

Government of Jammu and Kashmir
Civil Secretariat, Finance Department.

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NOTIFICATION

DATED: JAMMU JANUARY 15, 1996.

SRO 14 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

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 here 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;

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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 & Kashmir Civil Service (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

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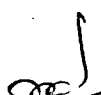
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EXPLANATION

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 column 3 & 4 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 col. 3, 4 & 5 of Schedule 1 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 Grade 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;
- j/ "Structure" means the structure of Higher Standard Pay Scales as indicated in Schedule 1 of these Rules;
- k/ "Regular satisfactory Service" means actual continuous Service under the State Government in the present cadre to be reckoned within the same cadre and assessed fit for the purpose of promotion,
- l/ "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.


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5. GRANT OF HIGHER STANDARD PAY SCALE

1) (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;

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No promotion
for 18 yrs
2nd TB

(b) An employee covered under these rules who completes such regular satisfactory service of 18 years after 1.1.95 and has not got any promotion or promotional scale/selection scale in his Service Career will be allowed the Second Higher Standard 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 I of these Rules;

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No promotion
for 27 years or
more. 3rd TB

(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 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 1.1.95 will be allowed, w.e.f. 1.1.1995, in place of his existing pay scale the first Higher Standard Scale specified in Column 3 of Schedule 1 of these rules;

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(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 grade in his service career will be allowed the 1st Higher Standard Scale from 1st of the month following the month in which he completes such service;

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(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 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 day 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.

6. FIXATION OF PAY

Rule 5 - A

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&K CSRs, as a special dispensation, in the intermediary pay scale(s) i.e 1st and/or Second Higher Standard Pay Scale(s) indicated in column 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 column 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. 1.1.95 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 Scale as indicated in column 4 & 5 of Schedule 1 of these Rules respectively as the case may be.

NOTE The cases may arise where an employee granted a higher Grade 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.

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In order to overcome such^a 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 Grade 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 Grade 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 Service (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

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in a post with the relevant pay Scale and the benefit of this scheme cannot be extended to those who have relinquished/forgone the functional promotion for reasons what-so-ever. If he/she declines the promotion when it becomes due, he/she shall have to forego 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 Grade Scale under the scheme;

Provided that due to reversion to the original grade the recovery for the period for which pay plus Allowances in Higher Grade Scale have been drawn by the Employee, shall not be made.

11/ The promotion 'In-Situ' to Higher Grade Scale shall be made against the existing post during the period of such appointment, treating the said post as that of the relevant Higher Grade 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 Grade Scale in that category.

12/ AUTHORITY COMPETENT TO GRANT HIGHER GRADE PAY SCALE —
PROCEDURE THEREFOR,

- a/ The Appointing Authority for the post of Higher Grade Scale shall be competent to grant Higher Grade Scale to eligible employee(s);
- b/ At the time of granting Higher Grade Scale the existing screening mechanism for promotion shall be applied;
- c/ No Higher Grade 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 a departmental enquiry against him/her and reinstated on duty, the Higher Grade 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 Grade 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(s) and the earlier service in an 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 relinquish /relinquished promotion for reasons whatsoever.

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(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.

By Order of the Governor.

S/-

(M. S. Pandit)
Addl. Chief Secretary to Govt.
Finance Department.

NO.A/89(93)-88

Dated: 15-1-1996

Copy to the:

1. All Additional Chief Secretaries.
2. All Commissioners/Secretaries to Government
3. Principal Secretary to Governor J&K
4. Resident Commissioner, J&K 5-Prithvi Raj Road, New Delhi
5. Secretary to Governor/Public Service Commission/
Secretary Legislative Assembly/Council
6. Advocate General J&K Srinagar/Jammu
7. Accountant General, J&K Srinagar/Jammu
8. Secretary to Chief Justice, J&K High Court, Jammu/Srinagar.
9. Registrar J&K High Court, Srinagar/Jammu
10. All Heads of Departments/ P.S to Advisors/Chief Secretary
11. Divisional Commissioner Jammu/Kashmir
12. All District Development Commissioners
13. Director/Deputy Director, Accounts and Treasuries Jammu/Sgr.
14. Director/Deputy Director J&K Fund Organization, Jammu/Srinagar
15. Director Information, J&K Jammu/Srinagar
16. Principal Accountancy Training Institute, Jammu/Srinagar
17. All District Treasury Officers/Treasury Officers
18. All Financial Advisors/Chief Accounts Officers
19. General Manager, Ranbir Government Press Jammu for publication
in Government Gazette.
20. All Officers/Section Officers of Finance Department.
21. President J&K Employees Joint Action Committee Jammu.
22. President, Civil Secretariat, Non-Gazetted Employees Union
23. President Lower Grade Employees Union, Civil Sectt: Jammu
24. All Presidents, Low Paid Employees Federations/Unions
25. Master file w 3 s.c
26. Annual Compendium 1996 w 2 s.c.

M. J. Najar 15.01.96

(M. J. Najar)
Director Codes,
Finance Department.

SCHEDULE 1

(Rule 4(b),(d),(f),(g) of HIGHER GRADE 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 entry post.	Third Higher standard pay scale for 27 years of regular satisfactory service in entry post.
1	2	3	4	5
1.	750-12-870-EB-14-940	775-12-955-EB-14-1025	825-15-900-EB-20-1200	950-20-1150-EB-25-1400
2.	775-12-955-EB-14-1025 ✓	825-15-900-EB-20-1200 ✓	950-20-1150-EB-25-1400	1300-30-1390-EB-40-1870
3.	825-15-900-EB-20-1200	950-20-1150-EB-25-1400	1300-30-1390-EB-40-1870	1340-40-1460-EB-40-1940
4.	950-20-1150-EB-25-1400	1300-30-1390-EB-40-1870	1340-40-1460-EB-40-1940	1400-40-1800-EB-50-2300
5. ✓	950-20-1150-EB-25-1500 →	1200-30-1560-EB-40-2040 ✓	1400-40-1800-EB-50-2300	1400-40-1600-50-2300-EB-60-2600.
6.	1300-30-1390-EB-40-1870	1340-40-1460-EB-40-1940	1400-40-1800-EB-50-2300	1400-40-1600-50-2300-EB-60-2600.
7.	1340-40-1460-EB-40-1940	1400-40-1800-EB-50-2300	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660
8.	1200-30-1560-EB-40-2040	1400-40-1800-EB-50-2300	1400-40-1600-50-2300-EB-60-2600.	1600-50-2300-EB-60-2660 ✓
9.	1400-40-1800-EB-50-2300 ✓	1400-40-1600-50-2300-EB-60-2600	1600-50-2300-EB-60-2660	1340-60-2600-EB-75-2900
10.	1400-40-1600-50-2300-EB-60-2600.	1600-50-2300-EB-60-2660	1340-60-2600-EB-75-2900	1760-60-2600-EB-75-3200
11.	1600-50-2300-EB-60-2660 ✓	1640-60-2600-EB-75-2900 ✗	1760-60-2600-EB-75-3200	2000-60-2300-EB-75-3200-100-3400.
12.	1340-60-2600-EB-75-2900	1760-60-2600-EB-75-3200 ✗	2000-60-2300-EB-75-3200-100-3400.	2125-75-2800-EB-100-3600
13.	1640-60-2600-EB-75-2900	1760-60-2600-EB-75-3200	2000-60-2300-EB-75-3200-100-3400.	2125-75-2800-EB-100-3600
14.	1760-60-2600-EB-75-3200 ✗	2000-60-2300-EB-75-3200-100-3400. ✗	2125-75-2800-EB-100-3600	2200-75-2800-EB-100-3800

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1.	2	3	4	5
15.	2000-60-2300-EB-75-3200	2000-60-2300-EB-75-3200-100-3400.	2125-75-2800-EB-100-3600.	2200-75-2800-EB-100-3800.
16.	2000-60-2300-EB-75-3200-100-3400	2125-75-2800-EB-100-3600	2200-75-2800-EB-100-3800.	2500-75-2800-EB-100-4000.

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.

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