



Government of Jammu and Kashmir
Home Department

NOTIFICATION

Jammu, the 22nd Jan, 2019

SRO:- 75 In exercise of the powers conferred by the proviso to section 124 of the constitution of Jammu and Kashmir, the Governor hereby makes the following rules, namely:-

1. **Short Title and Commencement:-** (1) These rules may be called the Jammu and Kashmir Sainik Welfare (Gazetted) Service Recruitment Rules, 2019.

(2) These rules shall come into force from the date of their publication in the Government Gazette.

2. **Definition.** In these rules, unless the context otherwise requires:-

- a) ***“Administrative Department”*** means the Department of the Government in the Civil Secretariat holding the administrative charge of the service;
- b) ***“Board”*** means the Departmental Recruitment Board of the Jammu and Kashmir Sainik Welfare Department”;
- c) ***“Cadre”*** means cadre of the service;
- d) ***“Central Board”*** means Kendriya Sainik Board.
- e) ***“Central Government”*** means the Government of India.
- f) ***“Director”*** means the Director, Sainik Welfare Department.
- g) ***“Ex Defence Officer”*** means a Commissioned Officer retired from Indian Defence Services after rendering minimum pensionable service.
- h) ***“Ex-Serviceman”*** means a person covered under the expression of ex-servicemen as defined by the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training;
- i) ***“Government”*** means the Government of Jammu and Kashmir;
- j) ***“Head of the Department”*** means the Major Head of the Department holding the control of the organization;
- k) ***“Member of the Service”*** means a person appointed to a post in the service under the provisions of these rules.
- l) ***“Permanent resident”*** means a hereditary subject of Jammu and Kashmir State as defined in the Constitution of Jammu and Kashmir;
- m) ***“Post”*** means a permanent post carrying a definite time scale sanctioned by the competent authority;
- n) ***“President”*** means the President J&K Rajya Sainik Board (Governor).
- o) ***“Rules”*** mean the Jammu and Kashmir Sainik Welfare Department (Gazetted) Service Recruitment Rules, 2019.
- p) ***“Secretary”*** means the Secretary J&K Rajya Sainik Board;
- q) ***“Schedule”*** means the Schedule(s) annexed to these rules;

- r) ***"Service" means the Jammu and Kashmir Sainik Welfare (Gazetted) Service;***
- s) Words and expressions used in these rules but not defined shall have the same meaning as are assigned to them in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 and Jammu and Kashmir Civil Service Regulations.
- t) ***"Zila Sainik Welfare Office"*** means a District Level Sainik Welfare Office.

3. Constitution of Service.-

- (1) From the date of commencement of these rules, there shall be constituted the "Jammu and Kashmir Sainik Welfare (Gazetted) Service".
- (2) The Government may, at the commencement of these rules, appoint to the service, any person who at the commencement of these rules is holding in substantive capacity any post included in the cadre of the service:

Provided that for the purpose of initial constitution of service, a person holding any post in substantive capacity to which he was appointed by the competent authority be included in the cadre of the service in its sanctioned scale of pay, shall be deemed to have been appointed to the service under these rules, if he/she is fully qualified to hold the post under these rules unless he/she opts otherwise within 15 days from the commencement of these rules.

Explanation:- The word 'holding' means a person holding a post included in the cadre of Jammu and Kashmir Sainik Welfare Department (Gazetted) service in its sanctioned scale of pay on regular basis under orders of the competent authority and will not cover the persons holding a post on ex-cadre/deputation basis or on adhoc basis or in stop gap arrangement.

- (3) The Government shall, at the interval of every five years or at such other intervals as may be necessary, re-examine the strength and composition of the cadre of the service and make such alterations therein as deems fit.

4. Strength and composition of the service:

The authorized permanent and temporary posts shall be determined by the Government, from time to time and shall, at the initial constitution of the service under these rules, be such as specified in the Schedule-I, annexed to these rules:

Provided that the Government may create temporary posts in the cadre or the service for a specified period or purpose as may be considered necessary from time to time.

5. Qualification and Method of Recruitment.-

- (1) No person shall be eligible for appointment either by direct recruitment or promotion to any post in the service unless
 - (a) he possesses the requisite qualification as indicated in Schedule-II

(b) is an Ex-Serviceman and

(c) a permanent resident of J&K State, besides fulfills other requirements of the recruitment as provided in the rules for the time being in force.

(2) First appointment to the service or class shall be made as under: -

(a) By Direct recruitment, or

(b) By promotion, or

(c) Partly by (a) and partly (b) in the ratio and in manner as mentioned against each post in Schedule-II.

6. **Eligibility Criteria:-** The eligibility criteria for appointment of Director, Sainik Welfare and Zila Sainik Welfare Officers shall be as under:-

- a) The candidate should be an Ex-Serviceman retired/discharged from the Indian Armed Forces. All officers who are allowed to register themselves with the placement agencies of the three Services and Director General Resettlement (DGR) for the purpose of re-employment, in terms of DOPT, GoI definition of Ex-Servicemen (ESM), shall be considered for inclusion in the panel.
- b) The candidate should possess a clean record of service and exemplary character.
- c) The age of the Ex-Serviceman as on 1st January of the year, in which the panel of officers is sought from the Kendriya Sainik Board of the Government of India, Ministry of Defence shall not be more than 60 years for the post of Director Sainik Welfare-cum-Secretary, Rajya Sainik Board and not more than 57 years for Zila Sainik Welfare Officer (ZSWO).
- d) A Zila Sainik Welfare Officer may continue in service upto 60 years of age, subject to his/her satisfactory performance.
- e) The tenure of Director, Sainik Welfare-cum-Secretary, RSB will be for a period of 05 years.

7. **Panel of Officers:-** The procedure for drawing up the panel of officers for appointment to Rajya/Zila Sainik Boards (State/District Sainik Welfare Offices) shall be as under:-

- (a) A request for panel of Officers, who are permanent residents, for the vacancies shall be forwarded by the State Government to the Secretary, Kendriya Sainik Board two months prior to the post falling vacant.
- (b) The Secretary, Kendriya Sainik Board will obtain the names of Officers/Service Personnel from the Directorate General Resettlement/Placement Cells of the three services HQs and confirm the same to the State Government.
- (c) The State Government may also forward names of locally available officers to Secretary, Kendriya Sainik Board for inclusion in the panel, who will have their eligibility for the post verified from the Directorate General

Resettlement/Placemnt HQs. on their eligibility for the post and confirm to the State Government.

- (d) After due verification, Secretary, Kendriya Sainik Board will forward the panel of officers to the State Government for further action, within 4 weeks from the receipt of request from the State Government.

8. **Composition of Selection Board:**

- (a) The composition of Selection Board for appointment of Director, shall be as under:-

- | | | |
|-------|---|--------------------|
| (i) | Chief Secretary | : Chairman |
| (ii) | Three members to be nominated by the Administrative Department. | : Members. |
| (iii) | Representative of the Department of Ex-Servicemen Welfare, Ministry of Defence. | : Member. |
| (iv) | Secretary, Kendriya Sainik Board or his representative not below the rank of Colonel. | : Member |
| (v) | Spl/Addl. Secy. Home Deptt. (dealing with the subject) | : Member Secretary |

- (b) The composition of Selection Board for appointment of Zila Sainik Welfare Officer shall be as under:-

- | | | |
|-------|---|---------------------|
| (i) | Administrative Secretary, Home | : Chairman |
| (ii) | Three Members to be nominated by the Administrative Department. | : Members |
| (iii) | Representative of the Department of Ex-Servicemen Welfare, Ministry of Defence. | : Member |
| (iv) | Secretary, Kendriya Sainik Board or his representative not below the rank of Colonel. | : Member |
| (v) | Director, Sainik Welfare | : Member Secretary. |

9. **Filling up of the Vacancies:** Secretary, Kendriya Sainik Board shall coordinate with the State Government for timely filling up of the vacancies.

10. **Criteria for selection:-**

- (a) An ESM(O) of the rank of Brigadier or of equivalent ranks from Navy or Air Force shall be selected as Director. In case, suitable officers of the rank of Brigadier or equivalent rank are not available, officers of the rank of Col. or equivalent in Navy and Air Force may be considered for selection as Director.
- (b) An ESM(O) of the rank of Colonel/Lt Colonel or of equivalent rank from Navy or Air Force shall be selected as Zila Sainik Welfare Officer.

In case, suitable officers of the rank of Colonel/Lt Colonel or equivalent rank are not available, officers of the rank of Major or equivalent in Navy and Air Forces may be considered for selection as Zila Sainik Welfare Officer.

- (c) In the event of non-availability of suitable officer for (a) and (b) above, dispensation shall be sought from Department of Ex-servicemen Welfare, Ministry of Defence through Kendriya Sainik Board.
- (d) The Administrative Department will place the panel of officers recommended for appointment as Director before the President for approval through Chief Minister (Minister I/C Home) and for the post of Zila Sainik Welfare Officer before the President for approval through Chief Secretary/Chief Minister (Minister I/C Home).
- (e) The pay of the officers so appointed shall be regulated as per the provisions of J&K Civil Services Regulations, 1956.
- (f) The Selectee shall have to execute an agreement as per the devised proforma enclosed as Annexure "A".

11. **Probation.-** Persons appointed to the service either by direct recruitment, or by promotion shall be on probation for a period of two years and their confirmation in class or category shall be made under the provisions of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

12. **Eligibility of Government Servants for direct recruitment:-** An ex-serviceman who is already in Government service may apply through proper channel for direct recruitment to a vacant post in any particular class or category in the service, if he possesses the education and other qualifications prescribed for recruitment to such class or category of post as indicated in Schedule-II of these rules:

Provided that in the case of a post which requires a high degree of specialization or experience, the Government may prescribe a higher age limit.

13. **Training and Departmental Examination:-** Persons appointed to the service will be required to undergo such training from time to time and to pass such departmental examination, as the Government may prescribe.

14. **Promotions:-** Promotions will be made on the recommendations of the Departmental Promotion Committee as may be constituted for the purpose in accordance with SRO 164 of 2005 dated 14.06.2005.

15. **Maintenance of Seniority:-** Seniority of the members of the service shall be regulated under the Jammu and Kashmir Civil service (Classification, Control and Appeal) Rules, 1956. The Administrative Department shall maintain an up-to-date and final seniority list of members of the service.

16. **Discipline and Conduct.-** In regard of all matters governing the service conditions of the members of the service and their conduct and discipline, the

provisions of Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules 1956 and other rules and others in force at the time shall apply.

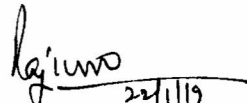
17. **Residuary Matters:** In regard to matters not specifically covered by these rules, the members of the service shall be governed by rules/regulations and orders applicable to the State Civil Services in general.

18. **Interpretation:** If any question arises relating to the interpretation of these rules, the matter shall be referred to the Administrative Department whose decisions there-on shall be final and binding.

19. **Repeal and Savings:-** (1) The Jammu and Kashmir Rajya-cum-Zila Sainik Board (Gazetted) Service Recruitment Rules, 1971 are hereby repealed.

(2) Notwithstanding such repeal, any appointment order made or action taken under the provisions of these rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By Order of the Governor.

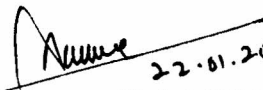

(R. K. Goyal) IAS
Principal Secretary to Government
Home Department

No:- Home/ SW/SSB/18/2014

Dated:- .01.2019

Copy to:-

1. Commissioner/Secretary to the Government, General Administration Department.
2. Commissioner/Secretary to the Government, ARI & Trainings Department.
3. Secretary to the Government, Department of Law, Justice & Parliamentary Affairs.
4. Director, General Resettlement, Government of India, Ministry of Defence, New Delhi.
5. Director, Sainik Welfare, Department, J&K, Jammu.
6. General Manager, Ranbir Government Press, Jammu for publication in the Government Gazette. He is also requested to furnish 25 copies of these rules to this department.
7. Stock file.


(Waseem Raja) KAS
Deputy Secretary to Government
Home Department, J&K, Jammu

Schedule – I to Notification SRO 75 Dated 22-01-2019

S.No	Designation of the post	Pay Band with Grade Pay	No of posts
1.	Director,	15600-39100 + 6600	01
2.	Zila Sainik Welfare Officer	9300-34800 + 4300	11
3.	Assistant Director	9300-34800 + 4300	01
Total:			13

Schedule – II to Notification SRO 75 Dated 22-01-2019

Class	Designation of the post	Pay Band and Grade Pay	Minimum qualification for direct recruitment	Method of recruitment
I	Director	15600-39100 + 6600	Graduation or Above	Shall be appointed by the President on the recommendations of the Selection Board and Chief Minister (Minister I/C Home).
II	Zila Sainik Welfare Officer	9300-34800 +4300	Graduation or above	Shall be appointed by the President, on the recommendations of the Selection Board and Chief Minister (Minister I/C Home)/Chief Secretary.
III	Assistant Director	9300-34800 +4300	-	100% by promotion from the Section Officers of the Sainik Welfare Department having at least seven years service as such.

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ANNEXURE-'A'

CONTRACT AGREEMENT FORM:

This agreement is made on _____ day of _____, between _____ (hereafter) called the Contracting party) on the one part and the Governor of Jammu and Kashmir (hereafter called the Government) on the other party.

"hereby it is agreed as follows:-

1. That the contracting party will remain in the service of the Govt. as _____ for a period of _____ years from _____ As such officer he shall discharge such duties and perform such function as may be assigned to him from time to time by the Govt. or by the officer or authority under whom he may be placed by the Government.
2. That the contracting party will submit himself to the orders of the Govt. and of the officers and authorities under whom he may from time to time be placed by the Government and will at all times obey rules prescribed for the regulations of the branch of Public Service to which he may belong and will from time to time proceed to any part of the State to which he may be required to proceed.
3. That the contracting party will perform the duties of his office efficiently and diligently and to the best of his ability and will act at any time during his employment under this agreement directly or indirectly engage in any trade business or occupation and that he will absent himself from duty without permission from the Government or the officer or authority under whom he may be placed.
4. The services of the contracting party will be terminable by the Govt. at one month's notice during the first year and three months notice during the second and third years.
Provided that the Govt. may terminate the services of the contracting party at a shorter notice but in every such case the Government will pay to the contracting party a sum equivalent to his salary for one month or three months as the case may be.
Provided that the Govt. may terminate the services of the contracting party at the time without notice if
 - a) as a result of medical examination he is found to be unfit or is for a considerable period, likely to remain unfit by reasons of ill health for the discharge of his duties, or
 - b) he is found to be guilty of insubordination, corruption or misconduct or of breach of any of the conditions of this agreement.
5. That the scale of pay of the contracting party so long as he shall remain in the service and perform his duties shall be _____ and the contracting party will start in this stage of Rs. _____ per mensem and shall be entitled to regular increments from time to time as admissible under J&K Civil Service Regulations as also to the dearness allowances as drawn by regular Govt. employees in the _____.
- Provided that the pay of the contracting party may be revised as and when scale of pay is enhanced/revised by the State/Central Govts. For his post/appointment
6. That the Govt. will pay the contracting party for the journeys performed by him in the interest of the Govt. work travelling allowance at the rates admissible to the officers of his status in the public service of the state.
7. That the contracting party will be entitled during the term of his engagement to leave and leave salary as admissible to officers in the temporary services of State Govt.

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That the contracting party shall not be entitled to ^{any} pension gratuity or retirement benefits but that while this agreement is in force he may subscribe to the provident fund in accordance with the rules for time being in force in the state in that behalf. This amount at his credit, in the fund will be paid to him on his quitting the service or to his legal representatives in the event of his death whilst in service;

Provided that the whole or any part of such amount and interest accrued thereon may be withheld to meet a liability incurred to the Government.

That in the event of his suspension ^{pending} enquiry into any matter provided for a clause (B) of second proviso to clause 4, the contracting party will be entitled to such subsistence allowances as may be fixed by the Government.

That in respect of any matter not provided for in this agreement the provisions of the rules applicable general to services under the Government shall so far as are made applicable during the service under the agreement to the contracting party by the Government apply to the contracting party and for this purpose the said rules shall be deemed to have been incorporated into the forming part of this agreement.

In witness whereof the parties to the agreement have signed this deed on the date mentioned above.

For and behalf

** Government of Jammu and Kashmir.

Signature of the
Contracting party.

1. Witness
Address

Witness
Address

2. Witness
Address

Witness
Address