

Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996

JAMMU & KASHMIR

India

Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996

Rule

JAMMU-AND-KASHMIR-CIVIL-SERVICES-HIGHER-STANDARD-PAY-S of 1996

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Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996Published vide SRO 14, dated 15.01.1996, Finance DepartmentIn exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make the following Rules, namely:

1. Short title

These Rules may be called the Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996.

2. Commencement

These Rules shall come into force w.e.f. 1-1-1995.

3. Extent of application

(i) These Rules shall apply to:(a)all categories of non-gazetted Government employees except as provided elsewhere in these Rules, who are whole time employees working either in permanent or quasi-permanent or temporary capacity in graded scales;(b)such other categories of employees as may be specified by the Government from time to time.(ii)These Rules shall not apply to:(a)Gazetted Government employees;(b)Government employees in part time employment;(c)persons engaged on contract basis;(d)persons employed on work charged

establishment;(e)Government employees under suspension;(f)persons on re-employment;(g)such of the categories of posts/employees, for which special treatment is expressly provided or may be provided under any law or Rule or Notification or Order for the time being in force:Provided that where there is provision of only one Time Bound Promotion under the aforementioned rules or any orders for the time being in force and the same is allowable and granted after putting in less than 9 years service on the entry post, the next Higher Standard Pay Scale under these Rules in such case(s) will be granted from the first of the month following the month in which such employee(s) completes 18 years of regular satisfactory service with reference to entry post without getting any promotion.

4. Definitions

In these Rules unless the context otherwise requires, (a)"Scheme" means the Higher Standard Pay Scale Scheme.(b)"Existing Pay Scale" means the pay scale of the entry post applicable from 1-4-1987 as per Jammu and Kashmir Civil Services (Revised Pay) Rules, 1992, as indicated in Column 2 of the Schedule 1, held by the Government employee at the time of his/ her 'Promotion IN-SITU' under this scheme.Explanation. In case of a Government servant who, on the relevant date, was on deputation or on leave or on foreign service or under suspension or under training "existing pay scale" in his/her case means the pay scale applicable to the post which he/she would have held but for his/her being on such deputation or leave or foreign service or under training or under suspension as the case may be.(c)"Promotion In-Situ" means elevation from the existing pay scale to the prescribed Higher Standard Pay Scale without change of designation, responsibility or inter-se-seniority.(d)"Higher Standard Pay Scale" means the pay scale indicated in Cols. 3, 4 & 5 of Schedule 1 appended to these Rules.(e)"Schedule" means a Schedule appended to these Rules.(f)"I, II & III Higher Standard Pay Scale" means the prescribed Higher Standard Pay Scale indicated in Cols. 3, 4 & 5 of Schedule I respectively;(g)"Promotion" means a functional promotion to the next Higher Post as per the respective Recruitment Rules;(h)"Competent Authority" means the appointing authority for the post of Higher Standard Pay Scale under these Rules;(i)"Service Career" means the service rendered in a particular service to which the employee belongs at the time of grant of 'promotion In-Situ' under these Rules:[Provided that the entitlement of in situ promotion(s) in respect of such of the Government Servants who have been appointed on direct recruitment basis from any other post of the same service/departments or from a different service/department to the present post and his pay has been protected on the present post of the service due to applications of the provisions of Article 77-D read with Article 77-a (ii) of J&K CSRs, his/her entitlement to in situ promotions in the present post of the service shall be restricted along with the functional/in situ promotions already granted/availed in the earlier service.The entitlement to in situ promotions on the present post of the service together with the functional/in situ promotions granted/availed in the earlier service shall in no case exceed three.Similar procedure shall be applicable mutatis mutandis where a Government Servant is encadred on any post from any other service in pursuance of any rule/law/notification or in case a Government Servant is absorbed on any post of another service while on deputation to State or due to any other pretext whatsoever.Settled cases shall, however, not be re-opened.] [Inserted by SRO 204 dated 21.6.2006.](j)"Structure" means the structure of Higher Standard Pay Scales as indicated in Schedule I of these Rules;(k)"Regular Satisfactory Service" means actual continuous service under

State Government in the present cadre to be reckoned within the same cadre and assessed fit for the purpose of promotion;(1)"Employee" means a non-Gazetted Regular Government Servant who is a whole time employee working either in permanent or quasi-permanent or temporary capacity in graded scale.(m)any other term used in these Rules, but not defined herein, shall carry the same meaning as assigned to it in J&K Civil Service Regulations.

5. Grant of Higher Standard Pay Scale

(i) (a) An employee covered under these Rules who has not got any promotion or promotional scale/selection scale in his service career and has completed 18 years or more but less than 27 years of regular satisfactory service before 1-1-1995 will be allowed, w.e.f. 1-1-1995, in place of his existing scale the Second Higher Standard Pay Scale specified in Column 4 of Schedule 1 of these Rules;(b)An employee covered under these Rules who completes such regular satisfactory service of 18 years after 1-1-1995 and has not got any promotion or promotional scale/selection scale in his service career will be allowed the Second Higher Standard Pay Scale from the 1st of the month following the month in which he completes such service;(ii)(a)An employee covered under these Rules who has not got any promotion or promotional scale/selection scale in his/her service career and has completed 27 years or more of regular satisfactory service before 1-1-1995 will be allowed, with effect from 1-1-1995, in place of his/her existing scale, the Third Higher Standard Pay Scale specified in Column 5 of Schedule 1 of these Rules;(b)An employee covered under these Rules who completes such regular satisfactory service of 27 years after 1-1-1995 and has not got any promotion or promotional scale/selection scale in his service career will be allowed the Third Higher Standard Pay Scale from the 1st of the month following the month in which he completes such service;(iii)(a)Every employee covered under these Rules who has not got any promotion or promotional scale/selection grade in his service career and has completed nine years or more but less than 18 years of regular satisfactory service before 1-1-1995 will be allowed, w.e.f. 1-1-1995, in place of his existing pay scale the First Higher Standard Pay Scale specified in Column 3 of Schedule 1 of these Rules;(b)An employee covered under these Rules who completes such regular satisfactory service of 9 years after 1-1-1995 and has not got any promotion or promotional scale/selection scale in his service career will be allowed the 1st Higher Standard Pay Scale from 1st of the month following the month in which he completes such service;(iv)(a)An employee covered under these Rules who after grant of one or more promotions after first entry into the service has stagnated for 9 years or more in the same post before 1-1-1995 will be allowed, w.e.f. 1-1-1995, in place of his/her existing pay scale the 1st Higher Standard Pay Scale as specified in Column 3 of Schedule 1 of these Rules;(b)An employee covered under these Rules who after grant of one or more promotions after first entry into the service completes 9 years of such stagnation in the same post after 1-1-1995, will be allowed w.e.f. 1st of the month following the month in which he/ she completes 9 years of such regular satisfactory service, the 1st Higher Standard Pay Scale as specified in Col. 3 of Schedule 1 of these Rules.[5A. Notwithstanding anything contained in rule 5 an employee covered under these rules, who, after acquiring one promotion has stagnated and rendered in the existing post, 18 years or more of regular satisfactory service prior to 1-1-1995 shall be allowed w.e.f. 1-1-1995 two. In situ promotions and placed in the 2nd Higher Standard Pay Scale corresponding to his/her existing pay scale as specified in Schedule I of these rules.Likewise, an employee covered under these rules, who, after acquiring two promotions has stagnated and rendered 9 years or more regular satisfactory

service prior to 1-1-1995 shall be allowed one. In situ promotion and place in 1st Higher Standard Pay Scale corresponding to his existing pay scale as specific in Schedule I of these rules: Provided that any such employee, who may complete such regular service as indicated in these rules after 1-1-1995 shall be allowed the 1st or 2nd Higher Standard Pay Scale corresponding to the existing pay scale of the post as specified in Schedule I of these rules from the 1st of the month following the month in which he completes such satisfactory service. Note: Cases may arise where a Government Servant may be carrying lower scale of pay on or after 1-1-1995 than another, junior to him. This situation may arise where the junior official may have taken, the benefit of Higher Standard Pay Scale(s) in accordance with the provisions of the above rules. In order to remove this anomaly the senior official shall be allowed the pay scale equivalent to the pay scale of his junior counterpart, on the date the latter was allowed as such, provided both the junior and senior officers belong to the same cadre and the posts held by them are identical and in the same cadre. The provisions shall be deemed to have existed in the rules *ibid*, *ab initio*.] [Inserted vide SRO 225, dated 4.7.1997.] [Provided that the in situ promotions accorded by the Competent Authorities in terms of Sub-Rule (iv) of Rule 5 in between the period 15-01-1996 to 04-07-1997 shall not be reopened.] [Inserted by SRO 359 of 2003, dated 15-10-2003.] [5-AA. In case of Work Charged employee(s)/Daily Rated worker(s) (excluding Casual/sessional workers) who is/are brought on regular establishment, 50% contiguous work charged/daily wage service shall be counted with regular service for purpose of grant of. In situ Promotion under these rules; provided that the cases already settled under the provisions of existing rules shall not be reopened.] [Inserted vide SRO 311, Dated 09-09-1977.]

6. Fixation of Pay

Even though promotion under this scheme, which is 'IN-SITU', may not involve assumption of higher duties and responsibilities, the benefit of Article 77-B of the Jammu and Kashmir CSRs. will be allowed while fixing pay on promotion 'In-Situ' as a special dispensation: Provided that such benefit will not be allowed again at the time of the functional promotion of an employee if the functional promotion carries the same scale as has been allowed at the time of promotion 'In-Situ': Provided further that where an employee is entitled and promoted on 'In-Situ' basis under Rule 5 (i) and 5 (ii) of these Rules, his/her pay shall first be notionally fixed under Article 77-B of J & KCSRs. as a special dispensation in the intermediary pay scales(s) i.e. 1st and or Second Higher Standard Pay Scale(s)-indicated in Columns 3 & 4 of Schedule 1 of these Rules respectively and thereafter his pay fixed in the appropriate Second or Third Higher Standard Pay Scale indicated in Columns 4 & 5 of Schedule 1 of these Rules respectively as the case may be. However, no arrears on account of notional pay fixation in the intermediary pay scale(s) shall be paid w.e.f. 1-1-1995 to the date of issue of these Rules, but arrears shall be computed and paid as if the concerned official had got promotion 'In-Situ' from the existing pay scale indicated in Column 2 of Schedule 1 to Second or Third Higher Standard Pay Scales as indicated in Columns 4 & 5 of Schedule 1 of these Rules respectively as the case may be. Note:-The case may arise where an employee granted a Higher Standard Pay Scale on promotion 'In-Situ' under these Rules on or after 1-1-1995 draws a lower rate of pay than another, junior to him. In order to overcome such situation Govt. Instructions below Article 77-B of J&K Civil Service Regulations shall apply, *mutatis-mutandis*, to such cases of seniors, drawing pay less than juniors in respect of promotion 'In-Situ' under these Rules.

7. Date of next increment

The next increment after pay fixation in Higher Standard Pay Scale under these Rules shall be admissible on completion of 12 months of incremental period.

8. Efficiency Bar

If an employee is eligible for Higher Standard Pay Scale but he is held up at the Efficiency Bar in the existing pay scale the procedure for crossing of Efficiency Bar in the process of fixation of pay in Higher Standard Pay Scale will be the same as laid down in Rule 11 of J&K Civil Services (Revised Pay) Rules, 1992.

9. Exercise of option

(a) If the employee who has got benefit of senior/selection grade scale, desires, he may exercise option to continue senior/selection grade scale or to accept this Scheme. If he exercises option to join this Scheme, his pay fixation shall be done, as if he had not availed of the senior grade/selection grade scale. As a result, the amount of pay and allowances, due if any shall be adjusted against the benefit admissible under these Rules. (b) The option must be exercised in writing in the Form as prescribed under Schedule 3 annexed to these Rules and shall have to be furnished to the proper authority i.e. Head of the Department/Office under whom he/she is working, within three months from the date of issue of this Notification.

10.

Every employee availing the benefit of these Rules shall be required to give an undertaking in writing as per Schedule 2 annexed to these Rules to the effect that as and when he/she will be eligible for functional promotion, he/she will not refuse it. This is because the intention of this Scheme is to give benefit to those who are stagnating in a post with the relevant pay scale and the benefit of this Scheme cannot be extended to those who have relinquished/foregone the functional promotion for reasons whatsoever. If he/she declines the promotion when it becomes due, he/she shall have to forsake the benefit under this Scheme and he/she shall have to be reverted to his/ her original lower grade and shall draw the pay which he/she would have drawn in the original lower grade had he/she not availed the benefit of the Higher Standard Pay Scale under this Scheme: Provided that due to reversion to the original grade the recovery for the period for which pay plus allowances in Higher Standard Pay Scale have been drawn by the employee, shall not be made.

11.

The Promotion 'In-Situ' to Higher Standard Pay Scale shall be made against the existing post during the period of such appointment, treating the said post as that of the relevant Higher Standard Pay Scale till it is vacated by the concerned employee by way of normal promotion, retirement etc. Thus

the strength of the posts sanctioned for each category, shall never be increased as a result of the 'promotion In-Situ' against the Higher Standard Scale in that category.

12. Authority competent to grant Higher Standard Pay Scale Procedure therefor

(a) The Appointing Authority for the post of Higher Standard Pay Scale shall be competent to grant Higher Standard Pay Scale to eligible employees);(b)At the time of granting Higher Standard Pay Scale the existing screening mechanism for promotion shall be applied;(c)No Higher Standard Pay Scale shall be granted to the employee who is under suspension on the date of eligibility or who is charge-sheeted under provisions of J&K Classification, Control & Appeal Rules, or any other Rules for the purpose. However, when the employee is exonerated in Departmental enquiry against him/her and reinstated on duty, the Higher Standard Pay Scale shall be granted on the basis of eligibility on completion of 9/18/27 years incremental period of service as the case may be;(d)An employee otherwise eligible for grant of 'promotion In-Situ' under these Rules shall be deemed to have been exempted from passing the prescribed departmental/any other examination for purposes of grant of 'promotion In-Situ' only. However if the employee wants to get the actual functional promotion on higher post, he/she shall have to pass the prescribed departmental examination;(e)Such period of leave without pay/other allowances as has not been agreed by the Competent Authority to be counted for purposes of annual increments shall not be taken into account for reckoning of the period of 9/18/27 years for Higher Standard Pay Scale as the case may be;(f)The service of surplus employee(s) due to discontinuance abolition of post(s) in the former Department/office shall not be taken into account;(g)The service of isolated cadre(s) encadred in other cadre(s) without the request of the employee and the earlier service in isolated cadre(s) which may be encadred hereafter or in any cadre where pay scale is equal but nomenclature is changed may be taken into account for sanctioning the Higher Standard Pay Scale.

13.

The benefit of these rules shall not be available to such employees who relinquished promotion for reasons whatsoever.

14. Interpretation

In case of any dispute and/or doubt with regard to any of the provisions of these Rules, the matter shall be referred to the Government in the Finance Department for clarification and/or interpretation who shall decide the same.

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Rule 4(b), (d), (f) & (g) of J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996. Structure for grant of Higher Standard Pay Scale to various categories of Non-Gazetted State Government Employees on completion of the prescribed regular satisfactory service.

S. No.	Pay scale of the entry post applicable from 1-4-1987	First Higher Standard Pay Scale for 9 years of regular satisfactory service in the entry post.	Second Higher Standard Pay Scale for 18 years of regular satisfactory service in the entry post.
1.	2	3	4
1.	750-12-870-EB-14-940	775-12-955-EB-14-1025	825-15-900-EB-20-1200
2.	775-12-955-EB-14-1025	825-15-900-EB-20-1200	950-20-1150-EB-25-1400
3.	825-15-900-EB-20-1200	950-20-1150-EB-25-1400	1300-30-1390-EB-40-1870
4.	950-20-1150-EB-25-1400	1300-30-1390-EB-40-1870	1340-40-1460-EB-40-1940
5.	950-20-1150-EB-25-1500	1200-30-1560-EB-40-2040	1400-40-1800-EB-50-2300
6.	1300-30-1390-EB-40-1870	1340-40-1460-EB-40-1940	1400-40-1800-EB-50-2300
7.	1340-40-1460-EB-40-1940	1400-40-1800-EB-50-2300	1400-40-1600-50-2300
8.	1200-30-1560-EB-40-2040	1400-40-1800-EB-50-2300	1400-40-1600-50-2300
9.	1400-40-1800-EB-50-2300	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660
10.	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660	1340-60-2600-EB-75-2900
11.	1600-50-2300-EB-60-2660	1640-60-2600-EB-75-2900	1760-60-2600-EB-75-3200
12.	1340-60-2600-EB-75-2900	1760-60-2600-EB-75-3200	2000-60-2300-EB-75-3200
13.	1640-60-2600-EB-75-2900	1760-60-2600-EB-75-3200	2000-60-2300-EB-75-3200
14.	1760-60-2600-EB-75-3200	2000-60-2300-EB-75-3200-100-3400	2125-75-2800-EB-100-3600
15.	2000-60-2300-EB-75-3200	2000-60-2300-EB-75-3200-100-3400	2125-75-2800-EB-100-3600
16.	2000-60-2300-EB-75-3200-100-3400	2125-75-2800-EB-100-3600	2200-75-2800-EB-100-3600

Note: A Non-Gazetted Government employee carrying a pay scale higher than that indicated in Column 2 of this Schedule, shall also be entitled to immediate next higher standard pay scale within the approved pay structure of Jammu and Kashmir Civil Services (Revised Pay) Rules, 1992, subject to the fulfilment of the prescribed conditions under relevant provisions of these rules.

Schedule 2

Form of Undertaking Rule 10 of J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 To The _____ Sir/Madam, I _____ working as _____ in the Office of _____ at _____, have gone through the provisions of Notification SRO 14 dated 15-1-1996, promulgating the J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 hereby agree to the terms and conditions as stated therein.

2. I Further hereby give an undertaking to the effect that I shall not refuse the regular promotion as and when it becomes due to me, if, for any reasons, I decline the promotion when it becomes due to me, I shall fore-fiet the benefit admissible under the Higher Standard Pay Scale Scheme and shall revert back in original lower grade scale and shall draw the pay in original lower grade which I would have drawn had I not been given the benefit of the Higher Standard Pay Scale Scheme.

Place _____ Date _____ Signature of Employee _____
 _____ Name of Employee _____ Designation Office _____

Schedule 3

Form of Option Rule 9(B) Of J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996. I _____ working as _____ in the Office of _____ at _____, having been given the benefit of Senior/Selection Scale with effect from _____ vide Order No. _____ Dated ____ is sued by _____ hereby opt to select Higher Standard Pay Scale Scheme operated from 1-1-1995 introduced under Notification SRO 14 dated 15-1-1996 issued under Finance Department's endorsement No. A/89(93)-88 dated 15-1-1996 instead of said Senior/Selection Scale.

2. I hereby agree that excess amount of difference of pay and allowances, if any, paid to me, on account of grant of Senior/Selection Scale to me earlier, be adjusted against the benefit to be accrued under the Higher Standard Pay Scale Scheme.

3. Option hereby exercised is final and shall not be modified at any subsequent date. Place _____ Signature of Employee _____

Date _____ Date _____ Signature of Employee _____ Name of Employee _____
 _____ Designation Office _____ Signed before me _____

 Signature and Official Seal of Head of Department Office Notifications, Circulars, Orders, Etc. Illustrations regarding fixation of pay involved in the matter of implementation of Higher Standard Pay Scale Scheme vide SRO 14 dated 15-1-1996 O.M. No. A/29(96)-168, dated 02.02.1996, Finance Department Subject: - Higher Standard Pay Scale Scheme SRO 14 dated 15-1-1996. In order to set at rest the doubts expressed by various quarters in relation to fixation of pay involved in the matter of implementation of SRO 14 dated 15-1-1996 (Higher Standard Pay Scale Scheme), the undersigned is directed to enclose few illustrations which will form guide lines for the drawing and disbursing officers in the matter of ensuring correct fixation of pay on Promotion 'In-Situ' of eligible employees in whose case the orders have been issued by the competent authority as per relevant provisions of SRO 14 dated 15-01-1996. It is requested that these instructions may kindly be passed on to all the concerned offices subordinate to the respective Administrative Departments for the guidance. Illustration No. IA Government servant has joined service on 1-10-1967 as a teacher and since his appointment has not been given any promotion to any senior/ selection scale. His pay scale as on 1-1-1995 was 1200-30-1560- EB-40-2040 and was drawing pay of Rs. 1960/- w.e.f. 1-9-1994. His date of next increment being 1-9-1995. Pay fixation on 1-1-1995 under Rule 6 of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996; A-For purpose of drawal of arrears from-1-1995 to 1-1-1996: Since he has completed more than 27 years of service before 1-1-1995, he will get promotion 'In-Situ' under relevant rules from Rs. 1200-2040 to Rs. 1600-50-2300-EB-60-2660 (Third Higher Standard Pay Scale) and his pay fixed as under in terms of Art. 77-B of J&K Civil Service Regulations:

- | | |
|--|------------|
| (i) Pay in the relevant existing scale of Rs. 1200-2040 on 1-1-1995 | Rs. 1960/- |
| (ii) Add notional increment in 1200-2040 | Rs. 40/- |
| (iii) Total (i + ii) above | Rs. 2000/- |
| (iv) Next higher stage in relevant 3rd Higher Standard Pay Scale (1600-2660) | Rs. 2050/- |

Hence his pay will be fixed at Rs. 2050/- in the 3rd Higher Standard Pay Scale w.e.f. 1-1-1995. Since his pay on 1-1-1995 was Rs. 1960/- in the existing pay scale of Rs. 1200-2040, the arrears in this case will be paid at Rs. 90/- (i.e. Rs. 2050-1960) with DA and IR thereon at the relevant sanctioned rates w.e.f. 1-1-1995 to 14-1-1996. B For purpose of drawl of pay from 15-1-1996:

- | | | |
|-------|--|------------|
| (a) | | |
| (i) | Pay in the relevant existing scale of Rs. 1200-2040 as on 1-1-1995 | Rs. 1960/- |
| (ii) | Add notional increment in this scale | Rs. 40/- |
| (iii) | Total (i + ii) above. | Rs. 2000/- |
| (iv) | Next higher stage in Rs. 1400-40 1800-EB-50-2300, the 1st Higher Standard Pay Scale at which pay gets fixed notionally Under Art. 77-B of J&K CSRs on 1-1-1995 | Rs. 2050/- |
| (b) | Pay notionally fixed in 1st Higher Standard Pay Scale i.e. Rs. 1400-2300 as on | Rs. |
| (i) | 1-1-1995 | 2050/- |
| (ii) | Add. notional increment in Rs. 1400-2300 | Rs. 50/- |
| (iii) | Total (i + ii) above. | Rs. 2100/- |
| | Next higher stage in 2nd Higher Standard Pay Scale of | |
| (iv) | Rs. 1400-40-1600-50-2300-EB- 60-2600 at which pay gets fixed notionally as on 1-1-1995 | Rs. 2150/- |
| (c) | Pay notionally fixed in 2nd Higher Standard Pay Scale as on 1-1-1995 i.e. of Rs. | |
| (i) | 1400-2600 | Rs. 2150/- |
| (ii) | Add. notional increment in relevant 2nd Higher Standard Pay Scale i. e. Rs. 1400-2600 | Rs. 50/- |
| (iii) | Total (i + ii) above. | Rs. 2200/- |
| (iv) | Next stage in 3rd Higher Standard Pay Scale i.e. 1600-50-2300-EB-60-2660 at which pay gets fixed as on 1-1-1995 | Rs. 2250/- |
| | Notional pay fixed in the pay scale of Rs. 1600-2660 as on 1-1-95 | Rs. 2250/- |
| | Date of next increment | 01/01/96 |

Pay to be drawn as per pay fixation at (B) w.e.f. 15-1-1996. Illustration No. 2A Government servant has joined service on 1-12-1982 as Junior Assistant and since his appointment has not been given any promotion to any senior/selection scale. His pay scale as on 1-1-1995 was 950-20-1150-EB-25-1500 and was drawing pay of Rs. 1090/- w.e.f. 1-9-1994. His date of next increment being 1-9-1995. Pay fixation on 1-1-1995 under Rule 6 of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996; A For purpose of drawl of pay from 1-1-1995 to 14-1-1996: Since the official has completed more than 9 years service before 1-1-1995, he will get promotion 'In-Situ' under relevant rules from the pay scale of Rs. 950-1500 to the pay scale of Rs.

1200-30-1560-EB-40-2040 (1st Higher Standard Pay Scale) and his pay will be fixed as under in terms of Art. 77-B of J&K Civil Service Regulations:

(i)	Pay in the relevant existing scale of Rs. 950-1500 on 1-1-1995	Rs. 1090/
(ii)	Add notional increment in 950-1500	Rs. 20/
(iii)	Total (i + ii) above	Rs. 1110/
(iv)	Next higher stage in relevant 1st Higher Standard Pay Scale(1200-2040)	Rs. 1200/-

Pay fixed in the higher scale as on 1-1-1995
Rs. 1200/- (inthe scale of Rs. 1200-2040)

Date of increment 01/01/96

Illustration No. 3A Government servant has joined service on 1-12-1976 as Junior Assistant and since his appointment has got no promotion to any senior/ selection scale. His pay scale as on 1-1-1995 was Rs. 950-1500 and was drawing pay of Rs.1300/ P.M. w.e.f. 1-12-1994. His date of next increment being 1-12-1995. Pay fixation on 1-1-1995 under Rule 6 of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996. A For purpose of drawl of arrears from 1-1-1995 to 14-1-1996: Since the official has completed more than 18 years of service before 1-1-1995 he will get promotion 'In-situ' under relevant rules from Rs. 950-1500 to Rs. 1400-40-1800-EB-50-2300 (2nd Higher Standard Pay Scale) and his pay fixed as under in terms of Art. 77-B of J&K Civil Service Regulations:

(i)	Pay in the relevant existing scale of Rs. 950-1500 as on 1-1-1995	Rs. 1300/
(ii)	Add. notional increment in 950-1500	Rs. 25/
(iii)	Total (i + ii) above	Rs. 1325/-
(iv)	Next, higher stage in the relevant 2nd Higher Standard PayScale i. e. (1400-2300)	Rs. 1400/-

The pay of the official will be fixed at Rs. 1400/- in the 2nd Higher Standard Pay Scale w.e.f. 1-1-1995. Since his pay fixed on 1-1-1995 in 950-1500 was Rs. 1300/-. The arrears in this case will be paid at Rs. 100/-(1400-2300) with DA and IR thereon at the relevant sanctioned rates w.e.f. 1-1-1995 to 14-1-1996. B-For purpose of drawl of pay from 15-01-1996:

(a)	Pay in the relevant existing scale of Rs. 950-1500 as on 1-1-1995	Rs. 1300/
(i)	Add notional increment in this scale	Rs. 25/
(ii)	Total (i + ii) above	Rs. 1325/
(iv)	Next higher stage in (1200-30-1560-EB-40- 2040), the 1stHigher Standard Pay Scale at which pay gets fixed notionallyunder Art. 77-B of J&K CSRs on 1-1-1995	Rs. 1350/
(b)	Pay notionally fixed in the 1st Higher Standard Pay Scale1200-2040 as on 1-1-1995	Rs. 1350/
(i)	Add notional increment in 1200-2040 scale	Rs. 30/
(iii)	Total (i) and (ii) above	Rs. 1380/-

(iv)	Next higher stage in 2nd Higher Standard Pay Scale of Rs.1400-40-1800-EB-50-2300	Rs. 1400/-
	Notional pay fixed in the pay scale of Rs. 1400-2300 as on 1-1-1995.	Rs.1400/-
	Date of next increment	01/01/96

Pay to be drawn as per pay fixation at (B) w.e.f. 15-01-1996. Illustration No. 4A Government servant has joined service on 1-12-1977 as a Plumber and since his appointment has got no promotion to any senior/selection scale. His pay scale as on 1-1-1995 was Rs. 950-20-1150-EB-25-1500 and was drawing pay of Rs. 1070/- on 1-1-1995. Pay fixation as on 1-1-1995 under Rule 6 of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996.A For purpose of drawal of pay w.e.f. 1-1-1995. Since the official has completed more than 9 years of service but less than 18 years before 1-1-1995 he will get promotion 'In situ' under these rules from 950-1500 to Rs. 1200-2040 (First Higher Standard Pay Scale) and his pay will be fixed as under in terms of Art. 77-B of J&K Civil Service Regulations:

(i)	Pay in the relevant existing scale of Rs. 950-1500 on 1-1-1995	Rs. 1070/-
(ii)	Add notional increment in 950-1500	Rs. 20/-
(iii)	Total (i + ii) above.	Rs. 1090/-
(iv)	Next higher stage in 1st Higher Standard Pay Scale of Rs.1200-2040	Rs. 1200/-
	Pay fixed in the pay scale of Rs. 1200-2040 as on 1-1-1995	Rs. 1200/-

Date of next increment 01/01/96

Illustration No. 5A Government servant has joined service in 1971 as Junior Assistant (950-1500). He was promoted as Senior Assistant on 1-7-1972 in the pay scale of Rs. 1200-2040. He was drawing pay of Rs. 1440/- w.e.f. 1-7-1994. His date of next increment being 1-7-1995. Pay fixation on 1-1-1995 under Rule 6 of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996.A For purpose of drawal of Pay w.e.f. 1-1-1995. The official has derived the benefit of one promotion and has rendered more than 9 years service in the existing pay scale of Rs. 1200-2040 on 1-1-1995, he will get promotion In-situ under these rules from Rs. 1200-2040 to Rs. 1400-2300 (First Higher Standard Pay Scale) and his pay will be fixed as under in terms of Art. 77-B of J&K Civil Service Regulations:

(i)	Pay in the existing scale of 1200-3071560-EB- 40-2040 on 1-1-1995	Rs. 1440/-
(ii)	Add notional increment in 1200-2040	Rs. 30/-
(iii)	Total (i + ii) above.	Rs. 1470/-
(iv)	Next higher stage in 1st Higher Standard Pay Scale of Rs.1400-40-1800-EB-50-2300	Rs. 1480/-
(v)	Pay fixed in the pay scale of Rs. 1400-2300 on 1-1-1995	Rs. 1480/-
	Date of next increment	01/01/96

Clarification in respect of Rule 12 (g) of Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 O.M. No. A/51 (96)-595, Dated 20.06.1996, Finance Department Subject : Clarification in respect of Rule 12 (g) of Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996. Rule 12 (g) of Jammu and Kashmir Civil Services (Higher Standard Pay

Scale Scheme) Rules, 1996, promulgated vide SRO-14 dated January 15, 1996 provides as under : "The Service of isolated cadre (s) encadred in other cadre (s) without the request of the employee and the earlier service in isolated cadre (s) which may be encadred hereafter or in any cadre where, pay scale is equal but nomenclature is changed may be taken into account for sanctioning the Higher Standard Pay Scale."

2. Cases have been brought to the notice of the Finance Department where employees have been transferred and encadred from one departmental cadre to another in the past with same designations and pay scale, but the Departments are not in a position to ascertain and establish with reference to documents whether or not the subsequent encadrement has been on the request of the concerned employee (s) or otherwise in the public interest, so as to enable a decision being taken whether or not the service rendered by such employee(s) in the earlier cadre could be computed and counted for grant of In-Situ Promotion' under the afore-mentioned rules.

3. The matter has been examined in the Finance Department. Accordingly, it is clarified that where there is neither any documentary evidence to substantiate that such subsequent encadrement has been on the request of the concerned employees (s), nor there is any specific entry to this effect in the service records, viz., Service Book of the concerned employee (s), the subsequent encadrement shall be deemed to have taken place in public interest and not on the request of the concerned employee(s) and the service rendered in the earlier cadre in the same capacity, notwithstanding on a different cadre, shall be computed and counted for grant of 'In-Situ Promotion' under the aforementioned provisions of the relevant rules.

Errata regarding rule 12SRO 14 of 1996 No, A/89(93)-90, dated 18.01.1996

1. In the caption under Rule 12 of the Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 promulgated vide SRO-14 dated January 15, 1996, the words "Authority Commitment" may be read as "Authority Competent".

2. The last but second word i.e., "shalls" appearing in first line of para-2 in Schedule-2 appended to the Rules ibid may be read as "shall".

This may be deemed to have existed in the said Notification abinitio. Civil Service (Higher Standard Pay Scales Scheme) Rules, 1996 Clarifications thereof O.M. No. A/29(96)-1034, dated 22-10-1996,

Finance Department Subject: J&K Civil Service (Higher Standard Pay Scales Scheme) Rules, 1996-Clarifications thereof. Consequent upon the introduction of 'J&K (Higher Standard Pay Scale Scheme) Rules, 1996 vide SRO 14 dated January 15th, 1996 references from the' representatives of various Unions of Government employees/Departments have been received in Finance Department raising various points for clarifications. The same have been examined in the Finance Department. Accordingly, clarifications as detailed here below against each point are issued for guidance and references by the Department viz-a-viz implementation of the aforementioned scheme:-

Point of doubt

Clarification

(a) As per rule 7 of J&K C.S. (Revised Pay) Rules, 1992 any Govt. Servant could opt to retain the existing pay scale (pre-revised scale prior to 1992) under the conditions laid down in the said rule. For example an orderly has opted to retain the pre-revised scale of Rs. 630-940, which he continues to be in, instead of the relevant revised pay scale of 750-940. The point of doubt raised is whether such an employee is entitled to the benefit under J&K CS (Higher Standard Pay Scale Scheme) Rules, 1996 ? if so in which scale he can be placed ?

(a) It is clarified that such Govt. employee shall also be entitled to the benefits under the J&K CS (Higher Standard Pay Scale Scheme) Rules, 1996, subject to fulfilment of other eligibility criteria prescribed therein. However, in their case "Pay Scale of the entry post applicable from 1-4-1987" as shown in col. 2 of Sch. 1 of the said rules shall include the pre-revised pay scale continued to be retained by such Govt. employee(s) on the date of issue of SRO 14 dated 16-1-1996. Accordingly, such employee (s) on being entitled to Higher Standard Pay Scale under the said rules, shall be elevated to the corresponding revised version of the pay scale in 1st, 2nd or 3rd Higher Standard Pay Scale whereas the case may be as shown in Col. 3, 4 and 5 respectively in Schedule 1 of J&K C.S. (Higher Standard Pay Scale Scheme) Rules, 1996.

(b) There have been certain category of posts, like Jr. Assistants, Cashiers, Library Assistants, Store Assistant, Drivers etc. in whose case prior to the introduction of J&K C.S. (Revised Pay) Rules, 1973 there have been two tier pay scales. Such as in the case of Drivers there where the scales i.e. 70-135 and 75-150. These pay scales have been clubbed into one pay scale as a result of revision of pay ordered in 1973.

(b) In this connection it is clarified that since in such cases the merger has resulted in 'abolishing of one pay scale with introduction of a single tier pay system, as such in such cases placement/elevation from a lower to a higher scale granted prior to clubbing of two scales should not be construed as a functional promotion for purposes of grant of In-Situ promotion.

In the above background cases may arise where by virtue of two tier system of a particular post an employee might have been placed in the higher selection scale of the same category of post without any change in his functions/duties prior to clubbing of such pay scales into one. Say Driver has

been placed from a lower scale of Rs. 70-135 to Rs. 75-150 scale, which two scales have subsequently clubbed, consequent upon 1973 revision, into one single scale of Rs. 200-320. Question arises whether in such cases elevation from a lower scale i.e. Rs. 70-135 to Rs. 75-150 should be construed as a functional promotion for purposes of grant of In-Situ promotion.

(c) There are cases where a Government employee has been ordered to work in his own pay and grade on a higher post, of course, with or without charge allowance under the provisions of relevant rules and such arrangement continues beyond otherwise admissible limit of time under the relevant rules without confirmation/formal promotion ordered in the higher grade post. A question arises as to whether in such circumstances such an elevation which, of course, is in own pay and grade with or without Charge Allowance can be treated as promotion for purposes of eligibility to the benefits of In-situ promotion.

(d) Doubts have been expressed whether an employee, who has rendered (without having acquired one or more promotions) 17 years of service (say) as Jr. Asstt. before 1-1-1995 and is entitled to get/elevated to "1st Higher Standard Pay Scale" on 1-1-1995 (because of having more than 9 years but less than 18 years of service) can be allowed "2nd Higher Standard Pay Scale" after putting in one year more service to make it 18 for entitlement to "2nd Higher Standard Pay Scale Scheme" or shall he have to wait for another 9 years from 1-1-1995 for becoming a entitled to "2nd Higher Standard Pay Scale Scheme" and so on.

(e) Doubts have been expressed whether the terms "Senior/Selection Scale" used in rule

(c) It is clarified that in such cases it is the actual date of confirmation/regularization of such promotion as would determine the eligibility or otherwise to In-Situ promotion.

(d) It is clarified that since grant of 1st, 2nd and 3rd Higher Standard Pay Scale(s) is to be granted with reference to 9 years, 18 years and 27 years regular satisfactory service respectively, as the case may be, with reference to the entry post without any functional promotion having been acquired during the period, as such the residual spell of such service after 9 years, 18 years has to be computed for calculating 18 years/27 years for purposes of next In-Situ promotion, as the case may be. Accordingly a person who has completed 17 years satisfactory service as required under the rules *ibid* and is entitled/elevated to 1st Higher Standard pay Scale Scheme on 1-1-1995 shall be placed in the "2nd Higher Standard Pay Scale" after putting in one more year only of satisfactory service provided he does not get functional promotion during the said period.

(e) It is clarified that the said terms include promotional scale as well.

9(a) under the caption "Exercise of option" included promotional scale as well.

(f) Whether the officials who have retired after 1-1-1995 but before issue of SRO 14 dated 15-1-1996 are covered under the provisions of the J&K Civil Service (HSPSS) Rules, 1996.

(g) Whether the up-gradation of a post in respect of the pay scale without change of its nomenclature should be treated as a promotion for purposes of grant of In-Situ promotion under J&K Civil Service (HSPSS) Rules, 1996.

(h) When an official has got promotion In-Situ under J&K Civil Service (HSPSS) Rules, 1996 to a "Pay Scale" higher than the functional pay scale to which he is subsequently entitled to, whether on functional promotion subsequent to In-Situ Promotion he will be placed in the lower functional pay scale or he will continue to hold the higher pay scale which he has acquired by virtue of availing of benefit of In-Situ Promotion.

(f) The officials retired after 1-1-95 but before issue of SRO 14 dated 15-1-1996 are entitled to the benefit under the said rules, if otherwise qualifying for the same.

(g) Since in such cases the existing pay scale ceases to exist and the same is entirely replaced by a new scale of pay without any change in nomenclature of the post, as such up-gradations should not be construed to be functional promotion for the purpose of grant of In-Situ promotion under the relevant provisions of the J&K (HSPSS) Rules, 1996.

(h) Though his functional promotion may be ordered in a lower scale than he is placed in by virtue of In-Situ promotion, yet such an employee shall carry the higher pay scale in his personal capacity which he might have acquired prior to his functional promotion on In-Situ basis under the provisions of J&K Civil Service (HSPSS) Rules, 1996 to this effect a specific stipulation should invariably be made in the promotion order.

The above clarifications may be communicated to all the concerned officers subordinate to the Administrative Departments. Clarifications regarding guidance and reference by the Department vis-a-vis implementation of Scheme O.M. No. A/29(96)716, Dated 05.08.1997, Finance Department Subject : The J&K Civil Service (Higher Standard Pay Scales Scheme) Rules, 1996, Clarifications thereof. Consequent upon the introduction of the J&K (Higher Standard Pay Scale Scheme) Rules, 1996 vide SRO-14 dated January 15, 1996 references from the representatives of various Unions of Government employees/Departments have been received in the Finance Department raising various points for clarifications. The same have been examined in the Finance Department. Accordingly, clarifications as detailed here below against each point are issued for guidance and reference by the Department vis-a-vis implementation of the aforementioned scheme :-

Points of doubts

1. Rule 9(a) under the caption "Exercise of option" of the Rules ibid reads as under. - "If the employee who has got benefit of senior/selection grade scale desired he may exercise option to continue senior/selection grade scale or to accept this scheme. If he exercises option to join this scheme his pay fixation shall be done as if he had not availed of the senior

Clarification

1. The issue has been examined with reference to express provision under Rule 9(a) to the effect that, if an employee exercises option to join this scheme, his pay fixation shall be done, as if, he had not availed of

grade/selection grade scale. As a result the amount of pay and allowances due, if any, shall be adjusted against the benefit admissible under these rules".

the senior grade/selection grade scale. It clearly follows that the said provision in the Rules has been made only for purposes of pay fixation under the scheme to avoid any anomalous situation being created vis-a-vis the junior functionary. Accordingly, in view of unambiguous provisions in the relevant rule, re-designation of the

In this connection doubt has been raised whether the designation of the official exercising option under the aforementioned rule shall also get changed, once he opts for joining the scheme. For example if the Senior Assistant (promoted from the post of the Jr. Assistant) opts for the scheme in order to get his pay fixed under this Scheme, should he also be designated as Junior Assistant or continue to be designated as Senior Assistant.

Post will be involved while exercising the option.

2. Vide Govt. Order No. 372-FST of 1973, 365 Daily Wagers of the Directorate of Food and Supplies Department, Kashmir were regularised as Depot Assistants/Store Keepers in the old pay scale of Rs. 200-320 (revised version of Rs. 950-1500) provided they are matriculates, the non-matriculates were ordered to be placed in the old pay scale of Rs. 180-250 (revised version of Rs. 775-1025) till they qualify the said examination. With the passage of time various Depot Assistants/Store keepers qualified the matriculation examination and accordingly they have been placed in the higher pay scale of Rs. 950-1500. As a result of this the residual number of Depot assistants/Store keepers continued to work in the scale of Rs. 775-1025. In this regard clarification has been sought for, if those of the non-matriculate Depot Assistants/Store Keepers, who after their regularisation, passed the Matriculation Examination and were given the higher pay scale of Rs. 950-1500 are entitled to Higher Standard Pay Scale and whether their placement in the higher scale after clearing the qualification bar be reckoned as promotion.

2. Since the Depot Assistants/Store keepers post actually carried the then pay scale of Rs. 200-320 (with existing revised version Rs. 950-1500) and it is because of their being non-matriculate they could not be placed in the appropriate pay scale except on improving their requisite qualification for such post i.e. Matriculation. On acquiring the requisite qualification of Matriculation their placement in appropriate scale may not be construed as a promotion for purposes of In-situ promotion under the rules *ibid*.

3. A person was initially appointed as vaccinator in the old pay scale of Rs. 70-130 and re-designation as Basic Health Worker carrying the same pay scale. The said incumbent was reappointed as driver in the pay scale of Rs. 100-220 w.e.f. 3-8-1970 on officiating arrangement and then finally

3. Rule 4(k) defines "Regular satisfactory service as actual continuous service under State Government in the present cadre to be reckoned within the same cadre

appointed as Driver by the Chairman Recruitment Board on 31-3-1971 in the pay scale of Rs. 100-220. In this regard clarification has been sought for if the appointment of the incumbent be treated as promotion from the earlier post of Basic Health Worker or Vaccinator, as the case may be.

and assessed fit for the purpose of promotion". In view of the clear provisions of the aforementioned Rule the services in the instant case can be counted only from the date he has regularly been appointed as Driver and the previous service cannot count for purposes of in-situ promotions, as Driver.

4. (i) Shri Lachman Singh was a Jamadar and has been promoted as such from the post of Orderly. His initial appointment as Orderly was 1-5-1964. On the contrary Shri Gurdas Orderly was appointed on 1-5-1964. In terms of SRO-14 dated 15-1-1996, Shri Lachman Singh was given the in situ promotion in the pay scale of Rs. 825-1200 as he had rendered 9 Years service as Jamadar, against this Sh. Gurdas who had got no promotion during his service career was placed, in the 3rd Higher Standard Pay Scale of Rs. 950-1400.

4. This issue could be settled by the concerned authorities under Rule 9 (exercise of option) or under not below Rule 6 of the Rules ibid providing for the stepping up of the official viz-a-viz the pay of his Junior as the case may be.

5. Clarification has been sought for if Ex-servicemen employed in various civil Departments are entitled to the benefits of in situ promotion in terms of SRO-14 dated 15-1-1996.

5. It is clarified that wherever ex-servicemen are/have been appointed against the reserved quota under the provisions of relevant rules the grant of benefit to them under the J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 cannot be denied to them.

Stepping up of Pay/Scale of pay under the provisions of note to Rule 5-A of J&K Civil Service Higher Standard Pay Scales Scheme Rules, 1996 O.M. No. A/100(96)-118, Dated 08.06.1999, Finance Department Subject : Stepping up of Pay/Scale of pay under the provisions of note to Rule 5-A of J&K Civil Service Higher Standard Pay Scales Scheme Rules, 1996. Doubts have been expressed from various quarters with regard to the manner in which the fixation of pay in favour of senior counterparts whose scale of pay is stepped up equivalent to the scale of his junior counterpart on the eve of the grant of In-Situ promotion in terms of the provisions of Note to Rule 5-A of J&K Civil Service Higher Standard Pay Scale Scheme Rules, 1996. The case has accordingly been examined in the Finance Department. The basic principle behind the stepping up of pay or the pay scale is that in the normal course that is if he has not been super-ceded or denied promotion or held up at Efficiency bar a senior employee should not draw a lower rate of pay/lower scale of pay than his junior. Accordingly, it is hereby clarified that the pay of the senior counterpart shall be regulated as under when his scale of pay is stepped up equivalent to that of his junior counterpart in pursuance of the above provisions of the Rules

(a) If the Junior official is placed in a higher scale The senior official shall be allowed the same scale of pay which has been granted to his junior counterpart with effect from the date from

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| <p>than his senior, but does not draw more pay than the senior official.</p> | <p>which the junior employee has been promoted to the higher scale. The pay shall be fixed at the same stage if such a stage exists in the higher scale otherwise at the next stage in that scale. The date of annual increment of the senior shall remain unchanged : Provided the senior official has not been super-ceded by the D.P.C. and the junior official has been promoted to the higher scale after following the procedure.</p> |
| <p>(b) If the junior official is placed in a higher scale than his senior counterpart and draws pay equal to the senior official (drawing pay in the lower scale.)</p> | <p>The senior official shall be allowed the same scale of pay equal to the pay scale of his Junior with effect from the date from which the junior employee has been promoted to the higher scale. The pay of the senior employee shall remain unchanged. The date of next annual increment of the senior shall remain unchanged : Provided the senior official has not been super-ceded by the D.P.C. and the junior official has been promoted to the higher scale after following the procedure.</p> |
| <p>(c) If the junior official is placed in a higher scale than his senior and draws higher pay than the senior official (drawing pay in the lower scale).</p> | <p>The senior official shall be allowed pay and scale of pay equal to the pay scale of his junior w.e.f., the date from which the junior employee has been promoted to the higher scale. The next increment shall be due after putting in one full incremental period of 12 months : Provided the senior official has not been super-ceded by the D.P.C. and the junior official has been promoted to the higher scale after following the procedure.</p> |

Pending cases shall be decided accordingly. The powers to grant such stepping up of pay/scale of pay shall be exercised by the Authority Competent under normal rule for stepping up under Art. 77-B with Government instructions thereunder. Before giving any benefit it will be again verified that the junior official has been promoted to a higher scale under rules, the senior official has not been super-ceded or held up at Efficiency Bar/Qualification Bar and is otherwise eligible for promotion to the higher scale. Application of provisions of Rule 5-A of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996 regarding Circular No. A/21(99)-749, Dated 07.09.1999, Finance Department Subject : Application of provisions of Rule 5-A of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996 regarding . Doubts have been expressed from some quarters with regard to the application of the provisions of Rule 5-A of the J&K Civil Service (Higher Standard Pay Scale Scheme) Rules 1996 as inserted vide Notification SRO-225 dated 4-7-1997. It is hereby clarified that the intention of SRO-225 dated 4-7-1997, in relation to SRO-14 dated 15-1-1996 effective from 01-01-1995, has all along been to ensure that not more than three promotions including functional promotion, if any, can be granted under J&K Civil Services (HSPS) Scheme Rules, 1996. As such the effect of SRO-225 dated 04-07-1997 would be that the Rule 5-A as inserted by SRO-225 would be deemed to have been incorporated in the rules ab initio and will have effect from 1-1-1995. The pay fixation and grant of in situ promotion would be regulated under SRO-14 dated 15-1-1996 as modified by SRO-225 dated 4-7-1997. Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 (In situ Promotion Rules) Clarification thereof O.M. No. A/29(96)-870, Dated 01.10.1999, Finance Department Subject : J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 (In situ Promotion Rules) Clarification thereof. Reference : Finance Department's O.M. No. A129(96)-716 dated 05-08-1997. Various clarifications with regard to points of doubts

raised in relation to the application of Insitu Promotion Rules have been issued vide Finance Department's O.M. No. A/29(96)-716 dated 05-08-1997. Among other things, as per para 5 of the said clarificatory O.M. with regard to the point of doubt as to whether the Ex-servicemen employed in various Civil Departments are entitled to the benefits of Insitu Promotion in terms of SRO-14 dated 15-01-1996, it was clarified that : "Wherever ex-servicemen are/have been appointed against the reserved quota under the provisions of relevant rules, the grant of benefit to them under the J&K Civil Services (Higher Standard pay Scale Scheme) Rules 1996 can not be denied to them".

02. Various quarters having felt application of the aforesaid clarification as harsh in so far as, the clarification in question covers only appointments made against the reserved quota represented for review of the case to cover all such appointments whether made against reserved quota or not.

03. Consequent upon re-examination of the case in the Finance Department it has been decided that the aforesaid clarification shall and shall always be deemed to have been substituted by the following clarification :

"It is clarified that whether ex-servicemen have been/are appointed against the reserved quota or otherwise, the provisions of relevant rules for grant of benefit of Insitu Promotion shall apply in their case if otherwise eligible under the relevant provisions of In situ Promotion Rules. Army Service will not count of and only the service under the State Government will be taken in account,

04. The concerned authorities may take action in the matter and settle the cases, accordingly.

Civil Service Regulations, 1956 (Vol. I) Amendment in Article 77-BSRO 539, Dated 10th December, 1999, Finance Department In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the following amendments shall be made in Jammu and Kashmir Civil Services Regulations Volume I and Jammu and Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996. In the said Regulations: A. In J&K Civil Service Regulations Volume I, the following shall be inserted as Government Instruction No. 8 below Art. 77-B: Cases may arise where a Government servant has been promoted to a Higher Post before 01-01-1995 (as the J&K Civil Service Higher Standard Pay Scale Scheme Rules 1996 have come into effect from 01-01-1995) and draws a lower rate of pay than the another junior to him. This may be because pay of Junior Counterpart has been/is fixed after availing the benefits of the insitu promotion in the lower post in accordance with the provisions of the J&K (HSPSS) Rules, 1996 before his functional promotion in the higher post. In order to remove this anomaly the pay of the senior counterpart in the higher post shall be stepped up to the figure' equal to the pay as fixed for the junior counterpart in that higher post. The stepping up should be done with effect from the date of the functional promotion of the junior subject to the condition that: I. Both the senior and the junior belong to the same cadre and the posts in which they have been promoted should be identical and in the same cadre and the same scale of pay II. The anomaly

should be directly as a result of application of J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996, for example if even in the lower functional post the junior official had been drawing from time to time a higher rate of pay as compared to that of the senior by virtue of fixation of pay under normal rules, any advance increment granted to him, the provisions of these instruction shall not be invoked to step up the pay of the senior counterparts.III. The next increment of the senior official whose pay has been so stepped up will be drawn after completion of the requisite qualifying service of twelve months from the date of such stepping up.IV. The senior shall not be entitled to any step up if the pay of the junior promotion scheme on the basis of the length of service which the junior had rendered in the another cadre/service prior to his encadrement in the present post, if any, and the service so rendered has been allowed to be computed for the purpose under orders.V. Pending cases if any, shall be decided accordingly.B. In Jammu and Kashmir Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996, the following shall be inserted as Government Instruction below rule 5-A :Government Instruction.See Government instruction No. 8 below Article 77-B of J&K Civil Service Regulations Volume I, also.Entitlement of Insitu Promotion in favour of Shri Rashpal Singh, Naib TehsildarO.M. No. A/31(97)-443, dated 30-08-2000, Finance DepartmentSubject: - Entitlement of Insitu Promotion in favour of Shri Rashpal Singh, Naib Tehsildar.Undersigned is directed to refer to Financial Commissioner's letter No. FC(A)430/NT dated 06-07-2000 read with the letter No. even dated 18-04-2000 regarding the subject noted above (copy enclosed) and to invite his attention to the provisions of Rule 4(1) of the J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996, wherein service career has been defined to mean the service rendered in a particular service to which the employees belongs at the time of grant of promotion insitu.In view of the above stipulated position of the rules the service rendered in the Revenue Department shall only count without any reference to the services rendered by the official in the Law Department prior to his appointment in the Revenue Department.Introduction of Scheme and other allied benefits to employees of State Financial CorporationSRO 133 of 2001, Finance Department, dated 30.3.2001In exercise of the powers conferred under section 48 of State Financial Corporation Act, 1951 (Central Act LXIII of 1951) and as agreed to by the Industrial Development Bank of India and recommended by the Board of Directors of Jammu and Kashmir State Financial Corporation, the State Government accord its sanction to the introduction of Higher Standard Pay Scheme and other allied benefits, to the employees of Jammu and Kashmir State Financial Corporation on the same terms and conditions as contained in SRO 14 dated 15.1.1996, sanctioning Higher Standard Pay Scale Scheme to the employees of the State Government.Civil Services Revised (Pay) Rules 1987 Deletion of Appendix 2-A w.r.e.f 15-1-1996SRO 231 of 2003, dated 15-07-2003, Finance DepartmentIn exercise of the powers conferred by the proviso to section 124 of the Constitution of Jammu & Kashmir, the Governor is pleased to direct that the Jammu & Kashmir Civil Services (Revised Pay) Rules 1987, the Appendix 2-A shall and shall always be deemed to have been deleted with effect from the date of issue of Jammu & Kashmir Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 i.e. 15-1-1996.Entitlement of In situ Promotions in favour of Junior Engineers Grade-IGovt. Order No. 169-F of 2003, dated 14-08-2003, Finance DepartmentSubject:- Entitlement of Insitu Promotions in favour of Junior Engineers Grade-I. Reference:- Court Order. Whereas vide Government Order No. PW-226-GR of 1986 dated 16-07-1986 issued by the Public Works Department, 404 posts of Selection Scale Sectional officers in the then pay scale of Rs. 1000-1560 were created in Engineering Wings.Whereas vide Government Order No. 455-PW of 1987 dated 29-06-1987 the existing posts of Selection Grade S.Os

(1000-1560) created vide earlier Govt. Order No. 226-GR of 1986 dated 16-07-1986 were converted into the posts of S.O. Gr.1 (1000-1560) and the number increased to one-third of total posts available in each cadre while remaining posts of S.Os were re-designated as S.O. Grade II in the pay scale of 680-1240. Whereas vide notification SRO 370 dated 17-7-1987 J&K Civil Services Revised Pay Rules, 1987 were ordered and the pre-revised functional pay scales of Rs. 680-1240 and Selection Grade 1000-1560 Junior Engineers as well were clubbed together and revised to Rs. 1300-2550 as a sequel to the deletion of Schedule XX of J&K CSR Volume II in terms of Rule 16 of the said rules. The pay scale of Rs. 1300-2550 was further revised to 1760-3200 vide SRO 75 dated 30-3-1992 J&K CS (Revised Pay) Rules, 1992 effective notionally from 1-04-1987 and monetarily w. e. f. 1-04-1990. Whereas with a view to remove the stagnation in Engineering Services reorganization of the Engineering Deptt. was ordered vide Govt. Order No. 972-PW of 1987 dated 29-10-1987. The said re-organization order, inter alia, brought number of changes in so far as Diploma Engineers are concerned which reads as under: "All (Selection Scale) Sectional Officers (1900-3200-revised) shall be re-designated as Junior Engineer Grade-I and all other Sectional Officers (1300-2550-revised) shall be re-designated as Junior Engineers Grade-II." "It is further ordered that the ratio between the Junior Engineers Grade-I and Junior Engineers Grade-II shall be 1:2". "The existing Junior Engineers in the scale of 1650-2000 revised shall however retain their own pay scale till they are promoted as Assistant Engineers. The posts thus vacated by them on their promotion shall be automatically converted into the scale of Junior Engineer Grade-II". Whereas J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 were promulgated vide SRO 14 dated 15-01-1996 effective from 1-1-1995 and under rule 5 read with sub-rule 5-A of the said rules inter alia provide that grant of insitu promotions is restricted to three promotions including functional promotions. And rule 9 of the said rules under the caption exercise of option lays down that: (a) If the employee who has got benefit of senior/selection grade scale desires, he may exercise option to continue senior/selection grade scale or to accept this scheme. If he exercises option to join this scheme, his pay fixation shall be done, as if he had not availed of the senior grade/selection grade scale. As a result, the amount of pay and allowances, due if any, shall be adjusted against the benefit admissible under these Rules. (b) The option must be exercised in writing in the Form as prescribed under Schedule 3 annexed to these rules and shall have to be furnished to the proper authority i.e., Head of the Department/Office under whom he/she is working, within three months from the date of issue of this Notification. Whereas it was reported to the Government under the said scheme promulgated vide SRO 14 dated 15-01-1996 some of the Junior Engineers were given the (then) pay scale of Rs. 2500-4000 by the respective Chief Engineers in violation of the aforesaid provisions; Whereas taking a note of these promotions the Administrative Department issued circular instructions vide No. PW/Actts/Insitu/97-98/518 dated 10-03-1998 in which inter alia the following facts were highlighted:

1. That the Administrative Department has come to know that the Chief Engineers have allowed the pay scale of Rs. 2500-4000 in favour of Jr. Engineers Gr. I (2125-3600) in terms of SRO 14 dated 15-01-1996.

2. That the grade of Rs. 2500-4000 could not be given because the selection scale sectional officer re-designated as Jr. Engineers GR. I could have exercised option under rule 9, J&K Civil Services Higher Standard Pay Scale Scheme Rules, 1996.

3. The benefit of Art. 77-B was admissible at the time of grant of selection scale to the erstwhile Sectional Officers (subsequently re-designated as Jr. Engineer Gr. I).

4. Whereas the Chief Engineers were directed to rectify the omissions;

Whereas aggrieved by the clarification issued by the PWD vide their circular dated 10-03-1998, the All J&K Diploma Engineers Association and others filed SWP No. 385/98 which disposed of with the following orders: "There appears to be no cogent escape route for getting out of the view expressed by the Division Bench. However, as it is the case of the petitioners that interpretation, if any vis-a-vis the rule is to be placed by the Finance Department, the Finance Department is left free to take such decision and whenever such a decision is taken, the observations made in this respect above and in the LPA(SW) No. 110/98 would be taken into account-Disposed off accordingly." Whereas in compliance with the court orders the case has been examined in the Finance Department in due regard to the views expressed by the Hon'ble Division Bench in LPA No. 110/98 titled Jagdish Chander Gupta Vs State and others and the representation made by the Association of All J&K Diploma Engineers whose representative were heard in person. Whereas doubts has been expressed from various quarters whether the up-gradation of a post in respect of the pay scale without change in its nomenclature should be treated as a promotion for the purpose of grant of insitu promotions under the J&K Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996 and the Finance Department inter alia vide OM No. A/29(96)-1034 dated 22-10-1996 clarified that since in such cases the existing pay scale ceases to exist and the same is entirely replaced by a new scale of pay without any change in nomenclature of the post, as such up-gradation should not be construed to be a functional promotion for the purpose of grant of insitu promotions under the relevant provisions of J&K Civil Service (HSPSS) Rules, 1996. Whereas in the context of the provisions contained in the J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 as amended from time to time a Non Gazetted Government servant who has not got the benefit of promotion during the period ranging from 9 years, 18 years and 27 years shall be entitled to 1st, 2nd and 3rd Higher Pay Scale as the case may be subject to the condition that the Insitu Promotions are restricted to three such promotions including functional promotions; Whereas the selection scale sanctioned to Non gazetted cadre in pursuance of SRO 261 of 1985 subsequently merged with the main pay scale under Revised Pay Rules of 1987 issued under SRO 370, dated 17th July, 1987 the existence of the selection grade, therefore, does not survive; Whereas confusion has been created by issuance of Circular No. 518 dated 3-10-1998 from Public Works Department where-under, by implication, it was held that the selection scale already availed by the J.Es would tantamount to promotion. This does not appear to be in consonance with the rules contained in the aforementioned SROs. Hence Rule 9 of SRO 14 of 1987, providing for exercise of option in the case of employees who have got the benefit of selection scale, is not attracted in the present case. Whereas

the case has accordingly been examined in the Finance Department in pursuance of the above rules/clarificatory instructions viz-a-viz court order and it is clarified that: Now, therefore, it is clarified that the benefit of the selection scale which had been given to Sectional Officers and subsequently re-designated as J.E. Grade I in pursuance of the provisions of the then Schedule XX of J&K CSRs as had been inserted vide notification SRO 261 dated 20-07-1985 and subsequently deleted vide rule 16 of J&K Civil Services (Revised Pay) Rules, 1987 (SRO 370 dated 17-07-1987) and clubbed with the main pay scales shall not be construed as promotion. Administrative Deptts./Head of Deptts., to issue necessary instructions to their subordinates to implement the rules Circular No. A/106(96)-42, dated 19-10-2005, Finance Department Subject:- J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996. It has been brought to the notice of Finance Department that the Head of Department/Administrative Department while interpreting existing Jammu and Kashmir Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996 introduced vide SRO 14 of 1996 dated 15-1-1996 amended from time to time do not abide by the relevant provisions of the rules. In this context, it is impressed upon all Administrative Deptts./Head of Deptts., to issue necessary instructions to their subordinates to implement the rules keeping in view the amendments/guidelines issued by Finance Department from time to time, so that no ambiguity/doubt arises due to wrong interpretation of rules. They are further advised to counter check the fixations made under the said rules, and verify fixations made thereunder and report the findings thereof to the concerned Administrative Deptt./Finance Department. It is further reiterated that no subordinate office should exercise the powers to step up the pay in terms of rules/orders unless the same has received formal concurrence of Finance Department. Regulation of pay of Non-Gazetted employees at the time of functional promotion to Gazetted Services/posts O.M. No. A/31(97)-687, dated 10-08-2009, Finance Department Subject: - Regulation of pay of Non-Gazetted employees at the time of functional promotion to Gazetted Services/posts when the In-situ promotion pay scale in the Non-Gazetted service/post happens to be higher as compared to the pay scale of the Gazetted services/posts. Doubts have been expressed from various quarters with regard to the fixation of pay of the employees borne on the Non-Gazetted services/posts of various departments consequent upon their promotion to the posts borne on the Gazetted Services, wherein the pay scales of the posts of Gazetted Services happens to be on lower side as compared to In-situ pay scales already availed by the employees in the Non-Gazetted subordinate services/posts in terms of J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 as amended from time to time. The matter was examined in the Finance Department in terms of J&K Civil Services (HSPSS) Rules, 1996 and the provisions of Art. 77-B of J&K CSRs and it is, accordingly, clarified as under: No employee, on his functional promotion, can be put to disadvantage as compared to the benefits he is already availing by way of promotion In-situ. A pay scale availed as a consequence of an In-situ promotion is "personal" to an employee granted to him by virtue of rules in vogue. Accordingly, in case an official has got promotion In-situ under J&K Civil Services (HSPSS) Rules, 1996 to a pay scale higher than the functional pay scale of the post borne on the Gazetted services to which he is subsequently promoted, such an employee shall continue to carry the higher In-situ pay scale in his personal capacity in the said Gazetted post. Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 Clarification regarding Circular No. A/51(96)-I-139, dated 08-04-2011, Finance Department Subject:- J&K Civil Services (Higher Standard Pay Scale Scheme) rules, 1996 clarification thereof. Consequent upon the implementation of 6th Pay Commission recommendations in the State vide SRO-93 dated 15.4.2009, doubts were expressed from various

quarters as to whether J&K Civil Services (Higher Standard Pay Scale Scheme) Rules 1996, issued vide SRO-14 dated 15.1.1996 continue to be operative or otherwise. Emergence of pay bands and Grade pays instead of scale to scale revision and merger of six scales into single grade pay of 4200 in PB-2 had resulted in practical impediments in grant of functional as well as non-functional promotions in these scales. The issue was examined in the Finance Department and the impediments experienced in practical application of HSPSS, were removed by introducing re-structured Grade pays vide SRO 42 dated 02.02.2011. Consequent upon removal of impediments vide SRO- 42/2011, it is hereby clarified that the J&K Civil Services (HSPSS) Rules introduced vide SRO-14/1996 are operative to the State employees subject to the conditions as laid down in SRO-14/1996 with modifications carried over from time to time read with SRO- 42 of 2011 dated 02.02.2011.