

Jammu and Kashmir Civil Services Decentralization and Recruitment Rules, 2010

JAMMU & KASHMIR

India

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Rule

JAMMU-AND-KASHMIR-CIVIL-SERVICES-DECENTRALIZATION-AND-RECRUITMENT-RULES-2010

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Jammu and Kashmir Civil Services Decentralization and Recruitment Rules, 2010(Published vide SRO 375, dated 21.10.2010)In exercise of the powers conferred by section 124 of the Constitution of Jammu and Kashmir and section 15 of the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2010, the Government hereby make the following rules, namely:-

Chapter I

1. Short title and commencement

(1) These rules may be called the Jammu and Kashmir Civil Services Decentralization and Recruitment Rules, 2010.(2)They shall come into force from the date of their publication in the Government Gazette.

2. Application of the rules

These rules shall apply to all posts under the Government excepting (a)posts for which special treatment is expressly or may be provided under any law, rule, order or notification;(b)posts borne on work charged establishments and paid out of contingencies in all the departments;(c)employees of either House of State Legislature;(d)ministerial or other staff of High Court or Subordinate Courts; and(e)such other posts as the Government may, by notification, specify.

3. Definitions

In these rules, unless the context otherwise requires: (a) "Act" means the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2010; (b) "Administrative Department" means the Department of the Government in the Secretariat dealing with the administrative matters of the department with respect to which reference occurs; (c) "Board" means the Service Selection Board constituted under these rules; (d) "Chairman" means the chairman of the Services Selection Board; (e) "Commission" means the Jammu and Kashmir Public Service Commission; (f) "Departmental Promotion Committee" means a committee set up for purpose of preparing select list of eligible categories for promotion to a category of posts under these rules; (g) "District Cadre" means the cadre of a department in a District comprising of the posts as mentioned in sub-rule (2) of rule 4; (h) "Divisional Cadre" means the cadre of a department in a Division comprising of the posts as mentioned in sub-rule (3) of rule 4; (i) "General Administration Department" means the Department of the Government in the Secretariat for the time being In-charge of the services; (j) "member" means the member of the Board; (k) "recruitment" means direct recruitment to a post and excludes promotion as defined in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956; (l) "requisitioning authority" means the indenting Administrative Department which refers vacancies to the selection agencies for making selections; (m) "State Cadre" means the sanctioned strength of all gazette and non-gazetted posts as mentioned in sub-rule (4) of rule 4; and (n) "subordinate service" means and includes all non-gazetted posts under the Government whether grouped into organized service or not.

Chapter II

4. Constitution of the District, Divisional and State Cadres

(1) From the commencement of these rules, there shall be constituted District, Divisional and State Cadres of the services in each department of the Government. In case a department has more than one office at the District, Divisional or State level, each such District, Divisional or State level office shall constitute a separate District, Divisional or State Cadre, as the case may be: Provided that gazetted posts borne on various services and departments, as on the date of coming into force of these rules, shall continue to be the State Cadre posts as heretofore. (2) All the posts borne on the establishment of a District level office of a department whether executive, ministerial, technical or manipulative which carry a pay scale of, or equivalent to, the post of Senior Assistant but are not included in a Divisional or State Cadre shall be the District Cadre posts. (3) All the posts borne on the establishment of, - (i) a Divisional level office of a department which carry a pay scale not exceeding the pay scale for the post of Section Officer or its equivalent but are not included in a District or State Cadre; and (ii) a District level office carrying a pay scale which exceeds the pay scale of the post of Senior Assistant or its equivalent but does not exceed the pay scale for the post of Section Officer or its equivalent, shall be the Divisional Cadre posts. (4) All the posts borne on the establishment of the headquarter office of a department, having jurisdiction over the whole State and all other posts in a District or Divisional Cadre exceeding the pay scale of the post of Section Officer shall be the State Cadre posts. Explanation:- The expression 'pay scale' shall mean the pay band plus applicable grade pay.

5. Recruitment

All appointments shall be made by the appointing authorities to the posts to be filled by direct recruitment strictly in accordance with the selection made by (a) the Commission, in case of Gazetted services/posts; (b) the Board, in case of subordinate services/non-gazetted posts; and (c) the selection agencies/authorities constituted by the Government from time to time in case of Class IV and equivalent level posts.

Chapter III

6. Constitution of the Services Selection Board

(1) There shall be constituted a Service Selection Board for making selection for recruitment to subordinate services/ non-gazetted posts. (2) The Board shall consist of a Chairman and such number of members as may be appointed by the Government from time to time: Provided that the Board constituted under the Jammu and Kashmir Subordinate Services Recruitment Rules, 1992 shall be deemed to be the Board constituted under these rules. (3) The Board shall have a three tier setup as under: (i) State Level Selection Committee for making selection to the State Cadre posts; (ii) Divisional Level Selection Committee for making selection to the Divisional Cadre posts; and (iii) District Level Selection Committee for making selection to the District Cadre posts. (4) The State Level Selection Committee shall consist of,-

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| (i) Chairman or a member of the Board to be nominated by the Chairman. | Convener |
| (ii) a member of the Board. | Member |
| (iii) One officer of, or above, the rank of Additional Secretary to Government in the General Administration Department. | Member |

Provided that the Chairman may, if he feels necessary, co-opt an expert/specialist in the concerned discipline with the Committee. (5) The Division Level Selection Committee shall consist of,-

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| (i) Chairman or a member of the Board to be nominated by the Chairman. | Convener |
| (ii) a member of the Board. | Member |
| (iii) A divisional level officer of the indenting Department. | Member |
| (iv) One officer of, or above, the rank of Additional Secretary to Government in the General Administration Department. | Member |

Provided that the Chairman may, if he feels necessary, co-opt an expert/specialist in the concerned discipline with the Committee. (5) The District Level Selection Committee shall consist of,-

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| (i) Chairman or a member of the Board to be nominated by the Chairman. | Convener |
| (ii) District head of the indenting office/Department (not more than one). | Member |
| (iii) One officer of, or above, the rank of Deputy Secretary to Government in the General Administration Department. | Member |

Provided that a member of the Board may be nominated by the Chairman as Convener of more than one District Level Selection Committee. Provided further that the Chairman may, if he feels necessary, co-opt an expert/specialist in the concerned discipline with the Committee. (7) Any

vacancy caused in the Board by temporary absence, death, removal or resignation of the Chairman or any of the members shall not affect the constitution of the Board:(8)No action of the Board shall be invalid or called in question on the ground merely of temporary absence or existence of any vacancy of the Chairman or member of the Board.

7. Qualification for appointment as Chairman or member of the Board

A person shall not be qualified for appointment as Chairman or member of the Board unless he is holding or has held the post of Secretary, Special Secretary or Additional Secretary to Government or any equivalent or higher post.

8. Secretary of the Board

The Secretary of the Board shall be appointed by the Government in consultation with the Chairman.

9. Staff of the Board

(1) The Government shall determine the nature and categories of other officers and employees required to assist the Board in the discharge of its functions and provide the Board with such officers and other employees as it may think fit.(2)The officers and employees so provided to the Board shall retain lien in their respective services.

10. Place of sitting of the Board

(1) The usual place of sitting of the Board shall be the same as the headquarters of the Government. The Board will, however, be free to meet, wherever convenient.(2)The Board shall have sub-offices in each Division and District of the State, except in Leh and Kargil Districts, for purposes of making selection to the Divisional and District cadre posts respectively.

Chapter IV

11. Procedure for referring of vacancies

(1) The requisitioning authority shall refer the vacancies meant for direct recruitment to the Commission in case of gazetted posts and to the Board in case of non-gazetted posts in accordance with the Jammu and Kashmir Civil Services (reference of vacancies and holding of meetings of Departmental Promotion Committees) Rules, 2005, as amended from time to time, for making selection of candidates for appointment to the posts.(2)While referring the vacancies to the Board, the requisitioning authority shall adhere to the relevant recruitment rules and the Jammu and Kashmir Reservation Act, 2004 and the rules made thereunder.

12. Procedure of selection to the gazetted posts

The procedure of selections to the gazetted posts shall be the same as prescribed by the Commission from time to time.

13. Procedure for inviting applications by the Board and eligibility for applying to different cadres

(1) The Board shall advertise all State cadre vacancies referred to it by the requisitioning authority and invite applications for selection to the said posts from the permanent residents of the State and possessing the prescribed qualification, eligibility and experience for such posts.(2)The divisional offices of the Board shall advertise the Divisional cadre vacancies of the concerned division referred to it by the requisitioning authority and invite applications for selection to the said posts from such permanent residents of the State who are residents of that Division and possess the prescribed qualification, eligibility and experience for such posts.(3)The district offices of the Board shall advertise the District cadre vacancies of the concerned district referred to it by the requisitioning authority and invite applications for selection to the said posts from such permanent residents of the State who are residents of that District and possess the prescribed qualification, eligibility and experience for such posts.(4)For purposes of this rule, the permanent resident certificate shall be the conclusive proof of residence of a candidate in a particular District or the Division.(5)Notwithstanding anything contrary contained in sub rule (2) and (3), for vacancies reserved for the Scheduled Caste category in any Divisional or District cadre, candidate belonging to that category shall be eligible to apply for the said reserved vacancies irrespective of their residence in the concerned District or Division.(6)The advertisement notices shall be given wide publicity through Government Gazette, Employment and Counselling Centres, print and electronic media.

14. Procedure for preparation of select lists by the Board

(1) The respective Selection Committee of the Board shall ordinarily restrict the number of applicants for oral and / or written test, as the case may be, to at least five times the number of vacancies on the basis of academic merit in the qualifying examination converted into points on pro rata basis out of the total points allocated for the basic eligibility/qualification and grant of weight-age for the higher qualification in the discipline concerned to be allowed in the manner and to extent as the Board may deem appropriate for according due consideration to the merit and proficiency in higher qualification:Provided that the committee may, for reasons to be recorded in writing, conduct a written test for short listing the candidates for admission to the oral test and for purpose of selection of candidates.(2)The Board shall prescribe such pro-formae, as are required for reference of vacancies by, and for communicating the select lists, to the requisitioning authorities from time to time(3)The respective Selection Committees, while making selections and allocating candidates to various cadres, shall take into account the reservations made from time to time for various categories subject to the provisions of sub-rule (5) of rule 13.(4)The select list so finalized by the respective Committees shall be equal to the number of vacancies for which requisition was made and recommend it to the requisitioning authority with prior approval of the Board.(5)The select list

shall remain in force for a period of one year from the date the select list is sent to the requisitioning authority.(6)The appointing authority, for reasons to be recorded, may not accept the select list received from the Board and return the same to the Board for reconsideration by the respective Selection Committees:Provided that no such action shall be taken by the appointing authority without prior approval in writing of the Administrative Department.(7)The concerned Selection Committees of the Board shall also draw up a waiting list of 25% of the total number of selected candidates and forward the same, through the Board, to the requisitioning authority for consideration against dropout vacancies. The waiting list shall remain in force for a period of one year from the date the original select list is sent to the requisitioning authority. The Selection Committees shall not maintain or recommend any select or waiting list for any future vacancy or any vacancy caused on account of resignation by any selectee after appointment.(8)The appointing authority shall restrict the appointments to the extent of referred vacancies only and any violation thereof shall subject the officer concerned to disciplinary proceedings and any appointment in excess of the referred vacancies shall not confer any right on such appointee to hold such post.

15. Powers to make regulations

The Board may subject to the provisions of the Act and the rules made thereunder, if considered necessary, formulate regulations to provide for the procedure and method for carrying out its functions under these rules:Provided that such regulations shall be approved by the Government in the General Administration Department before their issuance.

16. Supervision and control of the Board

(1) The General Administration Department in the Civil Secretariat shall be the Administrative Department of the Service Selection Board for transaction of the business in terms of the Jammu and Kashmir Government Business Rules.(2)Copies of all proceedings of the Board shall be sent to the General Administration Department which will arrange for such scrutiny thereof as may be necessary from time to time and submit periodical reports to the Government.

17. Constitution of Review Committee

(1) There shall be constituted a Review Committee consisting of the following:-(i)Chief Secretary;(ii)Senior most Administrative Secretary.(iii)Administrative Secretary, General Administration Department; and(iv)Chairman of the Board.(2)The review committee shall meet at appropriate intervals for assessing the working of the Board, evaluation of results, discussion on common problems and methods of recruitment, evolving of procedures which would ensure uniformity of treatment in respect of various recruitment's and generally to act as an Advisory Body to the Government on matters of recruitment in subordinate services.

Chapter V

18. Method of promotions

(1) Promotions to the gazetted posts shall be made in accordance with rules governing such posts and on the recommendations of Public Service Commission/ Departmental Promotion Committee. (2) Promotions to the non-gazetted posts shall be made by the competent authority on the basis of merit and suitability with due regard to seniority and on the basis of recommendations of the Departmental Promotion Committees.

19. Promotions from District Cadre to the Divisional Cadre

While making promotions from the District Cadre posts to the Divisional Cadre posts, the competent authority shall allocate to each District such number of posts as the ratio and proportion of the Cadre strength of each District bears to the total Cadre strength of the Division concerned, as far as practicable and make promotions accordingly.

20. Promotions from Divisional Cadre to the State Cadre

While making promotions from the Divisional Cadre posts to the State Cadre posts, the competent authority shall allocate to each Division such number of posts as the ratio and proportion of the Cadre strength of each Division bears to the total strength of the State Cadre concerned, as far as practicable and make promotions accordingly.

21. Constitution of Departmental Promotion Committees

There shall be constituted the following Departmental Promotion Committees for each Department comprising of the following members for considering promotions to the non gazetted posts. (a) for State Cadre posts.-(i) State level head of department or the Administrative Secretary where there is no State level head of the department, who shall be the Chairman of the committee; (ii) concerned Divisional level head of the department, one from Kashmir Division and one from Jammu Division; and (iii) a representative of the concerned Administrative Department not below the rank of Additional Secretary, to be nominated by the Administrative Department; (b) for Divisional Cadre posts.-(i) the head of the concerned department at Divisional level, who shall be the Chairman of the committee; (ii) a representative of the concerned Administrative Department not below the rank of Additional Secretary, to be nominated by the Administrative Department; and (iii) concerned District level officer of the department to be nominated by the Chairman of the committee. (c) for District Cadre posts.-(i) the head of the concerned department at the District level who shall be the Chairman of the committee; (ii) a representative of the head of department at the Divisional level; and (iii) an officer of the concerned department, not below the rank of an Under Secretary to be nominated by the Administrative Department.

22. Seniority

Every Department shall maintain a separate seniority list for each District, Divisional and the State cadre for all category of posts included in the respective cadres in accordance with the rules.

23. Intra and inter-cadre transfers

A member of the State, Divisional or District cadre shall be transferable only within his own cadre and shall in no case be transferable from one Divisional cadre to another Divisional cadre or District cadre, or from one District cadre to another District cadre or Divisional cadre post: Provided that for posts in Leh and Kargil Districts, notwithstanding any other provision contained in these rules, members of any of the State, Divisional or District cadres may be transferred for such tenure as the Government may deem appropriate from time to time. In all such cases the lien and promotion prospects of such members shall be protected in their parent cadre.

24. Power to issue instructions

The Government in the General Administration Department may from time to time issue such directives or instruction as may be necessary for the purpose of carrying out the provisions of these rules.

25. Interpretation

If any question arises relating to the interpretation of these rules, the matter shall be referred to the Government in the General Administration Department whose decision thereon shall be final.

26. Repeal and saving

(1) From the date of commencement of these rules, the Jammu and Kashmir Civil Services (Decentralization of and Recruitment to Non-Gazetted Cadres) Rules, 1969 and the Jammu and Kashmir Subordinate Services Recruitment Rules, 1992 shall stand repealed. (2) Notwithstanding such repeal, anything done, any action taken, any notification issued or any order made before such repeal shall be deemed to have been done, taken, issued or made, as the case maybe, under the corresponding provisions of these rules.