begum & 4 others 2010 SCR 509 (A).

Civil servants --- Promotion --- Consideration of eligible candidates Mandatory No law entitles a civil servant to forego promotion --- It is settled principle of law that when a civil servant enters into promotion zone, otherwise qualified, must be considered for promotion by the relevant selection committee/Board. Held: The competent authority is bound to issue promotion orders on the recommendations of the Selection Board/Committee. If any civil servant who on being promoted to the higher grade, refuses to join duty at a new place, he shall be proceeded under law for disobeying the orders of competent authority. Further held: There is no law which entitles a civil servant to forego the promotion for one or the other reason. Raheela Khalid v. Azad Govt. & others 2011 SCR 586 (A).

When a civil servant enters in to promotion zone, the competent authority is not empowered to ask the civil servant whether he/she wants to be promoted or not. Held: When a civil servant deserves promotion he/she must be promoted by following the due process of law. Raheela Khalid v. Azad Govt. & others 2011 SCR 586 (B)

Civil servant Promotion Seniority Non consideration for promotion Effect of It a civil servant, who is senior, is considered and not promoted for some reason and junior to him/her is promoted and at a later stage when senior one is promoted, he shall remain junior, to the incumbents who have been promoted earlier. The appellant has not been considered for promotion at the relevant time by the Selection Board, hence is entitled to be promoted keeping in view the seniority as senior teacheress from the date when she pass her B.Ed. examination. Raheela Khalid v. Azad Govt. & others 2011 SCR 586 (C).

Officiating promotion does not create any right. Yasir Maqbool, Junior P.E.T., Government Boys High School, Musa Khairian, Muzaffarabad v. Shahid Hameed, P.E.T., Government Boys High School Musa Khairian, Muzaffarabad and 5 others 2013 SCR 1015 (A).

The matters of determination of fitness for promotion of civil servant to a higher post is the job of the Authority. Held: no Tribunal or Court can substitute its own view of the view of the competent authority. Syed Rashed Hussain Shah v. Azad Govt. & 6 others 2014 SCR 883 (C) Anti-dated-- anti-dated promotion will not affect the seniority of the incumbents of the post in the grade. Mrs. Shaheen Ashai v. Mr. Anwar Ch. 2014 SCR 1169 (A) 1994 SCR 297 and A. Majeed Bandy vs. Azad Govt. & others (civil appeal No. 66 of 2004 date of decision on 12.7.2005), rel.

Promotion after Retirement

Appellant was entitled to promotion irrespective of fact whether he had retired or not --- His

promotion would take effect from the date the right accrued to him and would last till his retirement which in other words means that he would be entitled to the benefits of his promoted post or posts, even if he had retired. *Kh. Faqir Muhammad v. Azad Govt. & 5 others* 2008 SCR 115 (A).

xl. **Removal from Service**

A person appointed to Govt. service cannot be removed from service except in accordance with law---No authority, including Cabinet, can pass an order of termination arbitrarily. *Rashid Hussain Vs. Gul Afsar Khan & others* 1999 SCR 435.

xli. **Res-Judicata – Doctrine of Res-Judicata**

The point raised was that it is clearly stated in the Family Courts Act that Civil procedure Code will not be applicable to proceedings under this Act --- Therefore res judicata and estoppel are not applicable --- Another question which arises is whether a fresh suit on behalf of a wife who has withdrawn an earlier suit for dower after a compromise in which dower has not been given up is maintainable or not --- These are points of law of public importance --- Leave to appeal granted. *Noshia Perveen v. Tariq Pervez* 1998 SCR 199 (A).

Res-judicata

Decision in the earlier writ petition with regard to an order --- cannot be a bar to challenge a subsequent order of the President. *Muhammad Siddique Farooqi v. Ghulam Mustafa Mughal & others* 1992 SCR (B).

Plaintiff-appellant being proforma defendant in the earlier suit yet not challenging the decision at any stage --- Principle of res judicata will equally apply on him --- Held: High Court rightly dismissed the appeal --- Appeal dismissed. *Zaighum Saleem v. M. Saleem* 1992 SCR 344 (A).

Principle of in criminal and civil jurisdiction --- Whether there is any concept of ‘res judicata’ in case of any findings given in exercise of criminal jurisdiction in relation to civil jurisdiction and vice versa – It is well settled principle of law that the findings given in exercise of criminal jurisdiction are not relevant as evidence on the same point to be resolved in exercise of civil jurisdiction and vice versa --- A civil Court a Criminal Court must record its findings after considering the evidence in the relevant case and not on the strength of the findings given by the Court in another capacity. *Mst. Zareena v. Hussain* 1996 SCR (C).

It is well settled principle of law that if a point is not decided on merits in the earlier litigation, that would not constitute re judicata. *Custodian of Evacuee Property v. Tariq Mahmood Butt* 2002 SCR 38 (C).

Doctrine of Resjudicata;

The doctrine of res judicata is built upon the consideration of public policy that there must be an end to the litigation and finality by given to the adjudication at some stage. *Muhammad Najeeb v. Muhammad Javed and 4 others* 2013 SCR (SC AJ&K) 172 (D).

xlii. **Suspension – pay**

Suspension means “action of debarring or state of being debarred specially for one time, from a function or privilege, temporary deprive of something” --- It is also an axiom of law approved from time to time by the Courts of the subcontinent that the power to suspend a holder of a post is to keep him away from the office temporarily to avoid influence on the inquiry which has to be followed after suspension. *Sardar Muhammad Farooq V. AJ&K Govt. and 5 others* 2007 SCR 196 (A)

As far rights and privileges are concerned --- It is settled by now that he can get his usual pay during

the period of suspension. *Sardar M. Farooq V. AJ&K Govt. and 5 others 2007 SCR 196 (B)*

Suspension is not a punishment and does not incur any disqualification or bar to rejoin the service if discharged by Inquiry Committee or Tribunal --- Held: That after the finding recorded by the Service Tribunal the appellant is as good a grade 20 officer of the Forests Department as he was before issuance of the suspension order by the Government and he has a valid right to hold the post of BPS-20. *Sardar M. Farooq V. AJ&K Govt. and 5 others 2007 SCR 196 (C)*

xliii. **20% Special Allowance**

Notification dated 27.09.2010 --- salient features --- admissibility to --- specific allowance @ 20% of basic pay granted to the employees of civil secretariat (BS-01 – BS-21) --- three types of civil servant excluded from receiving special allowance @ 20% of basic pay --- Civil servants, who are already in receipt of special allowance like judicial allowance Administrative Secretaries allowance, departmental specific allowance and who are posted in the President and Prime Minister's Secretariat, the special allowance is not admissible to them --- the wisdom behind the refusal of grant of 20% allowance to these categories is that the employees of these categories are already in receipt of one special allowance to these categories is that employees of these categories are already in receipt of one special allowance and in presence of one special allowance they are not entitled for second allowance --- Non admissibility of allowance is based on reasonable classification --- such classification is permissible under Law --- Non admissibility of allowance to the employees who are on leave , study leave, long leave for training abroad or under suspension is on the ground that they are not actually working or performing their duties during this period --- third category is of the officers of civil Secretariat department who are on deputation or posted by transfer outside the secretariat and it includes the attached department and autonomous bodies --- the employees receives the special allowance of the said departments or autonomous bodies --- Non admissibility of allowance @ 20% to these categories is due to the reason, that civil servant already receiving the special allowance, shall not receive another similar allowance. *Muhammad Akram Khan & 73 others v. Finance Department & 3 others 2016 SCR672 (A)*

Wafaqi (Ombudsman) Mohtasib Secretariat --- Notification dated 20th March, 2007 --- Azad Govt. of the state of Jammu & Kashmir --- Notification dated 27th Sep. 2010--- Admissibility of special allowance @ 20% of basic pay to the employees of Mohtasib Secretariat --- through notification dated 20th March, 2007, 20% special allowance was granted to the employees of the Wafaqi (Ombudsman) Mohtasib Secretariat employee --- certain eventualities for inadmissibility of allowance are provided in the notification dated 27th September, 2010 --- Fundamental right No. 15 guarantees equal treatment, like persons are to be treated alike --- Held: appellants are entitled for special allowance of 20% in the light of the notification dated 27.9.2010. *Muhammad Akram Khan & 73 others V. Finance Department & 3 others 2016 SCR 672 (C)*

xliv. **Terms and Conditions of Service**

Test and Interview

Any matter which falls within the ambit of terms and conditions of civil servants cannot be resolved by any Court including High Court in exercise of writ jurisdiction except Service Tribunal. **M.Suleman and 5 others v. AJK Govt. and 2 others 2001 SCR 372 (A) PLD 1980 SC (AJK) 5 ref.**

Discrimination --- in determination of --- Chairperson of AJ&K Council Service Tribunal --- allegation weightless---proposition already resolved referred. **Nargas Aftab Raja v. Accountant General & 5 others 2016 SCR 1480 (G) 2016 SCR 206 ref.**

Test and Interview

After having qualified the test and interview a valuable right occurred in favour of writ petitioners which could not have been taken back by subsequent action. **Azad Govt. and 4 others v. Abadain Haider and 8 others 1999 SCR 129 (A)**

The offences in respect of Banks (Special Courts) Ordinance 1984 read with Cr.P.C. In S. 497 of the Cr. P.C the power to grant bail is conferred on 'a Court' --- It is well settled that these words do not mean only a trial Court and are also wide enough to include a High Court and as is also well settled the High Court has concurrent jurisdiction to grant bail ---This section is attracted where a person has been arrested, brought before a Court or appears in answer to a process issued by it --- The High Court has the jurisdiction to grant bail to a person against whom a case under the Ordinance has been registered and has been arrested and also a person who is facing a trial before a Court set up under the Ordinance. **Fazal-ur-Rehman v. Muhammad Hanif Bukhari & others 1995 SCR 248 (D)** 1991 PSC 160 ref. & **relied.**

S. 5 (6) --- lays down that an accused person shall not be released on bail if there appear reasonable grounds for believing that he has been guilty of a scheduled offence ---This section has overriding effect, when an application for bail is made before a Special Court or before the High Court an accused cannot be granted bail if there appear reasonable grounds for believing that he is guilty of scheduled offence. **Faza-ulRehman v. M.Hanif Bukhari & others 1995 SCR 248 (E)**

xliv. **4 -Tier Formula**

Appointment of Professors, B-20, associate Professors, B-19 and Assistant Professors, B-18 through direct recruitment --- AJ&K Education Service Class (1) Collegiate Branch Men's Section Rules, 2001 --- contention of the appellant that the 4-Tire Formula does not visualize the appointment of Professors, B-20, Associate Professors, B-19 and Assistant Professors, B-18 through direct recruitment --- Held: the notification which provides the appointment against the available posts on the basis of 4-Tier formula, 1% quota for the posts of Professors, B-20, 15% quota for the posts of Professors/Associate Professors, B-19, 34% quota for the posts of Assistant Professors, B-18 and 50% quota for lecturer, B-17 against the available posts amongst the teaching staff having experience and qualification under rules is reserved. Several conditions have been imposed in the said notification. Condition No. (1) Provides that the appointment against the available posts of Professors, Associate Professors and Assistant Professors on the basis of 4-tier formula shall be governed by such recruitment rules as framed or shall be framed from time to time for filling up.

xlvi. **Void Order**

Void order --- Limitation --- it is not a universal rule that there is no limitation against a void order - -- Laches --- If a person affected by void order but he does not challenge it within reasonable time -- - the Court may refuse to ignore it --- Estoppel. **Mirza Lal H. V Custodian 1992 SCR 214 (C)**

Locus poenitentiae --- An order which is patently illegal or void can be recalled even the same had been acted upon --- in such a case principle of 'and audi alteram partem' may be violated but it cannot be said that even if an order is illegal, the same cannot be cancelled, rescinded or amended because it has been acted upon --- The High Court has taken an erroneous view in issuing an absolute writ which implies that an order which has been acted upon cannot be recalled rescinded or amended even if the same is patently illegal. **Dr. Muhammad Sarwar V. Dr. Muhammad Sharif Chatter 1995 SCR 292 (B) 1994 SCR 267, 1989 SCMR 441** referred and **relied.**

Limitation --- Even the void orders are subject to the law of limitation provided the same are challenged by an aggrieved person within a reasonable time. **Ghulam v. Member Board of Revenue & others 1995 SCR 355 (A) 1992 SCR 214** **relied.**

If a person comes to know of a void order which adversely affects him but still he does not challenge it with a reasonable time the Courts may validly refuse to ignore it on the ground of

laches, acquiescence or estoppel. Ghulam V. Member Board of Revenue & others 1995 SCR 355 (B) Void order must be challenged if it is intended to get rid of its effects. Muhammad Naseer Jahangir and 13 others v. Abdus Sami Khan & another 1997 SCR 26 (C)

Allotment was made in favour of a dead person --- Order of allotment was void --- No rights flowed in favour of any person. Manzoor Ahmad Butt and 7 others v. custodian of Evacuee Property and 7 others 1999 SCR 439 (B)

If a person bases his claim on a void order, he is not entitled to any relief in exercise of writ jurisdiction. Abdul Ghaffar Butt and 2 others 2000 SCR 250 (E)

The petitioner slept over the matter, thus their indolence and negligence cannot be excused --- Even a void order adversely affecting the interests of a person should be challenged within a reasonable time. M. Ilyas Khan and 5 others v. Muhammad Hafeez Khan and 4 others 2001 SCR 179 (E)

A void order, must be challenged within a reasonable time if it adversely affected the interests of a person. Said Begum v. Pannu Khan 2003 SCR 37 (C) 2001 SCR 179, 1997 SCR 26 and 1995 SCR 355 rel.

It is a celebrated principle of law that if basic order is void all superstructure built upon it is also to be set aside along with basic order --- Held: The P.R.T.O was rightly cancelled by the Custodian. M. Akram & another v. Custodian Evacuee Property and 7 others 2003 SCR 442 (C)

Regular order of promotion was not challenged --- The order which was challenged was arrangement of posting --- if the regular promotion was void that should have been challenged before the Court --- if a void order is not challenged within a reasonable time, the Court may refuse to ignore it on the ground of laches --- A void order adversely affecting the interest of a person should be challenged within a reasonable time. Shafqat Hayyat v. Muhammad Shahid Ashraf & 18 others 2005 SCR 57 (B)

Creation of any right or interest --- on basis of --- According to the celebrated principle of law, void or illegal orders do not create any right or interest in any person. Farkhanda Jabeen v. Azad Govt. & other 2015 SCR 1362 (B)

Should have been challenged within a reasonable time. Mahmood Ahmed versus Custodian & 10 others. 2016 SCR 90 (B) 1992 SCR 214 rel.

Challenging of --- within reasonable time --- A void order is to be challenged within a reasonable time. M. Rasheed & 4 others v. Adalat Khan & 3 others 2016 SCR 1406 (1) 1992 SCR 214 rel.

xlvii. **Waiting List**

Appointment from waiting list of PSC --- argument that appointment of candidate falling at Sr. No. 1 in the waiting list can be made against any vacancy occurred subsequently --- held: the candidate placed by the PSC in the waiting list in the result of test and interview in response to advertisement issued by PSC on the requisition of the department, can only be appointed against the post if the candidate who was appointed on the recommendations of Commission fails to join service or he is declared medically unfit and department requested the PSC and this list shall remain valid only for 180 days. Further held: no candidate who has qualified the test and interview and is placed in the waiting list can be appointed against the post which becomes available after the test and interview have been conducted by the PSC in response to previously advertised vacancies. Azad Govt. & 2 others V. Muhammad Qadir Javid and another 2014 SCR 479 (E)

xlviii. **Writ**

All illegal appointments cannot be restored in exercise of writ jurisdiction---- One who seeks equity must come with clean hands. Rashid Hussain Vs. Gul Afsar Khan & others 1999 SCR 435.