

Government of Jammu and Kashmir
General Administration Department

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Notification,
Jammu, the 3rd April....., 2006

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SRO 124 .- In 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, extent and commencement.**- (i) These rules may be called the Jammu and Kashmir Subordinated Services (Promotion /Caderisation) Rules, 2006.
2. These rules shall come into force at once.
3. **Application of the rules.**- These rules shall apply to recruitment to all non-gazetted 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) Secretariat staff of either House of State Legislature;
 - (c) Ministerial or other staff of High Court or Subordinate Courts.
 - (d) Such other posts as the Government may, by notification specify.
4. **Definitions.**- In these rules unless the context otherwise requires:-
 - (i) 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;
 - (ii) "General Administration Department" means the Department of the Government in the Secretariat for the time being incharge of the services;
 - (iii) "Departmental Promotion Committee" means a Committee set up for purposes of preparing select list of eligible categories for promotion to a category of posts under these rules;
 - (iv) "District Cadre" means the cadre of a Department in a District comprising all the posts whether executive, ministerial, technical or manipulative maximum of the pay scale or the basic pay of which does not exceed Rs. 7000 per month exclusive of allowances and dearness pay;
 - (v) "Divisional Cadre" means the Cadre of Departments in the Divisions comprising the following posts:-
 - (a) all non-gazetted posts, the maximum of the pay scale or the pay, as the case may be of which exceeds Rs. 7000 per month, exclusive of all allowances and dearness pay;
 - (b) all non-gazetted posts, the maximum of the pay scale or the pay, as the case may be, of which does not exceed Rs. 7000 per month exclusive all allowances and dearness pay but which are borne on the establishment of officers above the District level;

- (vii) "Recruitment by promotion" means promotion as defined in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.
- (viii) "Subordinate Service" means and includes all non-gazetted posts under the Government whether grouped into organized service or not;

5. Constitution of Departmental Promotion Committees.- There shall be a Departmental Promotion Committee for each Department at the State and Divisional Level comprising the following members:-

- (a) For State Departmental Promotion Committee.-
 - (i) The Head of the Department for the Department concerned; and
 - (ii) One Divisional level officer of the Department to be nominated by the head of the Department;
 - (iii) A representative of the Administrative Department.
- (b) For Divisional Departmental promotion Committees:-
 - (i) The Divisional Head of the Department/office; and
 - (ii) Two District Level Officers of the Department to be nominated by the head of the Department;

Provided that nothing in this rule shall prevent the Government from varying the membership or composition of a Departmental Promotion Committee at any time:

Provided that for the Departments which have been bifurcated headquartering them at Jammu and Srinagar on Divisional basis respectively, the State Departmental promotion Committee shall consist of :-

- (i) The Secretary to the Administrative Department and
- (ii) The Divisional Head of the Department concerned.

6. Criteria for promotions.- Promotions to posts covered under these rules shall subject to the qualifications prescribed for the posts under rules if any, be made in accordance with the following criteria:-

- (a) in the case of posts, the maximum of pay scale of which or the pay of which as the case may be does not exceed Rs. 7000/- per month excluding all allowances as dearness pay on the basis of seniority, subject to fitness; and
- (b) in case of other non-gazetted posts, on the basis of merit with due regard to seniority.

Method of promotion.- (1) (a) Promotions in the Civil Secretariat will be made within the cadre of the Civil Secretariat by the General Administration Department with the approval of the Establishment Committee constituted vide para 69 -A of Manual of Secretariat Procedure; and

- (b) In other State Level Offices, if there are posts of equal level available also in the divisional offices of the Department concerned, the promotions will be made by the Head of the Department;

Provided that for the posts of Superintendent (6500-200-10500) and equivalent, promotion shall be made from amongst eligible categories both in the State Level and the Divisional Level cadres on the recommendation of the Departmental Promotion Committee.

- (2) Promotion within the Divisional Cadres will be made by the authority competent to make such promotion as follows:-

- (a) to Divisional cadre posts from amongst posts falling within the eligible categories in accordance with the relevant recruitment rules in the Divisional office and its Subordinate District Offices, on the recommendation of a Departmental Promotion Committee;
- (b) to District cadre posts which are provided in the office above the District Level, by the Head of the Divisional Office from amongst eligible categories in accordance with relevant recruitment rules within that office;
- © promotion within the District cadre shall be made from within the cadre at the District level by the appointing authority; and
- (d) promotions shall be made by various appointing authorities only up to the extent of the posts permissible under rules to be filled in by promotion and no posts reserved for direct recruitment shall, in any case be utilized for promotion.

8. Transfers.- A member of the State/Divisional/District cadre will ordinarily be transferable within his own cadre:

Provided that in public interest he may be transferred to a post in any of the cadre, but his lien and promotion prospects shall be protected in his parent cadre.

Note :-

- (1) A member of any cadre shall be transferred to another only under orders of the Government (General Administration Department).
- (2) A member of Divisional cadre shall be transferred to another Divisional Cadre or to any District Cadre under orders of the Head of the Department.
- (3) A member of District cadre shall be transferred from one District cadre to another or from District cadre to Divisional cadre under orders of the Head of the Department.

Provided further that for posts in Ladakh District, irrespective of 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 fit from time to time. IN all such cases the lien and promotion prospects of such members shall be protected in their parent care.

9. Initial constitution of cadre.- The existing personnel working in the State, Divisional or District Cadre shall be deemed to be members of the respective State, Divisional or District cadres, as the case may be, unless they are on deputation from another cadre retaining their lien in the parent cadre, in which case they will continue to remain members of the such parent cadre.

10. Seniority- (1) Every Head of Department shall maintain an up to date seniority list for all categories of posts included in the State Divisional and District cadre, in respect of the Department under him.

- (2) The seniority in respect of categories of posts included in the District cadre from which promotions are to be made to the higher posts included in the Divisional cadre shall be determined on the basis of continued service in the particular category which shall not, however, include service rendered in a local arrangement on adhoc basis. The same principle shall be adopted for the determination of seniority in respect of posts from which promotions are to be made to the State cadre posts.

Provided that nothing in this rule shall effect the seniority interse of members of any service, class, category or grade as fixed in accordance with the rules is force on the date of issue of this notification.

11. **References of vacancies.-** (1) The Departments shall refer vacancies in the promotion quota to Departmental Promotion Committees at least twice a year preferably in the month of January and July in accordance with SRO; 166 of 2005 dated: 14th June, 2005 and also take necessary steps for having the meetings convened.
12. **Power to Issue Instructions.-**
(a) 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
(b) the Government in the General Administration Department may, where it is satisfied that the operation, of any provisions of these rules causes undue hardship in any particular case or class of cases, by order, dispense with or relax the requirements of that rule as it may consider necessary.
13. **Interpretation.-** If any question arises relating to the interpretation of these rules the matters shall be referred to the Government in the General Administration Department whose decision thereon shall be final.
14. **Repeal and Saving.-** All previous rules on the subject matter are hereby repealed;

Provided that the repeal shall not affect the previous operation of the rules so repealed or anything duly done or suffered there under.

By order of the Governor.


(Khurshid A. Ganai), IAS

Commissioner/Secretary to Government
General Administration Department
Dated:- .03.2006

No:-GAD/Mtg/RB-IV/98/156

Copy to the:-

1. All Financial Commissioners and Secretary to Government.
2. All Principal Secretaries and Secretaries to Government.
3. Principal Secretary to Hon'ble Chief Minister.
4. Resident Commissioner, J&K Government, New Delhi.
5. All Commissioners and Secretaries to Government.
6. Commissioner and Secretary to Government, Law Department (W.S.S.C)
7. Divisional Commissioner, Jammu/Kashmir.
8. Principal Secretary to His Excellency the Governor.
9. All Heads of Departments.
10. Director Information, Jammu.
11. Registrar, J&K High Court.
12. All Deputy Commissioners.
13. Additional Secretary to Hon'ble Deputy Chief Minister.
14. Secretary, PSC/SSB/Legislative Assembly/ Council./Sports Council
15. Private Secretaries to Cabinet Ministers/MOS.
16. General Manager Govt. Press Jammu for publication in the next issue of Govt. Gazette.
17. Private Secretary to Chief Secretary/Private Secretary to Commissioner/ Secretary, GAD.
18. Secy. to Govt.