

**GOVERNMENT OF JAMMU AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

SRINAGAR, THE 5TH AUGUST, 2003.

SRO – 255 :- 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 Contractual Appointment Rules, 2003.

(2) They shall come into force at once.

2. Definitions. - In these rules, unless the context otherwise requires. -

(a) "appointing authority" means the authority competent to make appointments in respect of posts under relevant Service Recruitment Rules;

(b) "Form" means the agreement form appended to these rules as Form 'A';

(c) "Government" means the Government of Jammu and Kashmir;

(d) "Post" means the posts under the Government against which appointment is to be made under these rules;

(e) "Selection Committee" means the committee constituted under rule 6 of these rules; and

(f) "Words and expressions" used in these rules but not defined shall have the same meaning as assigned to them in the Jammu and Kashmir Civil Services (Classifications, Control and Appeal) Rules, 1956.

3. Application of the Rules: -These rules shall apply to the posts notified vide Government Order No. 1018-GAD of 2003 dated 05-08-2003 and to such other posts as may be notified from time to time in the General Administration Department by Government Order.

4. Appointment under these rules: - (1) Notwithstanding anything to the contrary contained in any rule or order for the time being in force relating to the method of recruitment and conditions of service for recruitment in any service, or to any post, under the Government, the appointing authority may appoint persons to the posts notified under Rule 3 on contract basis initially for a period of one year or till regular selection is made in accordance with the rules of recruitment governing the respective posts, whichever is earlier.

Provided that the appointment under these rules shall not entitle the appointee to any preferential claim for regular appointment under normal process of selection.

(2) The services of an appointee under these rules shall be terminable before the expiry of the contractual period with one month's notice, from either side, or on payment of one month's salary in lieu of notice by the appointing authority.

(3) The appointee under these rules shall have to execute an agreement with the Government on the prescribed form appended as Form 'A' to these rules.

5. Eligibility: - Eligibility for appointment shall be the same as is for the post prescribed under the rules of recruitment.

6. Selection Committee: - The selection of candidates shall be made by a selection committee comprising of: -

(1) Deputy Commissioner of the concerned District - Chairman

(2) The Head of the concerned Department at the District level - Member Secretary

7. Mode of Selection: - (1) The Selection Committee shall invite applications for recruitment under these rules in their respective Districts. After assessing the merit of the candidates in a fair and transparent manner, the Selection Committee shall prepare a select list which shall not exceed the number of vacancies so advertised and furnish the same to the appointing authority within a period of 15 days from the date of selection.

(2) The appointing authority shall issue appointment orders strictly in accordance with the select list furnished by the Selection Committee within a period of 7 days positively keeping in view the reservation provided under the Jammu and Kashmir Reservation Rules, 1994.

8. Salary: - (1) The appointee under these rules shall be paid a consolidated monthly salary equivalent to the minimum of the pay scale of the post to which he may be appointed:

Provided that the consolidated salary of a Degree holder Junior Engineer will be equivalent to the basic pay of the post of Junior Engineer plus eight increments.

(2) An appointee shall not be entitled to any other allowances or monetary benefits, whatsoever.

9. Posting of the appointee: - An appointee under these rules shall have to work at the place and against the post to which he has been appointed and shall not be eligible for transfer from the place of posting.

10. Conditions of service: - In the matter of age, qualification, discipline, conduct and other allied matters an appointee under these rules shall be governed by the recruitment rules besides other rules, regulations and orders in vogue in the State Civil Services in general:

Provided that there shall be no ratio system between degree and diploma holders while making appointment for engineering service.

By order of the Governor.

Sd/- (S.L.Bhat)
Principal Secretary to Government

'FORM A'

THIS AGREEMENT is made on _____ day of _____ between the Governor of Jammu and Kashmir through the appointing authority of the one part and Sh./Smt. _____ S/o,D/o,W/o _____ residing at _____ (hereinafter called as the contracting party) of the other part;

WHEREAS the post of _____ in the Department of _____ has fallen vacant and it is likely to take a lot of time to fill up the said post on regular basis through the existing process of selection and appointment in accordance with the rules;

AND WHEREAS administrative exigency warrants immediate filling up of said post in public interest;

AND WHEREAS the Government has decided to fill up the available vacancies immediately on contract basis under Jammu and Kashmir Contractual Appointment Rules, 2003;

AND WHEREAS the selection committee, constituted under Rule 6 of the said rules after inviting applications from the persons eligible for the post, has selected the contracting party for the post of _____ and his appointment has been approved by the appointing authority on contract basis;

NOW THIS AGREEMENT WITNESSES and the parties hereto hereby agree as follows:

1. That the appointment of the contracting party shall be purely on contract basis for a period of one year from the day of signing of this agreement or till regular selection is made in accordance with the rules of recruitment governing the post, whichever is earlier.
2. That the contractual appointment of the contracting party shall be terminable on either side by prior notice of one month or on payment of one month's salary by the appointing authority:

Provided that the appointment of the contracting party shall be terminable without notice by the appointing authority whenever the post is filled up on regular basis by it and the contracting party shall have no claim against the Government or the appointing authority.

3. That the contracting party shall submit himself to the orders of the Government and the officers and authorities under whom he may be placed from time to time by the Government.
4. That the Government will pay the contracting party a consolidated salary of Rs _____ per mensem as long as he shall remain in the service and actually performs his duties.
5. That the contracting party shall be entitled to a casual leave of 15 days for the whole period of his contractual appointment of one year. Any leave beyond that period, on whatever ground it may be, shall be at the discretion of the appointing authority on justified grounds.
6. That if the contracting party at any time wilfully neglects or refuses to perform his duties, the appointing authority shall immediately terminate his contractual appointment without any notice and he shall not be entitled to any salary for such period.

IN WITNESS WHEREOF the parties hereto have herein signed this agreement.

Governor of Jammu and Kashmir
Through the appointing authority
Represented by _____

The Contracting party

Witnesses:

1. _____
2. _____

Witnesses:

1. _____
2. _____

No:GAD(Adm)186/2003-V

Dated : 05-08-2003

Copy forwarded to the:-

1. All Financial Commissioners
2. Director General of Police, J&K.
3. All Principal Secretaries to Government
4. Principal Secretary to Hon'ble Chief Minister
5. All Commissioner/ Secretaries to Government
6. Divisional Commissioner Jammu/ Kashmir
7. Secretary to H.E the Governor
8. All Heads of Departments
9. Resident Commissioner, J&K Government, 5-Prithviraj Road, New Delhi
10. Director Information, J&K.
11. Director Estates
12. All Deputy Commissioners
13. Secretary J&K Legislative Assembly/ Council
14. Secretary, J&K Public Service Commission/ Services Selection Board
15. Additional Secretary to Hon'ble Deputy Chief Minister
16. All concerned District Level Heads of the Departments
17. Deputy Secretary (Services), General Administration Department
18. Private Secretaries to all Hon'ble Cabinet Ministers/ Hon'ble Ministers of State.
19. General Manager, Government Press Jammu/ Srinagar
20. PS to Chief Secretary
21. PS to Principal Secretary to Government GAD