

The Jammu and Kashmir Civil Servants (Removal of Doubts and) Declaration of Rights) Act, 1956

JAMMU & KASHMIR

India

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Act 14 of 1956

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The Jammu and Kashmir Civil Servants (Removal of Doubts and) Declaration of Rights) Act, 1956 Act No. 14 of 1956 [Received the assent of the Sadar-i-Riyasat on 8th October, 1956 and published in the Government Gazette dated 25th October, 1956.] An Act to remove certain doubts and difficulties regarding the civil servants of the State and to declare their status, rights and obligations. Be it enacted by the Jammu and Kashmir State Legislature in the Seventh Year of the Republic of India as follows:-

1. Short title.

- This Act may be called the Jammu and Kashmir Civil Servants (Removal of Doubts and Declaration of Rights) Act, 1956.

2. Tenure of office of persons serving the State.

(1) Every person who is a member of a civil service of the State or holds any civil post under the State, holds and shall always be deemed to have held office during the pleasure of the [Governor] [Substituted by the Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for 'Sadar-i-Raiyasat']. (2) Notwithstanding that a person holding a civil post under the State holds office during the pleasure of the [Governor] [Substituted by the Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for 'Sadar-i-Raiyasat'], any contract under which a person, not being a member of a civil service of the State, is appointed to hold such a post, may, if the [Governor] [Substituted by the Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965 for 'Sadar-i-Raiyasat'] deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part,

required to vacate that post.

3. Recruitment and conditions of service of persons serving the State.

(1)The Government may make rules regulating the recruitment and conditions of service of persons appointed, to public services and posts in connection with the affairs of the state.(2)Until other provision is made in this behalf under this Act, all rules, regulations, orders and notifications in force immediately before the commencement of this Act and applicable to any public service or any post which continues to exist after the commencement of this Act as service or post under the State shall continue in force so far as consistent with the provisions of this Act.

4. Dismissal, removal or reduction in rank or persons employed in civil capacities under the State.

(1)No person who is a member of a civil service of the State or holds a civil post under the State shall be dismissed or removed except by the authority by which he was appointed or by an authority equal to or higher than that by which he was appointed.(2)No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :Provided that this sub-section shall not apply -(a)where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge ;(b)where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause ; or(c)where the Government is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity.(3)If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the authority empowered to dismiss or remove such

5. Repeal and saving.

(1)The Jammu and Kashmir Civil Servants (Removal of Doubts and Declaration of Rights) Ordinance, 1956 (III of 1956) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred, by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act.