

**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

*Subject :—Payment of Dearness Allowance to State Pensioners/
Family Pensioners.*

Government Order No. 136-F of 2003
Dated 18-06-2003

In continuation to Government Order No. 45-F of 2003 dated 24-2-2003, it is hereby ordered that the State Government Pensioners/ Family Pensioners shall be paid Dearness Allowance at the following rates w.e.f. 01-01-2003.

Date from which payable	Rate of Dearness Allowance per month (including previous instalments)
1-1-2003	55% of Basic Pension/Family Pension

2. Pension/Family Pension in the case of pre- 1-1-1996 retirees and where family pension was sanctioned prior to 1-1-1996 means the consolidated pension/family pension as the case may be effective from 1-1-1996 in terms of Govt. Order No. 46-F of 1998 dated 19-1-1998 read with Govt. Order No. 275-F of 1998 dated 14-10-1998 and Govt. Order No. 276-F of 1998 dated 14-10-1998.

3. In the case of pensioners who have retired from service on or after 1-1-1996 and in the case of family pensioners whose family pension has been sanctioned for the first time on or after 1-1-1996 pension/family pension shall mean basic pension/family pension admissible in terms of SRO-19 dated 19-1-1998 read with SRO-122 dated 28th March, 2001.

4. The release of this Dearness Allowance instalment w.e.f. 1-1-2003 including arrears shall be payable in cash.

5. The payment on account of Dearness Allowance involving a fraction of rupee shall be rounded to the next rupee.

6. The Dearness Allowance shall be shown as a distinct element.

7. The other provisions governing grant of Dearness Allowance on pension/family pension such as regulation of Dearness Allowance during employment/re-employment, regulation of Dearness Allowance where more than one pension is drawn etc. and other provisions of the existing orders/rules (as are not in conflict to the provisions of this order) shall continue to remain in force.

8. The Dearness Allowance as per this order shall be paid by the concerned Treasury Officer/paying branches of the J&K Bank without waiting for further authorisation from the Accountant General/ General Manager, J&K Bank, as per the practice in vogue.

By order of the Government of Jammu and Kashmir.

(Sd.) M. S. PANDIT,
Finance Commissioner,
Finance.

No. A/24(2K)-641

Dated 18-06-2003.

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject :—Up-dation of G. P. Fund Accounts.

Government Order No. 141-F-2003

Dated : 1-7-2003

Note (2) below Rule 6.04 of G. P. F. Manual shall be recast as under :—

“A subscription coming through Book-Adjustment will be treated as having been credited in the month in which the deduction have actually been made from the monthly salary bill in which the amount is deducted, irrespective of the consideration when it was actually credited in the treasury through Book Adjustment. Necessary adjustment will be made in the accounts of the concerned officers accordingly.”

(Sd.) M. S. PANDIT,

Financial Commissioner,
Finance Department.

No. : A/19(2003)-705

Dated : 1-7-2003

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Notification

Srinagar, the 15th July, 2003.

SRO-231.—In exercise of the powers conferred by the proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the Jammu and Kashmir Civil Service (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 and Kashmir Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996 i. e. 15-1-1996.

By order of the Governor of Jammu and Kashmir.

(Sd.)

Financial Commissioner,
Finance Department.

No. : A/29(96)-II-739

Dated : 15-07-2003.

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**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT FINANCE DEPARTMENT**

Notification

Srinagar, the 21st July, 2003.

SRO-236.—In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make following amendments in J&K Civil Service Medical Attendance-cum-Allowance Rules, 1990.

In the said rules, the following shall be inserted as Rule 5-A :—

Rule 5-A :—

Govt. servants covered under these rules are also entitled to the benefits of "Government Employee Mediciam Policy" introduced by the Government to facilitate the employees to avail medical facility on hospitalization in or outside the State on cashless basis.

The Government servant and his/her three dependent family members shall be covered up to the age of 58 years for Rs. 3 lacs for an annual premium to be determined by the Government from time to time under the aforesaid scheme.

Provided that the Government servants have an option to increase the size of family unit from four family members up to maximum of eight members on payment of additional 30% of premium. The Government servants may also include their dependents beyond the age of 58 years but below 80 years of age on payment of additional 50% premium annually.

Provided further that the Government servant and his/her dependent will be entitled to take treatment in any of the accredited hospital as per "Government Employees Mediciam Policy" and the insurer/TPA shall re-imburse the expenses to the hospital within the sum assured on floater basis.

2. Reimbursement claims on account of medical expenses beyond Rs. 3 lacs in any single case relating to the Government servant or his/her dependent shall be dealt with by the Government as per existing rules.

3. The Government servant may choose to opt out of the "Government Employees Mediciam Policy" in writing to his DDO. Such option shall be exercised within 7 days from the date of issue of notification. Government servants on leave or under suspension shall exercise such option within seven days of rejoining of service and in case of fresh appointees within 7 days from the date of joining of service. Option once exercised shall be final.

By order of the Government of Jammu and Kashmir.

(Sd.) M. S. PANDIT,

Financial Commissioner,
Finance Department.

Dated : 21-07-2003

No. : A/2(99)-762

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject :—Entitlement of Insitu promotion(s) in favour of various categories of employees enlisted in Appendix 2-A of J&K Civil Services (Revised Pay) Rules 1987.

Reference :—GADs (Cabinet Section) Memo No. GDC-86/CM/2003 dated : 12-6-2003.

Government Order No. 165-F of 2003
Dated : 11-08-2003

1. Whereas vide notification SRO-59 dated 6-02-1990 Appendix 2-A was inserted in the J&K Civil Service Revised Pay Rules, 1987 and subsequently partially modified vide SRO-393 dated 27-01-1997.

2. Whereas as per these rules rationalized pay structure was adopted in respect of such categories of employees who did not have any chance of promotion.

3. Whereas vide SRO-14 dated 15-01-1996 J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 were promulgated.

4. Whereas rule 3(ii) (g) of the said J&K (Higher Standard Pay Scale Scheme) Rules, 1996 provide that these rules shall not apply to such of the categories of the employees/posts 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.

5. Whereas it has come to the notice of the Finance Department that the concerned departments have been providing benefits to the respective employees under both the sets of the rules.

6. Whereas the Public Works Deptt. sought opinion of the Finance Department in this regard and it was clarified that—

The various categories of the employees who have been/are benefited under the provisions of Appendix 2-A of the J&K Civil Service (Revised Pay) Rules, 1987 as inserted vide SRO-59 dated 6-2-1990 and partially modified vide SRO-393 dated 27-11-1997 which, interalia, include the category of "Work Supervisors" cannot get benefit in terms of the J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 as introduced vide SRO-14 dated 15-01-1996.

7. Whereas consequent upon the above clarification the Public Works Department advised the concerned Chief Engineer vide their No. PW/ITCT-2000/SRO-59 dated 22-08-2000 to settle the case as per the Finance Department's opinion and review the orders already passed in contradiction to the above opinion and effect recovery of excess payment.

8. Whereas aggrieved with the above opinion, the All J&K Works Supervisors Association and Road Supervisors Association etc. filed number of writ petitions before the High Court.

9. Whereas the Hon'ble Court in some of the writ petitions issued interim orders not to effect any recovery and that this direction was subject to the objections on the other side.

10. Whereas the case has been examined in the Finance Department with a view to resolve the legal complications for future and to take care of the grievances of a large number of employees of Engineering Department and their counterparts in other Government Department.

Now, therefore, it is clarified that the benefit of the selection orders :—

1. That in J&K Civil Services (Revised Pay) Rules, 1987, the Appendix 2-A as inserted vide SRO-59 dated 6-02-1990 and further modified vide SRO-393 dated 27-11-1997 is hereby deleted with retrospective effect from

the date of issue of J&K Civil Services (Higher Standard Pay Scale Scheme) Rules, 1996 i. e. 15-01-1996.”

- 2. The clarification issued by PWD vide letter No. PW/ITCT-2000/SRO-59 dated 22-08-2000 read with U. O. No. A/29(96)-376 dated 07-08-2000 shall be deemed to have been withdrawn.”
- 3. This action will be without prejudice to any court directions in individual cases as also subject to final pronouncement in any of pending case.”

By order of the Government of Jammu and Kashmir.

(Sd.)

Financial Commissioner,
Finance Department.

No. : A/29/(96)-II-854

Dated : 11-08-2003

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject :— Entitlement of Insitu Promotions in favour of Junior Engineers Grade-I.

Reference :—Court Order.

Government Order No. 169-F of 2003

Dated : 14-08-2003

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, interalia, 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-1 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 interalia 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 upgradation 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 interalia 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 upgradation 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 Service (Revised Pay) Rules, 1987 (SRO-370 dated 17-07-1987) and clubbed with the main pay scales shall not be construed as promotion.

(Sd.)

Financial Commissioner,
Finance Department.

No. : A/62/(98)-885

Dated : 14-08-2003

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject : Rate of interest of G. P. Fund Deposits for the Financial year 2003-04.

Government Order No. 183-F-2003
Dated : 02-09-2003

In pursuance of reduction of interest rates by the Central Government on General Provident Fund Accounts of the Government Employees and in consideration of all relevant factors, it is hereby ordered that interest rates on G. P. Fund accumulation of State Government Employees shall be 8% per annum w.e.f. 01-04-2003.

By order of the Government of Jammu and Kashmir.

(Sd.)

Financial Commissioner,
Finance Department.

Dated : 02-09-2003.

No. : A/152(61)-II-783

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Notification

Srinagar, the 18th September, 2003.

SRO-319.—In exercise of the powers conferred by the proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the amendments shall be made to the Jammu and Kashmir Civil Service Regulations, Volume 1 namely :—

In the said regulations ;

the following shall be inserted as Article 360(H) under the Caption "TA/DA to retired officials for attending the departmental cases".

B. TA/DA to retired officials for attending departmental cases.

"360-H. A retired employee who is summoned by a Court of law of act as a defense/prosecution witness etc. In the departmental cases", may be allowed TA as on tour (including DA for halts) for the journey he has to perform in that connection. TA will be restricted to the shortest route by the entitled class prescribed for the post last held by him provided he has not been paid TA from the Court."

By order of the Governor of Jammu and Kashmir.

(Sd.)

Financial Commissioner,
Finance Department.

Dated : 18-09-2003.

No. : A/17(73)-829

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Notification

Srinagar, the 15th October, 2003.

SRO-359.—In exercise of the powers conferred under provision to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct to make the following amendments in the Jammu and Kashmir Civil Service (Higher Standard Pay Scale Scheme) Rules, 1996.

In the said Rules, the following shall be inserted as Provision below Rule 5-A (as inserted vide SRO-225 dated 4-07-1997).

“Provided that the insitu promotions accorded by the Competent Authorities in terms of Sub-Rule (iv) of Rule 5 in between the period 15-01-1996 to 4-07-1997 shall not be reopened.”

By order of the Governor of Jammu and Kashmir.

(Sd.)

Financial Commissioner,
Finance Department.

No. : A/21(99)-1081

Dated : 15-10-2003

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**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT**

Notification

Srinagar, the 21st October, 2003.

SRO-368.—In exercise of the powers conferred under proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct to make the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Jammu and Kashmir Subordinate Judicial Pay Rules, 2003.

(2) They shall be deemed to have come into force with effect from 1-1-1996 and benefits shall accrue with effect from 1-07-1996.

2. *Judicial Service Members to whom these rules apply.*—These rules shall apply to the persons who on 1-01-1996 were holding permanent or temporary posts in subordinate judiciary. These rules shall also apply to those persons who have been appointed against any post in the subordinate judiciary from 1-01-1996 upto the date of issue of these rules and also to those who may hereafter be appointed against any such post.

3. *Definitions.*—In these rules, unless the context otherwise provides,—

(a) “Service” means the Subordinate Judicial Service ;

(b) “Member” mean the holder of any of the following posts in the subordinate judiciary, namely ;—

(i) District Judge (Supertime Scale)

(ii) District Judge (Selection Grade)

(iii) District Judge

(iv) Civil Judge (Senior Division) (Sub-Judge) Selection Scale.

(v) Civil Judge (Senior Division) (Sub-Judge).

(vi) Civil Judge (Jr. Division) (Munsiff) Selection Scale.

(vii) Civil Judge (Jr. Division) (Munsiff).

(c) "Existing Pay Scale" means the existing pay scale of the members of the Subordinate Judiciary in terms of J&K Civil Service Revised Pay Rules, 1992 ;

(d) "Basic Pay" means the pay as defined in Art-27(a)(1) of J&K Civil Service Regulations, Vol. I drawn in the existing pay scale as on 31-12-1995 ;

(e) "Revised Pay Scale" means the pay scale of the posts specified in column 4 of the Schedule of the Pay Scales ;

(f) "Existing Emoluments" mean,—

(i) Basic pay in the existing pay scale as on 31-12-1995 ;

(ii) Dearness Allowance ;

(iii) 1st instalment of interim relief as sanctioned by the Government vide Government Order No. 07-F of 1995 dated 02-02-1995 ;

(iv) 2nd instalment of interim relief as sanctioned by the Government vide Government Order No. 206-F of 1995 dated 18-09-1995.

4. *Structure of the Revised Pay Scales.*—The structure of the Revised Pay Scales of the members of the subordinate judiciary shall be as under :—

S. No.	Post	Existing Pay Scale.	Revised Pay Scale.
1	2	3	4
1.	District Judges	3700-5000	16750-400-19150-450-20500
2.	Civil Judge (Sr. Division) (Sub-Judge)	3000-4500	12850-300-13150-350-15950-400-17550
3.	Civil Judge (Jr. Division) (Munsiff)	2200-3800	9000-250-10750-300-13150-350-14550.

5. *Other terms and conditions.*—All other terms and conditions for fixation of initial pay in the revised scale shall be in the same manner as are existing in the Jammu and Kashmir Civil Service Revised (Pay) Rules, 1998 as notified vide SRO-18 dated 19-01-1998, as amended from time to time.

6. *Structure of assured career progression.*—Notwithstanding anything contained in relevant recruitment rules, the following structure of assured career progression and super time pay scale shall be available to the members of the service prospectively :—

(i) Civil Judges (Jr. Division) (Munsiffs) shall be entitled to the 1st Stage Assured Career Progression scale of Rs. 10750-300-13150-350-14900 after five years of continuous service from the date of entry ;

(ii) Civil Judges (Jr. Division) (Munsiffs) shall be entitled to the 2nd Stage Assured Career Progression Scale of Rs. 12850-300-13150-350-15950-400-17550 after completion of another five years of continuous service as such ;

(iii) Civil Judges (Sr. Division) (Sub-Judge) shall be entitled to 1st Stage Assured Career Progression Scale of

Rs. 14200-350-15950-400-18350 after completion of five years of continuous service as Civil Judge (Senior Division) (Sub-Judges);

- (iv) Civil Judges (Sr. Division) (Sub-Judge) shall be entitled to 2nd Stage Assured Career Progression Scale of Rs. 16750-400-19150-450-20500 after completing of another five years of continuous service as Civil Judge (Sr. Division) (Sub-Judges);
- (v) District Judges shall be entitle to the selection grade of Rs. 18750-400-19150-450-21850-500-22850, to the extent of 25% of cadre post of District Judges, after having completed not less than five years of continuous service in that cadre; and
- (vi) District Judges shall be entitle to the Super Time Scale of Rs. 22850-500-24850, to the extent of 10% of the cadre posts of the Selection Grade District Judges, after having completed not less than three years of continuous service as Selection Grade District Judge.

7. *Payment in the revised scale and arrears.*—(1) The members of the subordinate judiciary shall be paid in the revised pay scale under these rules with effect from 1st October, 2003.

(2) The drawal and disbursement of arrears from 01-07-1996 shall be made in such a manner as may be decided/ordered by the Government subsequently after the award of the 12th Finance Commission keeping in view the financial position of the State. The benefits of pay revision availed by the members of the service in terms of J&K Civil Service Revised (Pay) Rules, 1998, (SRO-18 dated 19-01-1998) shall be adjusted in full while calculating the benefits as per this revision.

By order of the Governor of Jammu and Kashmir.

(Sd.) M.S. PANDIT,
Financial Commissioner,
Finance Department.

Dated : 21-10-2003

No. : A/71(98)-I-1146

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Subject : Engagement of daily rated workers/work charge employees engaged after 31-01-1994—Termination thereof.

While inviting attention of all the Administrative Departments to this department's O. M. No. A/55(94)-624 dated 6-08-1996 it is brought again to the kind notice of all Financial Commissioners/Principal Secretaries/Commissioner Secretaries to Government that vide Administrative Counsel decision No. 14 dated 24-01-1994, read with Govt. Order No. 26-F of 1994, dated 31-01-1994, among other things the practice of engagement of daily rated workers/work charge employees was banned.

Pursuant to the aforementioned order of the Government again vide Government Order No. 73-F of 1995 dated 20-03-1995. The powers for engagement of dailywager/work charge employee available to field officers stands withdrawn w.e.f. 31-01-1994, i. e. the date of issue of Government Order No. 25-F of 1994. In the circular it is impressed upon all Administrative Department's to ensure that no such irregular/unlawful activity of engagement of dailywager/work charge employee is allowed to continue further which will apt to create legal complicacy besides embarrassment to the Government.

Despite these instructions it was noticed that engagement of dailywager's continued in some departments. The State Cabinet vide its decision No. 15/1 dated 31-01-2001, again ordered that services of such dailywager's who have been engaged after imposition of ban shall be terminated forthwith. Pursuant to the Cabinet decision, Govt. Order No. 144-GAD of 2001 dated 2-2-2001, was issued by General Administration Department wherein specific orders were communicated to all the departments to terminate the services of such Dailywagers/work charge employee who have been engaged after the imposition of ban.

It is hereby again requested that such of the dailywagers/work charge employees who have been engaged after 31-01-1994, are

terminated forthwith. Action under rules shall also be taken against the delinquent officers who have exceeded their jurisdiction and made illegal appointments and action against such officers who have also not terminated the services of those dailywagers engaged after ban. It is again requested to all the departments to terminate forthwith engagement of casual labour also which are not in harmony with the rules on the subject and in case such engagements are not terminated forth with the liabilities for payment of wages would be the personal liability of the Head of Department/Head of Office.

(Sd.)

Accounts Officer (Codes),
Finance Department.

No. : A/55(94)-482

Dated : 8-12-2003

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject :- Fixing of ceiling on residential telephone bills and providing of Cell Phone facility.

Reference :- Approval of Chief Minister in coordination conveyed vide No. GDC-119/CM/2002 dated 3-11-2003.

Government Order No. 246-F of 2003
Dated : 15-12-2003

In view of the Mobile facility extended to J&K for faster communication, it is hereby ordered that :-

- (i) Cell Phone facility shall be provided to officers of rank of HOD Secretary to Govt. and above.
- (ii) No officer below the rank of HOD will be entitled to STD facility in case of Cell phone except Dy. Commissioners of a District and SSP's and some officers who may be specially authorised by TAC in consideration of security requirement. However, National Roaming facility shall be allowed to all officers entitled to use the Cell phone. In view of Roaming facility available with the Cell phone and being portable the allottee can carry it to home as well. The Cell phones will be in personnel custody of the officer and should be treated as a residential telephone. = Cell phone.
- (iii) Payment of installation charges shall be made to BSNL by Demand Draft payable at JKP against an official (residential) telephone connection already available. The expenditure shall be debited to "Telephone charges" within budget allotment. Payment shall be made to BSNL as per Plan-525.
- (iv) The allottees of the Cell phones will purchase Cell phone with charger upto Rs. 6500/- after observing all codal formalities.

- (v) The GAD will facilitate required number of Cell phone connections for officers of Civil Secretariat entitled to the Cell phone facility.
- (vi) Administrative Department shall issue sanction in favour of HOD to whom such Cell phones are to be provided with the agreement of GAD.
- (vii) The instrument alongwith mobile number shall remain in the personal custody of the officer till the time he is entitled to the facility or date of transfer outside the State or date of superannuation whichever is earlier. The basic rentals of the mobile phone shall be paid by the Government.
- (viii) In case of transfer of the allottee from one office to another during the course of year, the amount incurred in the previous office and type of cell phone instrument issued shall be reflected in the LPC of the officer so that only the balance amount is paid by the next DDO during the remaining period of financial year.
- (ix) In case of the retirement of the officer in the particular year the ceiling amount of telephone billing be proportional to the months of service rendered in the office during that particular financial year.

Consequent upon issue of Cell phone it is further ordered that in partial modification to Govt. Order No. 121-F of 2002 dated 8-07-2002, the ceiling on telephone bills shall be calculated on annual basis instead of monthly basis w.e.f. 1-4-2003. The ceiling on residential telephones shall be revised and total expenditure on residential telephones including Cell phone in a financial year shall be restricted as under :—

1. Hon'ble Minister	84000.00 per year	
2. Financial Commrs/ Principal Secretaries & Secretaries.	54000.00	
3. HOD	<u>42000.00</u>	" Residential + cell phone for financial year.
4. All others	30000.00	"

The revised rates shall be effective from 1-4-2003 in respect of Hon'ble Ministers, Principal Secretaries and above and from 1-09-2003 in case of Secretaries, HODs and all others.

(Sd.) VIJAY BAKAYA,

Principal Secretary to Govt.,
Finance Department.

No. : A/57(2003)-1238

Dated : 15-12-2003.

Copy to the :-

Standard endorsements.

**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

Subject:—Payment of Dearness Allowance to State Government Employees.

Government Order No. 259-F of 2003

Dated 30-12-2003.

In continuation to Government Order No. 135-F of 2003 dated 18-6-2003, it is hereby ordered that all State Government Employees including Work Charged and Whole Time Contingent Paid Employees working in the regular time scale of pay, shall be paid Dearness Allowance at the following rates w.e.f. 01-07-2003 :—

Date from which payable	Rate of Dearness Allowance per month (including previous instalments)
01-07-2003	59% of Basic pay

2. The arrears on account of this additional instalment of Dearness Allowance w.e.f. 1-7-2003 to 30-11-2003, 50% shall be credited to respective G.P. Fund Accounts of the employees and 50% shall be paid in cash provided that the State Govt. Employees who have retired after 01-07-2003 or are likely to retire during the current financial year shall be paid DA arrears in cash.

3. The term "Pay" for the purpose of calculation of Dearness Allowance shall be the pay drawn in the prescribed scale of pay including stagnation personal pay but shall not include any other type(s) of pay like personal pay granted for promotion of small family norms etc. In the case of those employees who have opted to retain the pre-revised pay scale(s) of pay, if any, it will include in addition to pay in the pre-revised scale of pay. Dearness Allowance and Interim Relief appropriate to that pay admissible under orders in existence 01-01-1996.

4. The Dearness Allowance will continue to be a distinct element of remuneration and will not be treated as pay.

5. The instalment of Dearness Allowance payable under these orders shall be paid in cash w.e.f. 1-12-2003.

6. The payment on account of Dearness Allowance involving a fraction of a rupee equal to or more than 50 paise shall be rounded up to the next rupee and below 50 paise shall be ignored.

7. The provisions of this Order shall apply, *mutatis mutandis*, in the case of All India Service Officers serving in connection with the affairs of the State.

By order of the Government of Jammu and Kashmir.

(Sd.) VIJAY BAKAYA,

Principal Secretary to Govt.,
Finance Department.

No. A/24(2k)-1341

Dated 30-12-2003.

Copy to the :-

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**GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT**

**Subject :—Payment of Dearness Allowance to State Pensioners/
Family Pensioners.**

Government Order No. 260-F of 2003
Dated 30-12-2003.

In continuation to Govt. Order No. 136-F of 2003 dated 18-06-2003, it is hereby ordered that the State Govt. Pensioners/ Family Pensioners shall be paid Dearness Allowance at the following rates w. e. f. 1-7-2003. :—

Date from which payable	Rate of Dearness Allowance per month (including previous instalments)
01-07-2003	59% of Basic Pension/Family Pension

2. Pension/Family Pension in the case of pre 1-1-1996 retirees and where family pension was sanctioned prior to 1-1-1996 means the consolidated pension/family pension as the case may be effective from 1-1-1996 in terms of Govt. Order No. 46-F of 1998 dated 19-1-1998 read with Govt. Order No. 275-F of 1998 dated 14-10-1998 and Govt. Order No. 276-F of 1998 dated 14-10-1998.

3. In the case of pensioners who have retired from service on or after 1-1-1996 and in the case of family pensioners whose family pension has been sanctioned for the first time on or after 1-1-1996 pension/family pension shall mean basic pension/family pension admissible in terms of SRO-19 dated 19-1-1998 read with SRO-122 dated 28th March, 2001.

4. The D.A. instalment w.e.f. 1-7-2003 including arrears shall be payable in cash.

5. The payment on account of DA involving a fraction of rupee shall be rounded to the next rupee.

6. The DA shall be shown as a distinct element.

7. The other provisions governing grant of DA on pension/family pension such as regulation of DA during employment/re-employment, regulation of DA where more than one pension is drawn etc. and other provisions of the existing orders/rules (as are not in conflict to the provisions of this order) shall continue to remain in force.

8. The Dearness Allowance as per this order shall be paid by the concerned Treasury Officer/Paying branches of the J&K Bank without waiting for further authorisation from the Accountant General/General Manager, J&K Bank, as per the practice in vogue.

By order of the Government of Jammu and Kashmir.

(Sd.) VIJAY BAKAYA,

Principal Secretary to Govt.,
Finance Department.

No. A/24(2k)-1341

Dated 30-12-2003.

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