

GOVERNMENT OF JAMMU AND KASHMIR

General Administration Department

Civil Secretariat, Jammu.

17th of June, 2020

S.O. 192 of 2020:- In exercise of the powers conferred by the proviso to **Article 309 of Constitution of India**, the Lieutenant Governor hereby directs that notwithstanding anything to the contrary contained in the **Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956**, or any other rule, notification, recruitment rules of any service or any order in force, the conditions of probation, pay and allowances and fixation of initial tenure of a person appointed to any post under the Government of the Union territory of Jammu and Kashmir after coming into force of this Notification shall be governed by the following rules, namely,-

1. Short title and commencement.

- These rules may be called the Jammu and Kashmir Probationer (Condition of Service, Pay and Allowances) and Fixation of Tenure Rules, 2020.
- These rules shall come into force from the date of notification.

2. Period of Probation.

No person shall be eligible for confirmation as a member of a service or class till he has been on probation in such service or class continuously or in aggregate for a period of two years:

Provided that nothing shall debar the Government from extending the period of probation of a probationer who has failed to acquire the prescribed qualification or to pass the prescribed test provided that the period shall extend in no case for more than two years:

Provided further that the Government may extend the period of probation of a probationer for another two years under these rules, if the probationer fails to meet the requirements or standards of the job.

3. Pay and allowances during Probation.

(1) During the period of probation, the appointee under these rules shall be entitled to the minimum of pay level applicable to the post against which he is appointed.

(2) Every appointee under these rules shall, after completion of probation, be entitled to fixation of pay in the pay level applicable to the post against which he is appointed. shall be entitled to annual

(3) The appointee under these rules increment, Dearness Allowance, House Rent Allowance and City Compensatory Allowance or any other allowance sanctioned by the Government after successful completion of the probation period:

Provided that the appointee shall be entitled to benefits under the Medical Attendance Rules and Leave Rules from the date of his appointment itself.

4. Suspension/Discharge during probation.

- At any time before the expiry of the period of probation, the appointing authority may — suspend the probation of a probationer and discharge him from the service for want of vacancy; and
- at his discretion, terminate the probation of a probationer and discharge him from service.

(2) If within the prescribed period of probation, the probationer fails to acquire the prescribed qualifications or to pass the test, if any prescribed, or to acquire such other qualifications as may be considered by the Government to be equivalent to said special qualification or special posts, the appointing authority shall forthwith by order, discharge him from service. If such probationer has appeared within the prescribed period of

(3) probation for any such test or any examination in connection with the acquisition of such qualification having passed all other tests and acquired all the other qualifications, and the results of the tests or examinations for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation, until the publication of the results of the tests or examinations for which he has appeared or the first of them in which he fails to pass, as the case may be. In case the probationer fails to pass any of the tests or examinations for which he has so appeared, the appointing authority shall forthwith by order, discharge him from the service.

(4) Where a probationer has, before he commenced his probation, already acquired any special qualification or passed any special test or has acquired such other qualification as may be considered by the Government to be equivalent to the said special qualification or special tests, he shall not be required to acquire such special qualification or to pass such special test again within the period of his probation.

5. Condition of Probation.

(1) If at the end of the prescribed period of probation, the appointing authority considers the probationer to be suitable for membership, it shall as soon as possible, or in cases falling under sub-rule(3) of rule 4 of these rules as soon as possible after the probationer has passed the tests and examinations for which he has appeared, issue an order declaring the probationer to have satisfactorily completed his period of probation, except in cases where the period of probation has been extended under rule 2 of these rules. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(2) In cases not falling under sub-rule(3) of rule 4 of these rules, if no order is issued, by the appointing authority under sub-rule(1) of this rule within ninety days after the expiry of the prescribed period of probation, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation, except in cases where the period of probation has been extended under rule 2 of these rules.

(3) If the candidate has passed the tests and examinations for which he has appeared and no order is issued under sub-rule (1) by the appointing authority within ninety days after the expiry of the prescribed period of probation or within thirty days of the publication of the results of such tests and examinations, whichever is later, the probationer shall be deemed to have satisfactorily Completed his period of probation on the date of the expiry of the prescribed period of probation, except in cases where the period of probation has been extended under rule 2 of these rules.

6. Fixed Tenure of five years on initial appointment.

The appointee under against which he has been initially appointed and such appointee shall not be eligible for transfer for whatsoever reason during the period of five years:

Provided that any person appointed against any available vacancy on the basis of being a Resident of Backward Area, adjoining Line of Actual Control or International Border shall serve in such areas for a period of not less than seven years.

7. Appeal.

(1) The authority competent to entertain an appeal under the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 may revise any order discharging a probationer under any of the provision referred to in these rules, on an appeal filed within ninety days of the date of receipt of such order by the probationer concerned.

(2) When an order discharging a probationer is set aside on revision under sub-rule (1) of this rule and the probationer is restored to the service, the period on and from the date of discharge to the date of such restoration may be treated as duty by the appointing authority except for purposes of probation. The period of probation undergone by such probationer at the time of his discharge shall, however, count towards the period of probation prescribed by the rule applicable to him.

(3) Such probationer may during the period on and from the date of his discharge to the date of his restoration be paid such pay and allowances not exceeding the pay and allowances to which he would have been entitled if he had not been discharged as the authority passing the order under sub-rule (1) may determine.

8. Other Conditions of the Service.

Other conditions of service including seniority, age, qualification, discipline, conduct and other allied matters shall be governed by the recruitment rules of the service to which the post to which the person has been appointed belongs, besides other rules, regulations, other rules, regulations, and orders in vogue in the Union territory of Jammu and Kashmir.

9. Exemption of certain Class/Category of post/service.

The Government, in General Administration Department, may exempt any class/category of post or service from the provisions of this notification and for such class/category of post or

service, the provisions of these rules contained in the Jammu and Kashmir Civil Services (Classification, Control, & Appeal) Rules 1956 should apply.

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