

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

**May 30, 2017
“Muzaffarabad”**

NOTIFICATION

No. S&GAD/R/A-4(388)2016, P-III. In exercise of the powers conferred by Section 42 read with Section 32 of the Azad Jammu and Kashmir Ehtesab Bureau Act, 2001, the President Azad Jammu & Kashmir has been pleased to make the following rules for governing the appointment, terms and conditions of employees in the service of Azad Jammu and Kashmir Ehtesab Bureau, namely:-

Chapter-1

PRELIMINARY

1.01. Short title, Application and Commencement.- (1) These rules may be called the “Azad Jammu and Kashmir Ehtesab Bureau Employment (Appointment, Terms and Conditions of Service) Rules, 2017.”

(2) These rules shall apply to all persons employed in the service of Azad Jammu and Kashmir Ehtesab Bureau.

(3) These rules shall come into force at once.

1.02. Definitions.- (1) In these rules, unless there is anything repugnant in the subject or context, following expressions shall have the meanings as hereby respectively assigned to them:-

a) ‘**Act**’ means the Azad Jammu and Kashmir Ehtesab Bureau Act, 2001;

b) ‘**AJ&K**’ means the Azad Jammu and Kashmir;

c) ‘**Appointing Authority**’ means a person or authority designated as such by these rules to make appointment to any post in the Ehtesab Bureau;

d) ‘**Basic pay scale**’ means pay scale of a post as sanctioned by the Government;

e) ‘**Cadre**’ means strength of a service or post of service sanctioned as a separate functional unit;

f) ‘**Chairman**’ means a person appointed as such under the Act;

g) ‘**Confirmation**’ means regular/ substantive appointment of a probationer, employed on the recommendation of Selection Authority after successful training and probation period;

- h) **‘Chief Prosecutor’** mean a person appointed as such under the Act;
- i) **‘Ehtesab Bureau’** means the Azad Jammu and Kashmir Ehtesab Bureau established under the Act;
- j) **‘Employee’** means an officer or member of staff appointed, posted or deputed in the Ehtesab Bureau under the Act and the rules made thereunder and includes its other employees who may, for the time being, serving in Ehtesab Bureau but belonging to other organizations;
- k) **‘Family’** means employee’s pouse, children and stepchildren of employee residing with or wholly dependent upon him, except where otherwise specified and also includes his/her parents, sisters and minor brothers, if residing with and wholly dependent upon him;
- l) **‘Functional Unit’** means a separate working unit in the organization of Ehtesab Bureau to perform specific functions and for which specific qualification and experience is prescribed under the rules;
- m) **‘Head of Functional Unit’** means a person to whom Chairman may by order declare to be head of Functional Unit or branch for efficient performance of functions of the Ehtesab Bureau;
- n) **‘Honoraium’** means remuneration granted to an employee on accomplishment of special work of an occasional nature which performed in ordous hours and beyond normal office hours.
- o) **‘Initial recruitment’** means appointment made on probation on the recommendations of Public Service Commission or relevant Selection Committee otherwise than by promotion or transfer;
- p) **‘Lien’** means right of an Employee to hold substantively a Permanent Post to which he has been appointed and confirmed;
- q) **‘Methods of Appointment and Qualifications’** means requisite procedure, qualification, experience and other terms and conditions for making appointment through initial recruitment or by transfer or promotion to various posts as prescribed in the **Schedule-A** annexed to these rules;
- r) **‘Pay’** includes the amount drawn monthly by an employee as salary, special pay, technical pay, qualification pay and allowances duly admissible under rules and approved by the government;

- s) **‘Permanent Post’** means a post carrying a definite remuneration or pay sanctioned without limit of time;
- t) **‘Prescribed’** means prescribed by these rules;
- u) **‘Probation’** means a period for which an employee is appointed in the service and placed on temporary basis till confirmation after successful completion of requisite training and probationary term by order duly notified with the approval of appointing authority;
- v) **‘President’** means the President of Azad Jammu and Kashmir;
- w) **‘Public Service Commission’** means the Public Service Commission of Azad Jammu & Kashmir constituted under the Azad Jammu & Kashmir Public Service Commission Act, 1986;
- x) **‘Selection Board’** means one or more Selection Boards constituted for the purpose of making recommendations for appointment by promotion or transfer to posts in BPS-16 and above and by initial recruitment to Ministerial Posts only in BPS-16 under these rules;
- y) **‘Selection Committee’** means one or more Selection Committees constituted for the purpose of making recommendations for appointment by initial recruitment, by promotion or transfer to the posts in BSP-1 to 15 ;
- z) **‘Service’** means the Service of the Azad Jammu and Kashmir Ehtesab Bureau;
- aa) **‘Organization’** means service structure of the Ehtesab Bureau as independent organization governed by the Azad Jammu & Kashmir Ehtesab Bureau Act, 2001 and rules made there-under.

(2) The words and expressions used but not defined herein shall have the same meaning as are assigned to them in the Act.

CHAPTER-2

Appointment

Part-1

(General Provisions)

- 2.01. Composition of Service.**- There shall be a separate service for organization of Ehtesab Bureau to be called the Service of the Azad Jammu and Kashmir Ehtesab Bureau consisting of the following functional units or branches for which distinct cadre strength

is duly sanctioned by the Government, keeping in view case-load for disposal in efficient manner:-

- (i) Administration Branch
- (ii) Legal Branch
- (iii) Technical Branch
- (iv) Ministerial Branch
- (v) Investigation Branch
- (vi) Prosecution Branch
- (vii) Complaints Branch

2.02. Competent Authority.- The following shall be competent authorities to make appointment in the Service of Ehtesab Bureau against various posts as prescribed under these rules subject to the recommendation of Public Service Commission or Selection Committees, as the case may be, in case of initial appointment and the concerned Selection Board/Committee in case of appointment by promotion or transfer;

Sr. No	Nomenclature of Post with Pay scale	Appointing Authority
1.	Chairman/Deputy Chairman	As per AJK Ehtesab Bureau Act, 2011.
2.	Posts in BPS-19 and above (Except Director Legal BPS-20)	Government
3.	Director Legal BPS-20	Chairman
4.	Posts in BPS-09 to 18	Chairman
5.	Posts in BPS-1 to 8	Director Admin

2.03. Constitution of Selection Boards.- There shall be following Departmental Selection Boards to make recommendations for appointment by promotion or transfer (except by initial recruitments to Ministerial Post in B-16) to various posts carrying basic pay in 16 and above:-

(i) Selection Board-1 for posts in BPS. 18 and above.

- | | | |
|----|--|------------------|
| 1. | Chairman Ehtesab Bureau | Chairman |
| 2. | Chairman Public Service Commission
or any member nominated by him | Member |
| 3. | Deputy Chairman Ehtesab Bureau | Member |
| 4. | Secretary Finance | Member |
| 5. | Secretary S&GAD | Member |
| 6. | Secretary Law | Member |
| 7. | Director Admin Ehtesab Bureau | Member/Secretary |

(ii) Selection Board No.2 for posts in BPS. 16 and 17.

1.	Chairman Ehtesab Bureau	Chairman
2.	Deputy Chairman Ehtesab Bureau	Member
3.	Additional Secretary Finance (Regs.)	Member
4.	Additional Secretary S&GAD (Regs.)	Member
5.	Additional Secretary Law	Member
6.	Director Admin Ehtesab Bureau	Member/Secretary

2.04. Constitution of Departmental Selection Committee.- There shall be following Selection Committees to make recommendations for initial recruitment, appointment by promotion or by transfer to the various posts in BPS-1 to 15 in the service of Ehtesab Bureau constituted hereinafter namely:-

(i) Departmental Selection Committee–I, for posts in BPS. 10 to 15:-

1.	Chairman Ehtesab Bureau	Chairman
2.	Additional Secretary Law	Member
3.	Additional Secretary Finance (Regs)	Member
4.	Additional Secretary S&GAD (Regs.)	Member
5.	Director (Admin)	Member/Secretary
6.	Director Ehtesab Bureau (nominated by Chairman)	Member

(ii) Departmental Selection Committee –II for posts in BPS. 1 to 9:-

1.	Director (Admin) Ehtesab Bureau	Chairman
2.	Deputy Secretary Law	Member
3.	Deputy Secretary Finance	Member
4.	Deputy Secretary S&GAD	Member
5.	Deputy Director (Admin) EB	Member/Secretary

PART-II

2.05. Initial Appointment.- The Initial appointments in the service shall be made by the Appointing Authority subject to recommendations made by Public Service Commission or concerned Selection Committees as the case may be, in accordance with qualification, experience and criterion and syllabus as prescribed in the **Schedule-B** annexed to these rules.

- 2.06. Requisition to Public Service Commission.**- All vacancies reserved for initial appointment in basic pay scale 16 and above (except the posts in BPS-16 falling within the category of Ministerial Branch/Functional Unit), shall be requisitioned to the Public Service Commission for selection of the suitable candidates as per laid down procedure.
- 2.07. Advertisement of Vacancy.**- All vacancies reserved for initial appointment in BPS 1 to 15, shall be advertised in the national and regional newspapers having wide circulation and also through modern means of communication.
- 2.08. Eligibly Criteria and Selection of Candidates.**- (1) The candidate possessing prescribed conditions i.e. educational qualification, experience, age limit and fulfilling other conditions laid down under rules shall be eligible to apply for appointment to the advertised posts.
- (2) The shortlisted candidates fulfilling the eligibility criteria shall participate in the written test and interview according to prescribed syllabus and those obtaining the merit position according to the posts advertised, shall after the approval of the Competent Authority be appointed accordingly.
- 2.09. Employees to be State Subjects.**- Only the State Subject of Jammu and Kashmir shall be eligible for appointment in the Service.
- Provided that this condition may be only be relaxed by the government in the exceptional cases of non-availability of a person of requisite qualification, expertise and experience on case to case basis.
- 2.10. Age Limit.**- The maximum and minimum age limits for initial appointments to various posts shall be as prescribed by the Government for recruitment in the Civil Services of AJ&K.
- 2.11. No Relaxation in Minimum age:**- Minimum age limit prescribed for various posts, shall not be relaxed in any case.
- 2.12. Observance of Quotas.**- (1) All vacancies in the Service shall be filled according to district wise quota or policy of the Government for the time being in-force.
- (2) The posts in each cadre shall be considered separately for allocation to merit and quotas. However, if the number of the posts in a specific cadre are limited and undividable among all Districts, the Competent Authority may advertise the posts on open merit and in such case the quota of respective units availing the benefit, shall be deducted in future.

(3) The merit and district-wise quota pertaining to vacancies to be filled in on the basis of same advertisement, shall be worked out up to three decimal points and the share of district remaining unfulfilled shall be carried forward and filled in through subsequent advertisements.

2.13. Certificate of Medical Fitness.- (1) A candidate for initial appointment shall be in good mental and bodily health and free from any physical defect likely to hinder him in discharge of his duties.

(2) No person shall be initially appointed unless declared fit in all respects and produce a certificate in the prescribed form to that effect from a medical board or medical officer authorized by the Ehtesab Bureau for this purpose.

2.14. Good Moral Character.- No person shall be appointed unless he produces a certificate of good moral character from concerned District Police Officer and the Deputy Commissioner.

2.15. Conduct and Antecedents.- The character and antecedents of a candidate shall be verified under prevailing procedure of the Government for Civil Servants and the appointment shall be made only if, the character and antecedents of the candidate are satisfactory.

PART III

Appointment by Promotion

2.16. Classification of the Posts.- All posts in the Service of Ehtesab Bureau are classified as under:-

- i) The posts in BPS-16 and above are (except the posts in BPS-16 falling in the category of Ministerial Staff /Functional Unit) are selection Posts to which promotion shall be made by selection on merit.
 - ii) The posts in BPS.1-15(including the posts in BPS-16 falling in the category of Ministerial Staff /Functional Unit) are non-selection Posts to which promotion shall be made on the basis of seniority-cum-fitness.
- 2.17. Criteria of Eligibility.**- An employee possessing such minimum qualification and length of service and fulfilling such other conditions as specified for promotion shall be eligible for promotion to a higher post for the time being reserved for promotion in the cadre and functional unit/branch to which he belongs.

2.18. Manner of Processing.- (1) The promotions to posts in BPS. 16 and above shall be made by the Appointing Authority on the recommendations of the concerned Selection Board.

(2) The promotions to posts in BPS. 15 and below shall also be made by the Appointing Authority on the recommendations of the concerned Selection Committee.

(3) The concerned Selection Board or the concerned Selection Committee, as the case may be, in case of promotion against non-selection post, may consider the case of eligible employees in the order of their seniority and shall;

- a) recommend an employee for promotion ;or
- b) recommend an employee for supersession on the ground of being unfit for promotion at the time of consideration; or
- c) defer the case of promotion of an employee if;
 - i) ACR dossiers of the employee is incomplete or any other document or information required by the Selection Board or concerned Selection Committee for determining his fitness for promotion is not available; or
 - ii) Disciplinary or departmental proceedings are pending against the employee whose promotion case comes up for consideration before the Selection Board/ Selection Committee concerned; or
 - iii) an employee is on deputation abroad to a foreign Government, private organization or an international agency; or
 - iv) an employee does not possess the requisite length of service; or
 - v) an employee has not undergone the prescribed training or passed the departmental examination; or
 - vi) an employee's seniority is disputed or sub-judice:

Provided further that in case of deferment the vacancy shall be reserved for the employee, or if it is required to be filled, it shall be subject to the condition that when such employee is subsequently promoted without having been superseded, the arrangement shall be reversed and the person promoted shall be reverted to his lower post.

(4) An employee who is superseded shall not be considered for promotion until that deficiency is made up and he earns one more confidential report for full year.

(5) An employee whose case is deferred shall be considered for promotion as soon as the reason for which he was deferred ceases to exist;

(6) In case of promotion against **Selection Post**, in addition to the procedure mention in the sub rule (3) above, candidate shall have to go through the procedure regarding the determination of merit i.e. competitive exam, interview and other requirements.

2.19. Fulfillment of Minimum Length of Service.- (i) Promotion to posts in BPS. 18 and above shall be subject to fulfillment of minimum length of service on permanent basis in various basic pay scale as prescribed below:-

- (i) For promotion to post in BPS-18 05 years service in BPS-17
- (ii) For promotion to posts in BPS-19 12 years service in BPS-17 and above
- (iii) For promotion to posts in BPS-20 17 years service in BPS-17 and above:

Provided further that when first appointment of a person was made in Ehtesab Bureau to a post in BPS-16 or below, one half service in BPS-16 and one fourth in BPS-15 and below may be counted as service in BPS. 17 for computing length of service for the purpose of promotion to BPS-18 and above:

Provided further that periods of extra-ordinary leave or any other period of service which is not reckoned as service qualifying for pension shall not be counted towards prescribed length of service for promotion.

2.20. Conditions Prescribed for Promotion to Selection Posts.- For the purpose of promotion to selection posts in BPS-16 and above, in addition to the following conditions or any other conditions as may be prescribed by the Government from time to time, an employee shall have to obtain merit position after going through the laid down criteria which includes written test, interview and additional qualification etc.:-

- (i) Eligibility threshold (minimum score/marks in ACRs)
- (ii) Qualification as prescribed by Method of initial Appointment and Qualification (MAQ)
- (iii) Relevance of Experience
- (iv) Quality or output of work' and integrity
- (v) Written Test and Interview.
- (vi) Training etc.

2.21. Priority of Filling up Promotion Posts.- The promotion to next higher posts shall not be construed as vested right of an employee, however, where Cadre has definite quota

reserved for initial appointment and promotion, promotion quota as far as possible, be made first and the post reserved for initial appointment shall be followed later.

- 2.22 **Promotion Test**:- Notwithstanding anything contained in aforesaid rules, no person shall be promoted to a post in a higher grade on regular basis unless he has passed such examination/ test as may be prescribed by the Government for the purpose alongwith successful completion of such training which is pre-requisite for further promotion in a specific grade or post.

PART-IV

APPOINTMENT BY TRANSFER

- 2.23. **Appointment by Transfer**.- The appointment by transfer against the posts in the Service of Ehtesab Bureau or from posts in one Cadre to posts in another Cadre shall be made, in the public interest, with the approval of the Appointing Authority and on the recommendations of Selection Board/Committee concerned, subject to the condition that the incumbent must fulfill requisite educational qualification and experience as prescribed under rules for initial requirement.

Provided that no appointment by transfer shall be made without the consent of the employee concerned.

- 2.24. **Regular Incumbent to be considered for Transfer**.- Appointment by transfer against the post of Ehtesab Bureau shall be made from amongst the persons appointed on regular basis on a post in the same basic pay scale or equivalent to or identical with the post to be filled.

- 2.25. **Government Employee possessing Qualification for Initial Appointment to be considered**.- Only the employee of the government who possess the qualifications and other conditions prescribed for a post in the service on which appointment by transfer is being made, may be considered by the concerned Selection Board/Committee for appointment by transfer.

PART-V

Appointment on Deputation

- 2.26. **Appointment on Deputation to be made Sparingly**.-The appointment on deputation to a post shall be made sparingly, only in the public interest, to enhance the capacity or to help in improving the quality and progress of the Ehtesab Bureau's working.

2.27. Conditions of Deputation.- (1) The Appointing Authority may appoint on the deputation of any Government servants or a Provincial Government Servant or an employee of an organization set up or managed by such government who is holding an appointment on regular basis, against an equivalent post in Ehtesab Bureau.

(2) The appointment shall be made with the consent of the lending agency for such period and on such terms and conditions as may be determined by the Appointing Authority of Ehtesab Bureau in consultation with the lending agency/authority.

(3) A person on deputation , in addition to all emoluments allowed to him in his parent department according to last pay certificate, shall be allowed deputation allowance, any special pay or allowance admissible to the employees of Ehtesab Bureau and all other benefits under the prevalent rules and deputation policy.

PART-VI

Contract Appointment

2.28. Appointment on Contract.- (1) Appointment on a post in the service of Ehtesab Bureau may be made on contract basis only when it is not possible to fill a post in the prescribed manner and it is necessary to do so in the public interest.

(2) Appointment on contract basis shall be made on agreed terms and conditions, which shall be binding upon the person appointed. This appointment shall be further to the terms and conditions prescribed in the contract policy of the Government and instructions made or issued from time to time by the Government but shall not create any right for regular appointment.

PART-VII

Acting Charge Appointment

2.29. Appointment on Acting Charge Basis: (1) The appointing Authority may fill a post reserved for departmental promotion by appointing on acting-charge basis, the most senior civil servant of the cadre or service concerned, who possesses at least three fourth of the prescribed length of service or the experience for the post or both, as the case may be, and is otherwise eligible for promotion except for the prescribed length of service and the experience.

(2) Where the appointing authority is satisfied on report of the selecting authority that no suitable officer is available to fill a post in grade 17 and above reserved under the rules to be filled by initial recruitment and it is expedient not to allow the post to remain unfilled,

it may appoint to that post on acting charge basis the most senior officer eligible for promotion to that post.

(3) No appointment on acting charge basis shall be made against a post which is likely to remain vacant for a period of less than six months.

(4) No appointment on acting charge basis shall be made without the recommendation of the Departmental Promotion Committee.

(5) So long as the employee holds the acting charge appointment, the employee junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to higher post.

(6) In case of appointment on acting charge basis, employee shall assume full responsibilities of the post and exercise all statutory, administrative and financial powers vested in the regular incumbent of the post.

(7) Acting charge appointment shall not amount to promotion on regular basis for any purpose including the inter-se-seniority of the incumbents in the cadre.

(8) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

(9) During the period an employee holds charge of a post on acting charge basis, he shall draw pay equal to minimum stage at which his pay would have been fixed to that post on regular basis but the service rendered on acting charge basis in the scale applicable to the post shall begin to count for increment in that scale from the date on which he completes the prescribed length of service for regular promotion to that post:

Provided that if at any time during his appointment on acting charge basis, the pay of the employee in the lower post exceeds his pay on acting charge appointment he will draw his pay of the lower post. The service rendered on acting charge basis shall also count towards increment in the scale of the post held prior to appointment on acting charge basis.

PART-VIII

Additional Charge and Current Charge of Post

2.30. Additional Charge.- If a post falls vacant and it is not possible to fill it in the prescribed manner the work of the post shall as far as practicable, be distributed among one or more employees of the same status and designation. However, where distribution of work is not practicable, the charge of the vacant post may be entrusted in its entirety, with

approval of Chairman, to another employee. This arrangement should not be made for period of less than three months, however, it may be extended for another three months with the approval of the authority.

2.31. Current charge of higher post.- (1) Where a temporary vacancy occurs for a period less than six months but more than three months and the Appointing Authority does not consider it expedient to make an adhoc appointment or assign additional charge to an employee, the appointing authority may appoint any employee of Ehtesab Bureau, who is eligible for promotion under rules to that post on current charge basis.

(2) An appointment made on current charge basis shall come to an end on appointment of a person on regular basis or on the expiry of six months whichever is earlier.

PART-IX

OFFICIATING PROMOTION

2.32. Officiating Promotion.- If a post falls vacant due to the result of transfer, leave or appointment on acting charge basis of the regular incumbent or is reserved under the rules to be filled by transfer or is permanently available vacant and is reserved for regular promotion on the recommendation of the concerned Selection Board /Committee, the Appointing Authority may, subject to the following conditions make officiating promotion,-

- a) no person shall be promoted on officiating basis unless he possesses the qualifications and experience prescribed for the post and his promotion as such is approved by the Chairman of the concerned Selection Board/ Committee, as the case may be;
- b) an officiating promotion shall not confer any right of promotion on regular basis but shall be liable to be terminated as soon as a person becomes available for promotion or regular incumbent join his post; and
- c) officiating promotion shall be made on the same terms and conditions as are prescribed for regular appointment by promotion.

CHAPTER –3

PROBATION

3.01 Probation Period.- A person appointed against a substantive post or vacancy shall remain on probation for a period of two years if appointed by Initial appointment and for a period of one year if appointed otherwise:

Provided that the appointing authority may extend the period of probation by further period not exceeding two years in all.

3.02 Completion of Probation.- (1) An employee appointed by initial appointment shall not be deemed to have completed his period of probation satisfactory until his character and antecedents have been verified to the satisfaction of the appointing authority.

(2) On the completion of the period of probation, the appointing authority may, by specific order, discharge the employee from his service if his service is unsatisfactory.

(3) If no order is issued under sub-rule (2) after consideration of the case on the expiry of the period of probation, it shall be deemed to have been completed satisfactorily subject to provision of sub-rule (1) above and rule 3.03 below.

3.03 Passing of Examination.- Where in respect of any post, the satisfactory completion of probation includes the passing of any examination, test or successful completion of any course or training, the person appointed to such post, who before the expiry of the initial or extended period of his probation, has failed to pass such examination, test or complete successfully the course or training shall, except as may be prescribed otherwise,-

(a) be discharged from service if he was appointed to such post by initial appointment:

Provided that if a person concerned holds a lien on a post in the Ehtesab Bureau, his service shall not be terminated and he shall be reverted to that post; and

(b) be reverted to the post from which he was promoted or appointed by transfer.

CHAPTER-4

CONFIRMATION

4.01. Principles and Eligibility for Confirmation.- (1) An employee appointed by initial appointment or by promotion or transfer to a post in the service of Ehtesab Bureau shall on satisfactorily completion of his probation, be eligible for confirmation.

(2) The confirmation shall be made only against a permanent post.

(3) Two or more employees shall not be confirmed in the same post and at the same time or in a post on which another employee holds a lien.

(4) An employee shall not be confirmed on two or more posts at the same time.

(5) An employee shall be considered for confirmation strictly in order of seniority.

(6) No confirmation shall be made against the post falling vacant on dismissal, removal or compulsory retirement of an employee until the appeal, if any, against such order is finally decided.

(7) A retired employee who, during the period of his service, was eligible for confirmation in any post of the Ehtesab Bureau, shall not be refused confirmation on such post or any benefits accruing therefrom on the basis of such retirement.

(8) Confirmation of any employee against a post shall take effect from the date of the occurrence of a permanent vacancy in such cadre or from the date of continuous officiation, on such post, whichever is later.

4.02 Processing of Confirmation Cases:- (1) The appointing authority in the Ehtesab Bureau shall confirm an employee on the recommendations of the concerned Selection Board or Selection Committee, as the case may be.

(2) The Board or Committee, as the case may be, shall scrutinize the service record and seniority of the employee including his annual confidential reports and determine whether he is fit for confirmation.

(3) In case, an employee is not fit for promotion for the time being, or a disciplinary case is pending against him, the Board or the Committee, as the case may be shall defer the case and the vacancy shall be reserved for him.

(4) When the case of an employee is deferred, he should be considered for confirmation, as soon as, the reason for which the deferment took place ceases to exist or if the deferment was due to unfitness, as soon as, he earns one or more confidential reports for one or more years, as the case may be, and when he is confirmed, it shall take effect from the date as specified in sub-rule (8) of Rule 4.01 supra.

4.03. Retention of Lien.- On confirmation against a permanent post, the employee shall acquire a lien in that post and shall retain it during the period when he,-

- (a) performs duties of that post;
- (b) holds a temporary post other than a post in the cadre against which he was permanently appointed;
- (c) holds a post on deputation with a foreign government, an international organization, a multinational corporation or any other organization outside Pakistan or with the Federal, Provincial Government or in a corporation or a body setup or managed by the Government, Federal or Provincial Government;
- (d) is under suspension; and

(e) is on leave.

4.04. Termination of Lien.- (1) Notwithstanding the consent of an employee, his lien on a post in the service of Ehtesab Bureau shall not be terminated until he acquires lien on any other post in Ehtesab Bureau or on a post under the Service of AJ&K or Federal or Provincial Government.

(2) The lien of an employee, who is reduced in rank or reverted to a lower post or grade as a consequence of disciplinary proceedings, shall be terminated against the post from which he is reduced or reverted as the case may be.

(3) An employee shall cease to hold lien against a post if he takes up an appointment on selection in an autonomous body, a corporation or body setup or managed by the Government or Federal or Provincial Government or a private organization.

(4) An employee who, on his own accord, joins some other service on regular basis outside the service of Ehtesab Bureau e.g., in an autonomous body or a corporation or a body set up or managed by the Government or Federal or Provincial Government, his lien after being selected, shall automatically be ceased on the completion of probation period and confirmation against new post, the right of reversion to the previous post against which he would hold lien shall only be during the period of his probation of the new appointment.

CHAPTER-5 **SENIORITY**

5.01. Inter-se-seniority of Employees.- For proper administration of a cadre or post, in the functional unit of Service, the appointing authority shall cause a seniority list of the members for the time being belonging to such cadre, but nothing contained herein shall be construed to confer any vested right to a particular seniority in such cadre or post.

5.02. Reckoning of Inter-se-Seniority.- Subject to rule 5.01 above, seniority of an employee shall be reckoned in relation to other employees belonging to the same cadre or post or functional unit whether serving in the same cadre or post or not, as provided in these rules.

5.03. Inter-se-Seniority on Initial Appointment.- (1) The seniority of an employee on initial appointment to a cadre or post shall take effect from the date of regular appointment to the post to which he has been initially appointed.

(2) Persons initially appointed through an earlier open advertisement shall rank senior to those appointed through subsequent open advertisement.

(3) If two or more persons are appointed through the same advertisement or selection, their inter-se-seniority shall be determined in accordance with their order of merit assigned to them by the selection authority. If no merit was assigned, the person older in age shall be senior.

5.04. Drawing of inter-se-seniority on Promotion.- Seniority in a cadre or post to which an employee is promoted, shall take effect from the date of regular promotion to that post:

Provided that:

- (a) employees selected for promotion to a higher post on an earlier date shall be senior to those selected for promotion on a later date.
- (b) employees selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post; and
- (c) an employee who is eligible for promotion and his name is inadvertently omitted from the reference of promotion, or whose case is held up in circumstances beyond his control, shall, on promotion without having been superseded, take his seniority with the original batch.

5.05. Inter-se-Seniority on Appointment by Transfer.- Seniority in a Cadre or post to which an employee is appointed by transfer shall take effect from the date of regular appointment to that post:

Provided that,-

- (a) employees belonging to the same cadre or post, selected for appointment by transfer to a cadre or post in one batch shall, on their appointment, take inter-se-seniority in the order of their date of regular appointment as in the previous Cadre or post; and
- (b) employees belonging to different cadres or posts selected for appointment by transfer to a cadre or post in one batch shall take their inter-se-seniority in the order of the date of their regular appointment and where such date is the same, the person older in age shall rank senior.

5.06. Inter-se-Seniority of Employees Appointed in a Calendar Year.- Employees appointed by transfer in a particular year shall, as a class, be senior to those appointed by promotion or by initial appointment to such posts in that year, and employees promoted

to higher posts in a particular calendar year shall, as a class, be senior to those appointed by initial appointment to such posts in that year.

CHAPTETR-6

POSTING AND TRANSFER

6.01. Transfer to Equivalent Post.- (1) An employee shall be liable to serve in any equivalent post in Ehtesab Bureau.

(2) Posting of an employee on a particular post, unless decided otherwise, may not exceed three years.

6.02 Authority Competent to Transfer.- The Chairman or an officer duly authorized or designated for such purpose, may transfer employees holding the posts in the service of Ehtesab Bureau within or outside the cadre.

CHAPTER-7

TERMINATION, REVERSION, RESIGNATION

7.01. Termination of Irregular Appointment.- The appointment of an employee, which has been made illegally and otherwise than in accordance with the prescribed methods of Appointment and Qualifications as prescribed under these Rules, may be terminated/repatriated at any time by the Chairman Ehtesab Bureau.

Provided that before such appointment is terminated/repatriated or reverted, the employee shall be informed of the action proposed against and the grounds thereof and given an opportunity of showing cause against the action proposed to be taken against him..

7.02. Reversion.- An employee appointed to a higher post on temporary, current charge or officiating basis, shall be liable to reversion to his lower post on which he is substantively appointed.

7.03. Principles Governing Resignation.- (1) Subject to any provision of law for the time being in force, a temporary or permanent employee may resign in writing from his post. The resignation shall not become effective unless the appointing authority accepts it. Till such time the resignation is accepted, the employee shall continue to serve and cannot absent himself from his duties without proper leave. Any violation in this behalf shall amount to misconduct and the employee shall make himself liable to disciplinary action.

(2) If an Employee after submission of his resignation withdraws it before it is accepted, the resignation shall be deemed to have been withdrawn.

(3) If an employee withdraws his resignation after its acceptance by the appointing authority but before it becomes effective i.e., the employee is relieved, it will be open to the authority, which accepted the resignation, to allow the employee on merit of the case to withdraw the resignation.

(4) The resignation of an employee shall not be accepted if any disciplinary proceedings are contemplated or are in progress.

(5) An employee submitting his resignation shall be required to clear all dues payable by him.

(6) The resignation shall be submitted by an employee through his immediate senior officer to the appointing authority accompanied by the original letter of resignation, along with the following information,-

- (a) Whether any disciplinary proceedings are pending or contemplated against him;
- (b) Whether the employee is required to serve Ehtesab Bureau for any specified period in accordance with his terms and conditions of appointment or any bond or understanding in connection with the grant to leave, course of instructions or training, etc., and if so, whether that period has expired and if not, whether any money spent on his training and recoverable from him has been paid by him; and
- (c) Whether he has paid any other dues recoverable.

7.04. Retirement from Service.- The employee shall retire from service on completion of the sixtieth year of his age and the AJ&K Civil Servants Pension Rules, 1971 as amended from time to time shall be made applicable to the employees of AJ&K Ehtesab Bureau. The provision of this rule does not apply to the Chairman, the Deputy Chairman, Chief Prosecutor, Deputy Chief Prosecutor and other employees who are appointed on contract basis and shall be subjected to the provisions of the Act, contract policy and terms and conditions of their services as expressly stipulated while making such appointments:

Provided that an employee working in Ehtesab Bureau on deputation shall have to be repatriated to his parent department two years before the age of superannuation.

Explanation:

When employee is liable to retire on attaining a specified age, the day on which he attains that age, that day is reckoned as a non-working day, and he must retire with effect from that day.

- 7.05. Retirement on completion of 25 years Service.**- On completion of 25 years service, an employee may be retired with earned pension or other benefits in the following manner;-
- (a) On his own request; or
 - (b) On recommendation of the Service Review Committee or Board constituted by the Chairman for this purpose. The performance of employee having completed 25 years service shall be reviewed by the said Committee or the Board bi-annually. The Committee or the Board after review shall, on the basis of his overall performance, recommends on matters of his further retention in or retirement from service.
- 7.06. Retirement on Medical Ground.**- The cases of retirement on medical grounds of the employees shall be governed by the Rules made by the Government.

CHAPTER 8

EMPLOYMENT AFTER RETIREMENT

- 8.01. Re-employment.**- (1) The re-employment of a retired employee of Ehtesab Bureau shall not be recommended by selection board or selection committee, as the case may be unless such re-employment is necessary in the public interest and it shall be made in pursuance of policy of the Government.
- (2) Re-employment beyond the age of superannuation shall be made as exception only and no re-employment shall be allowed beyond 63 years of age. The following criteria shall be followed while considering cases of re-employment,-
- (a) non-availability of suitably qualified and experienced person through prescribed methods of appointment and qualification to replace the post of retiring employee;
 - (b) the retired employee is highly qualified person with distinct qualification and experience in his profession or field, whose substitute is not available in the market;
 - (c) the re-employment does not create promotion block; and
 - (d) retention of the retiring employee for a specified period is in the interest of the Ehtesab Bureau.
- 8.02. No re-employment in certain cases.**- The employee who was compulsorily retired or removed from his service as a result of disciplinary action or retired after completion of 25 years of service qualifying for pension under the rules applicable to him, shall not be re-employed in the service of Ehtesab Bureau.

- 8.03. Private and Commercial Employment After Retirement.**- If a retired employee seeks any commercial or private employment during leave preparatory to retirement or before the expiry of two years from the date of retirement, he shall obtain prior approval of the Government if he holds a post in BPS-19 and above and Chairman in other cases.

CHAPTER-9

CONDUCT

- 9.01. Family Composition.**- For the purpose of Rules in this chapter, member of an employee's Family includes,-
- (a) Spouse of employee;
 - (b) his child or step-child, whether residing with the employee or not; and
 - (c) any other relative of the employee or his wife, when residing with and wholly dependent upon the employee but does not include a wife legally separated from employee, or a child or a step-child who is no longer in any way dependent upon him or of whose custody the employer has been deprived by law.
- 9.02. Acceptance of Gifts and Cash Awards.**- (1) Save as otherwise provided in this rule, no employee shall, except with previous sanction of the Chairman, accept or permit any member of his family to accept from any person any gift the receipt of which will place him under any form of official obligation to the donor. If, however, due to very exceptional reasons a gift cannot be refused the same may, under intimation to the Chairman and government, be kept for official use in the Ehtesab Bureau.
- (2) If any question arises as whether receipt of a gift places an employee under any form of official obligation to the donor the decision of the Chairman thereon shall be final.
- (3) If any gift is offered by the head or the representative of a foreign state, the employee concerned should attempt to avoid acceptance of such a gift, if he can do so. If, however, he cannot do so, he shall accept the gift and shall report its receipt to the Government through the Chairman for order as to its disposal.
- (4) The employees are prohibited from receiving gift of any kind for their person or members of their families from diplomats, consular and other foreign government representatives or their employees who are stationed in Pakistan, if, however, due to any exceptional reasons a gift cannot be refused, it should immediately be deposited with the Government.

(5) Employees except those holding posts in BPS-01 to 04, are prohibited from accepting cash awards offered by the visiting dignitaries. In case, however, it becomes impossible to refuse, the amount may be accepted and immediately deposited in the Government treasury under intimation to the concerned officer of Ehtesab Bureau.

(6) The responsibility for reporting the receipt of a gift shall devolve upon the individual recipient. All gifts received by an employee irrespective of their price, must be reported to the Government through the Chairman or a person authorized by him in this behalf. However, the responsibility for reporting the Government of receipt of gifts, including the name of recipient from foreign dignitaries or delegations shall be with the Chairman.

9.03. Foreign award/title and decoration.- No employee shall, except with the prior approval of the Government to be obtained through the Chairman, receive a foreign award, title or decoration.

Explanation:

For the purpose of this provision, the expression “the approval of the Government”, means prior approval in ordinary cases and ex-post facto approval in special cases where sufficient time is not available for obtaining prior approval.

9.04. Public Meetings and Funds Raising.- (1) No employee shall encourage meetings to be held in his honor or presentation of addresses of which the main purpose is to praise him.

(2) Notwithstanding anything contained in sub-rule (1),-

- (a) employee may with the previous permission of his higher officer, take part in raising of funds to be incurred for any public or charitable purpose;
- (b) employee may take part, with the previous sanction of the Chairman, in the raising of funds to be expended for any public or charitable object connected with the name of any other employee or a Government servant or a person who has recently retired from service of the Ehtesab Bureau or the Government; and
- (c) when an employee takes part in the raising of funds in accordance with the provisions of clause (a) and (b) of sub-rule (2), an employee shall be required to keep regular accounts and submit them to the next higher officer for scrutiny.

9.05. Permission to Marry a Foreign National.- (1) The employee may, with the prior permission of the Government, marry a foreign national.

(2) The employee who marries or promises to marry a foreign national, including Muslim citizen of India, without permission shall be guilty of misconduct and render himself liable to disciplinary action under the provision of these Rules and the rules made by the Government for this purpose.

(3) The permission under sub-rule (1) may be granted by the Government or, as the case may be, the person authorized by the Government subject to such conditions as may be specified.

Explanation:

For the purpose of this provision, marriage means matrimonial relationship entered into in accordance with any law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed accordingly.

9.06. Acceptance of Subscription.- Subject to rule 9.04, no employee except with the previous sanction of the Chairman, ask for or accept in any way the participation in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

9.07. Money lending and borrowing.- (1) No employee shall lend money to, or borrow money from, or place himself under any pecuniary obligation to any person who is within the limits of his authority or any person with whom he has any official dealings:

Provided that this rule shall not apply to dealings in the ordinary course of business with a joint stock company, bank or a firm.

(2) When an employee is appointed or transferred to such a post that a person from whom he has borrowed money or to whom he has otherwise placed himself under pecuniary obligation will become under or be subject to his official authority, or will reside, possess immovable property, or carry on business within the local limits of such authority, he shall forthwith declare the circumstances to the Chairman through the usual channel of correspondence:

Provided that the employee in BPS-15 and below shall make the declaration referred to in this sub-rule to Director Admin., of Ehtesab Bureau.

(3) Sub-rule (1) so far as it may be construed to relate to loans given to or taken from co-operative societies registered under co-operative Societies Act, 1912 (Act II of 1912), as adopted and enforced in AJK, or under any law for the time being in force, shall be subject to any general or special restrictions made or permitted under such law.

9.08. Transaction of Property.- (1) The employee who intends to transact any purchase or sale or disposal by any other means of movable or immovable property exceeding Rs. 250,000/- (rupees two hundred and fifty thousand only) with any person, shall apply to the Chairman for permission if he is holding a post in BPS-17 and above and those in BPS-16 and below to the Director Admin., of Ehtesab Bureau. Any such application shall state fully the circumstances, the price offered and demanded and, in the case of disposal other than by sale, the method of disposal. Thereafter such employee shall act in accordance with such orders as may be passed by the Chairman, or Director Admin as the case may be:

Provided that all transactions with a person who is an official subordinate of the employee, should be reported to the next higher authority.

Explanation:

In this provision, the term “Property” includes agricultural or urban lands, bonds, shares and securities but does not include a plot purchased for building a house from co-operative housing society or a government housing scheme.

(2) No prior permission is necessary for buying and selling shares, saving certificates and securities through government sponsored organizations up to the value of Rs. 500,000/. However, the employee concerned shall have to report all such transactions in the form of a statement at the end of each year.

9.09. Construction of Building etc.- No employee shall construct a building, whether intended to be used for residential or commercial purpose, except with the previous sanction of the Chairman obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

9.10 Declaration of Property.- (1) Every employee shall, at the time of entering into service of Ehtesab Bureau, make declaration, through usual channels, in the case of employees in BPS-16 and above to the Chairman and in the case of employees in BPS-15 and below to the Director Administration, of all immovable and movable properties including shares,

certificates, securities, insurance policies and jewelry having a total value of Rs.500,000/- (Rupees Five Lac Only) or more belonging to or held by him or member of his family and such declaration shall,-

- (a) State the District within which the property is situated;
- (b) Show separately individual items of jewelry exceeding Rs. 500,000/- (Rupees Five Lac Only); and
- (c) Give such further information as the Ehtesab Bureau may, by general or special order, require.

(2) Every employee shall submit to the Chairman or, as the case may be, to the Director Admin of Ehtesab Bureau, through normal channels, an annual return of assets in the month of December showing any increase or decrease of property as shown in the declaration under sub-rule (1) or, as the case may be, the last annual return.

9.11. Assets to be disclosed.- The employee shall as and when he is so required by the Ehtesab Bureau, by general or special order, furnish information as to his assets disclosing liquid assets and all other properties, movable and immovable, including shares, certificates, insurance policies and jewelry.

9.12. Investment.- (1) No employee should speculate in investment. For the purpose of this provision, the habitual purchase and sale of securities of notoriously fluctuation value shall be deemed to be speculation in investments.

(2) No employee shall make or permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No employee shall make an investment, the value of which is likely to be affected by some event of which information is available to him as an employee and is not equally available to the general public.

(4) If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of the Chairman in the case of employees in BPS-17 and above and of the Director Admin., of Ehtesab Bureau or Head of a Branch in the case of employees in BPS-16 and below, thereon shall be final.

9.13. Management of Banks and Companies.- No employee shall take part in promotion, registration or management of any bank or company:

Provided that an employee may, subject to the provisions of any general or special order, take part in the promotion, registration or management of a Co-operative society registered under the Co-operative Societies Act, 1912 (Act II of 1912) as adopted and enforced in AJ&K or under any other law.

- 9.14. Private Trade, Employment or Work.**- (1) No employee shall engage in any trade or undertake any employment or work other than his official duties:

Provided that he may, without such sanction, undertake honorary work of religious, social or charitable nature or occasional work of a literary or artistic character, subject to the conditions that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or inconsistent with his position or obligations as an employee; but he shall not undertake or shall discontinue such work if so directed by the Chairman or the Director Admin., or Head of a Branch, as the case may be. The employee who has any doubt about the propriety of undertaking or any particular work, he shall refer the matter for the order of the Chairman, the Director Admin of Ehtesab Bureau or Head of Branch, as the case may be:

Provided further that an employee holding a post in BPS-15 and below may, without such, undertake a small enterprise which absorbs family labor and where he does so, he shall file details of the enterprise along with the declaration of assets.

(2) Notwithstanding anything contained in sub-rule (1), no employee shall associate himself with any private trust, foundation or similar other institution which is sponsored by the Government or the Ehtesab Bureau.

(3) This provision does not apply to sports activities or membership of recreation clubs.

- 9.15. Permission to Sub-let Residential Accommodation.**- No employee, shall be permitted to sublet accommodation let to him by the Ehtesab Bureau.

- 9.16. Living Beyond Means.**- No employee shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

- 9.17. Insolvency and Indebtedness.**- The employee shall avoid habitual indebtedness. If an employee is adjudged or declared insolvent or if the portion of his salary which is liable to attachment is frequently attached for debt or has been continuously so attached for period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be pronounced to have contravened this

provision unless he proves that the insolvency or indebtedness is result of circumstances, with in exercise of ordinary diligence he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits. The employee who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Chairman if he is holding a post in BPS-17 and above and to the Director Admin., of Ehtesab Bureau or Head of a Branch in other cases.

- 9.18. Involvement in Criminal Cases.**- An employee involved as an accused in a criminal case or convicted, shall bring the case of such involvement or conviction as the case may be, to the notice of Chairman in the case of employee in BPS-17 and above and to the Director Admin, in the case of an employee in BPS-16 and below immediately or, if he is arrested and released on bail, soon after such release.
- 9.19. Not to Communicate Official Information.**- No employee shall, except in accordance with any special or general order of the Ehtesab Bureau, communicate directly or indirectly any official document or information to another employee or to a Government Servant not duly authorized to receive it or to any non-official person or to the press.
- 9.20. Approach Any Members of Assembly, Council etc.**- No employee shall, directly or indirectly, approach to any member of AJ&K Council or Legislative Assembly of AJ&K, or any other non-official person to intervene, on his behalf in any matter including his service matters. If in any case, any member in the service of Ehtesab Bureau is found indulged in such approach or attract involvement or intervention of the Members of A&JK Council or Assembly or any other non-official person in any matter, he shall deem to be guilty of misconduct and shall be proceeded against under relevant disciplinary rules.
- 9.21 Ownership and Management of Newspaper or Periodicals.**- No employee shall, except with the prior sanction of the Chairman, own wholly or in part or conduct or participate in the editing or management of any newspaper or other periodical publication.
- 9.22. Radio Broadcast or Television Program and Communication to the Press.**- No employee shall, except with the previous sanction of the Chairman in case of employees in BPS-18 and above and the Director Admin., in the case of other employees, in bona fide discharge of his duties, participate in any radio broadcast or television program

and/or contribute any article or write a letter either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of employee, the security of AJ&K or Pakistan or friendly relations with foreign State or to offend public order, decency or morality, or to amount to contempt of Court, defamation or incitement of an offence:

Provided further that no sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

9.23. Not to Embarrass the Ehtesab Bureau.- No employee shall publish any document or make any communication to the press by his own name or in any public utterance or television programme or delivered in any radio broadcast, make any statement of fact or in the name of any other person, any opinion which is capable of embarrassing the Ehtesab Bureau or the Government:

Provided that technical employees may publish research papers on technical subjects if such papers do not express views on political issues or on the policy of the Ehtesab Bureau or of the Government and do not include any information of a classified nature.

9.24 Sanction of Draft.- Where any employee submits a draft of literary, artistic or scientific article or book for obtaining prior sanction for its publications, he shall be informed within three months of his doing whether he has or he has not been granted such sanction, and if no communication is issued to him within that period, he shall be entitled to presume that sanction asked for has been granted.

9.25. Evidence before Committee.- (1) No employee shall give evidence before a public committee except with the previous sanction of the Chairman.

(2) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the give answers, nor to evidence given in judicial inquiries.

9.26. Not to Participate in Political Activities.- (1) No employee shall take part in or subscribed in aid or assist in any way any political movement in AJ&K, Pakistan or relating to the affairs of AJ&K or Pakistan.

(2) No employee shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of the Ehtesab Bureau or of the Government.

(3) No employee shall canvass or otherwise interfere or use his influence in connection with or take part in any election of an elected body whether in AJ&K, Pakistan or elsewhere:

Provided that an employee who is qualified to vote at such election may exercise his right to vote but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(4) No employee shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member or to act in manner in which he himself is not permitted by sub-rule (3) to act.

(5) An employee who issues an address to electors or in any other manner publicly announces himself or accords himself to be publicly announced as a candidate or prospective candidate for election to legislative body, shall be accounted for the purpose of sub-rule (3) to take part in an election to such body.

(6) The provision of sub-rule (3) and (5) shall, so far as may be, apply to election to local authorities or bodies, save in respect of employees required or permitted by or under any law, or order of the Government, for the time being in force, to be candidate at such elections.

(7) If any question arises whether any movement or activity falls within the scope of this provision, the decision of the Chairman thereof shall be final.

9.27. Non-Propagation of Sectarian Creeds.- No employee shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure among the employees of Ehtesab Bureau or the Government servants in particular, and among the people in general.

- 9.28. **Not to Express views against the Ideology of Pakistan.**- No employee shall express any views against the ideology of Pakistan or of AJ&K or permit any member of his family/dependent of his family to do so.
- 9.29. **Not to take part in Public Demonstration.**- No employee shall take part in or, in any manner assist, any public demonstration directed against, a decision taken by, or policy of the Ehtesab Bureau, or the Government, as the case may be, or permit any member of his family/dependent on him to do so.
- 9.30. **Vindication of an employee by his Public Acts or Character.**- No employee shall indulge in provincialism, regionalism, tribalism, favoritism, victimization or willful abuse of office.
- 9.31. **Vindication of Official.**- The employee may not, without the previous sanction of the Chairman, have recourse to any court or to the press for vindication of his official acts or character from defamatory attacks .When the Chairman grants sanction to an employee to have recourse to a court, the Ehtesab Bureau may ordinarily bears the cost of the proceedings, but may leave the employee to institute them at his own expense. In the latter case, if he obtains a decision in his favour, the Ehtesab Bureau may reimburse to him the whole cost or any part of that cost.
- 9.32. **Membership of Service Association.**- No employee shall be member, representative or office bearer of any association representing or purporting to represent, employees or any class of employees.
- 9.33. **Non-Political Association.**- No employee shall accept membership of non-political association or organization whose aims and object, nature of activities and membership are not publicly known.
- 9.34. **Political or other influence.**- No employee shall approach directly or indirectly to any foreign mission in Pakistan or any foreign aid giving agency to secure for him invitations to visit a foreign country or elicit offer of training facilities abroad.

- 9.35. **Acceptance of Training Facilities.**- No employee shall, except with the previous sanction in writing of the Chairman, accept or take up training in any other organization within the AJ&K, Pakistan or abroad. No request of advance copy of the request for training in another organization shall be made by the Employee except through proper channel or as may be prescribed by the Chairman by general or special orders.
- 9.36. **Delegation of Powers.**- The Chairman Ehtesab Bureau may by general or special order, delegate to any officer or authority subordinate to him any of his powers under these Rules and may, by such order, prescribe the channel through which reports, shall be regarded as receipts of the reports by the Ehtesab Bureau within the meaning of these Rules.
- 9.37. **Derogation of any Law etc.**- Nothing in these Rules shall derogate from the provisions of any law or of an order of any competent authority for the time being in force, relating to the conduct of employees.

CHAPTER-10

COMMITTAL TO PRISON AND PENDENCY OF CRIMINAL CHARGE

- 10.01 **Committal to Prison.**- (1) The employee committed to prison either for debt or on a criminal charge, shall be considered as under suspension from the date of his arrest, and not allowed to draw any pay for the period of suspension until the termination of the proceedings against him. The adjustment of his pay and allowances shall be made keeping in view the circumstances of the case. The full amount shall only be made in the event of acquittal of the blame or if the imprisonment was for debt, on being proved that the employee's liability arose from circumstances beyond his control.
- (2) Subject to rule 11.02 an employee who is released from the prison on bail, shall be reinstated in service by the competent authority. In respect of pay during suspension, the provision of sub-rule (1) shall apply.
- 10.02 **Pendency of Criminal Charge.**- The employee against whom a criminal charge or a proceeding for arrest for debt is pending, shall also be placed under suspension by the competent authority by issue of specific order to this effect during periods when he is not actually detained in custody or imprisoned (e.g. whilst released on bail), or if the charge made or proceedings taken against him is connected with his official position

as an employee or is likely to embarrass him in the discharge of his duties as such or involves a moral turpitude.

Chapter-11

APPEAL AND REPRESENTATION

11.01 Right to Appeal or Representation.- (1) Where a right to prefer an appeal or apply for review in respect of any order relating to terms and conditions of service is provided to employee under these Rules, such an appeal or application for review shall, except as may be otherwise prescribed, be made within thirty days of the date of communication to him of such order.

(2) Where no provision for appeal or review exists, an employee aggrieved by any order may, within thirty days of the communication to him of such order, make representation to the authority next above the authority, which made the orders:

Provided that no representation shall lie on matter relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or to a higher scale.

11.02 Appeal Against Penalty and Appellate Authority.- (1) Every employee shall be entitled to appeal to the appellate authority from an order passed by competent authority or authorized officer imposing upon him one or more penalties.

(2) The appellate authority for the purpose of sub-rule (1) of this rule shall be the authority next above the competent authority and where the next higher authority is Government, the employee shall be entitled to file review petition within thirty days.

11.03 Appeal Against an Order other than an Order Imposing a Penalty.- (1) The employee shall entitled to file appeal before the appellate authority from an order passed by competent authority which:-

(a) alters to his disadvantage his conditions of service, pay and allowances or pension; or

- (b) interprets to his disadvantage any provision of the rules whereby his conditions of services, pay, allowances or pension are regulated; or
- (c) reduces or withdraw the maximum pension, including an additional pension, admissible to him under the provision governing pension; or
- (d) terminates his employment or give notice which terminates otherwise than;
 - i) on his attaining the age of superannuation; or
 - ii) in accordance with the provision of these Rules:

Provided that a person shall have no right to appeal from an order passed by the Government but he may apply for review of the order:

Provided further that no appeal or review lies on the matters relating to the determination of fitness of a person to hold a particular post or to be promoted to higher post or scale.

(2) The appellate authority for the purposes shall be the authority next above the authority competent to make the appointment on the post held by the employee concerned.

11.04 Submission of Appeal.- (1) Every employee preferring an appeal shall do so separately and in his own name.

- (2) The appeal shall be accompanied by a copy of the order from which it is preferred.
- (3) Every appeal shall contain all material statements and arguments relied upon by the appellant, and shall contain no disrespectful or improper language and shall be complete in all respects, with a specific prayer.
- (4) Every appeal shall be submitted through the head of office to which the appellant belongs or belonged and through the competent authority from whose orders the appeal is preferred.
- (5) Every appeal shall be submitted within a period of thirty days of the communication of the order appealed against.

11.05 Order on Appeal.- (1) In the case of an appeal under rule 11.02 the Appellant Authority shall consider:-

- (a) Whether the facts, on which the order appealed against was based, have been established;
 - (b) Whether the facts established afford sufficient ground for taking action;
- and

- (c) Whether the penalty is excessive, adequate or inadequate; and after such consideration shall confirm, set aside or modify the previous order.

(2) In the case of an appeal under rule 11.03 the Appellant Authority shall pass such order as, having regard to all circumstances of the case, appears to it to be just and equitable.

11.06 Authority to give effect to an order on Appeal.- The competent authority from whose orders an appeal is preferred under these Rules, shall give effect to any order made by the Appellate Authority.

11.07 Withholding of Appeal.- (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if:

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the provisions of sub rule (1), (2), (3) or (4) of rule 11.04; or
- (c) it is not preferred within the time specified in sub-rule (1) of rule 11.01 and sub-rule (5) of 11.04 and no reasonable cause is shown for the delay; or
- (d) it is addressed to an authority to which no appeal lies under these rules; or
- (e) it is a repetition of a previous appeal and is made to the same authority by whom such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of withholding of the appeal and the reasons for withholding it:

Provided further that an appeal withheld on account only of failure to comply with the provision of clause (d) above, may be resubmitted within one month of the date on which the appellant is informed of the withholding of appeal and if resubmitted in a form which complies with these provisions or is addressed to the proper authority, as the case may be, it shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by an authority competent to do so.

11.08 Transmission of an Appeal.- (1) Every appeal which is not withheld shall be forwarded to the Appellate Authority with an expression of opinion by the authority from whose order the appeal is preferred.

(2) A list of appeals withheld under rule 11.07 with reasons for withholding them shall be forwarded quarterly in each calendar year by withholding authority to the appellate authority.

(3) An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

11.09 Review Application/Representation.- (1) The provisions of rule 11.04 to 11.06 shall also apply *mutatis mutandis* to an application for review made to the Government. The Government may either consider the application for review on merit at discretion or take action as laid down in rule 11.07.

(2) The provisions of rule 11.04, sub-rule (2) of rule 11.05, 11.06, 11.07 and rule 11.08 shall apply *mutatis mutandis* to a representation.

11.10 Existing Appeals/Applications for Review/Representation.- All appeals, applications for review and representations pending immediately before coming into force of these Rules, shall be deemed to be appeals or applications for review or representation, as the case may be, under these Rules.

Chapter-12

Miscellaneous, Relaxation, Amendment and Repeal

12.01 Disciplinary Proceedings.- In addition to the provisions of these rules, The Azad Jammu & Kashmir Removal from Service (Special Powers) Act, 2001 and rules, notifications etc., issued thereunder shall, *mutatis mutandis* also be applicable to employees of Ehtesab Bureau.

12.02 Just and Equitable Treatment in Hardship cases.- Notwithstanding anything to the contrary contained in these rules, in relation to the terms and conditions of service of employees of the Ehtesab Bureau, the Government, on the recommendations of the Chairman, for the reasons to be recorded in writing, that strict application of any provision or condition of these rules may causes hardship in any case, by order, may relax this requirement to such extent as deems fit, for ensuring just and equitable treatment to any regular employee without infringing any right of other employees of Ehtesab Bureau.

12.03 Induction of Employees of another Service.- (1) A person belonging to the Government Service and serving on deputation or by transfer in the Ehtesab Bureau, may opt for permanent induction/absorption in the Ehtesab Bureau against the post

equal to or identical with the post held on regular basis by him, under his parent service carder.

(2) The option for absorption once exercised shall be final and subject to the consent of the competent authority of such employee in the parent department and approval of the Appointing Authority in the Ehtesab Bureau, his appointment in the Ehtesab Bureau shall be deemed as appointment on transfer for all purposes under these rules.

12.04 Seniority on Induction.- The seniority of an employee on induction in the Ehtesab Bureau shall take effect from the date of his/her regular appointment in the Ehtesab Bureau.

12.05 Public Service Commission.- All initial recruitments to the posts in BPS-16 and above in the Ehtesab Bureau shall be made on the recommendations of Azad Jammu and Kashmir Public Service Commission.

12.06 Application of Other Rules.- The matters not expressly provided under these Rules shall be governed in accordance with relevant rules, policy and instructions issued from time to time by the Government for Civil Servants.

12.07 Repeal.- The Azad Jammu and Kashmir Ehtesab Bureau Service Rules,2016 dated 13-05-2016 are hereby repealed.

Ambreen Asghar
Section Officer S&GAD
(Regulations)

Copy to:

1. Secretary to the President, Azad Jammu & Kashmir.
2. Secretary to the Prime Minister Azad Government of the State of Jammu & Kashmir.
3. PSO to the Chief Secretary.
4. PS to the Additional Chief Secretary (Dev.), GoAJK.
5. PS to the Additional Chief Secretary (Gen.)/Chairman Rules Committee.
6. PS to the Secretary S&GAD, Azad Government of the State of Jammu & Kashmir.
7. PS to the Secretary, Law, Justice, Parliamentary Affairs & Human Rights Deptt. GoAJ&K.
8. PS to the Chairman Azad Jammu & Kashmir Ehtesab Bureau, Muzaffarabad for information please.
9. The Senior Additional Secretary S&GAD.
10. All the Additional Secretaries S&GAD.
11. The Accountant General, Azad Jammu & Kashmir, Muzaffarabad.
12. The Controller, Government Printing press: for Publication in the Extra-ordinary official Gazette.
13. The Chief Instructor, Kashmir Institute of Management, Muzaffarabad.
14. System Administrator S&GAD.
15. Master File.

Section Officer S&GAD

