

EXTRAORDINARY

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separate compilation.

**PART I-B**

**Jammu and Kashmir Government—Notifications.**

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—HOME DEPARTMENT

Notification

Srinagar, the 11th July, 2018.

SRO-306.—Whereas, vide Government Order No. 261 (SW) of 2013 dated 02-07-2013, sanction was accorded to the creation of following posts for Zila Sainik Welfare Office at Kargil :—

S. No.	Name of the Post	Number of posts
1	Secretary/Zila Sainik Welfare Officer	01
2	Head Assistant	01
3	Senior Assistant	01
4	Junior Assistant	01
5	Welfare Organiser	01
6	Peon-cum-Chowkidar	02

2. Whereas, the Director, Sainik Welfare, J&K, Jammu vide his communication No. 355-Estt/Kargil/DSW/2016/2435 dated 03-08-2016, *inter alia*, intimated that for five posts i. e. from Sr. No. 03 to 06 referred to hereinabove were advertised number of times but no eligible candidate(s) applied for the advertised posts. He has recommended that as a special case, necessary sanction may be granted to accept the candidates from Districts Leh and Srinagar also after making advertisement with modified eligibility, the suitable candidates will be selected in the following priority :—

- |     |                 |   |              |
|-----|-----------------|---|--------------|
| (a) | Kargil District | - | Priority-I   |
| (b) | Leh District    | - | Priority-II  |
| (c) | Srinagar        | - | Priority-III |

3. Whereas, the Jammu and Kashmir Department of Sainik Welfare (Subordinate) Service Recruitment Rules, 2003 notified vide SRO-286 dated 02-09-2003 govern the service conditions of Non-Gazetted service of Sainik Welfare Department. Rule 5 of the said rules prescribes the qualification and method of recruitment. The said rule reads as under :—

*“...5. **Qualification and method of recruitment.**—(1) No person shall be eligible for appointment or promotion to any post in the service unless he possesses the requisite qualifications as laid down in schedule ‘B’ and fulfills other requirements of the recruitment as provided in the rules and orders for the time being in force.*

*(2) No person shall be appointed to any post in the service unless he is an Ex-serviceman and a permanent resident of the State.*

*(3) Appointment to the service shall be made—*

- (a) by direct recruitment ;*
- (b) by promotion ;*

(c) *partly by direct recruitment and partly by promotion the manner and ratio as indicated against each post in Schedule 'B'.*"

4. Whereas, in light of the above recommendations of the Director, Sainik Welfare, the case was examined in the Home Department, and it was felt to fill up these posts from the adjacent districts of Leh, Ganderbal and Srinagar through proper advertisement in the following manner :—

a.	District Kargil	Priority-I
b.	District Leh	Priority- II
c.	District Ganderbal	Priority-III
d.	District Srinagar	Priority- IV

5. Whereas, the matter was required to be considered by the Competent Authority in relaxation of the relevant rules and accordingly a note in co-ordination on the above lines was submitted to the General Administration Department for approval of the Hon'ble Chief Minister through Chief Secretary for accord of sanction to the filling up of the following posts in Zila Sainik Welfare Office, Kargil from the adjacent Districts viz. Leh, Ganderbal and Srinagar with Priority II, III and IV, respectively through proper advertisement in relaxation of relevant rules governing the subject :—

S. No.	Name of the post	Number of posts	Pay Band/Grade Pay
1.	Senior Assistant	1	5200- 20200+ 2400
2.	Junior Assistant	1	5200- 20200+1900
3.	Welfare Organiser	1	5200- 20200+1900
4.	Peon-cum-Chowkidar	2	4440-7440+1300
<b>Total</b>		<b>5</b>	

6. Whereas, the General Administration Department returned the above proposal with the following observations :—

*“The department is advised to re-examine the departmental proposal (draft resolution) in light of the following :—*

- (a) Whether the proposed course of action would not be violative of Section 6 of the Jammu and Kashmir Civil Services (Decentralization and Recruitment) Act, 2010.*
- (b) Desirability of transferring/notifying these posts as Divisional cadre posts.*

7. Whereas, in view of the above advice of the General Administration Department, the matter after being further examined in the department was again referred to the General Administration Department. The said department was *inter alia*, intimated that only ex-servicemen are eligible for selection/working in Sainik Welfare Organization and funding pattern is 75% by Central Government and 25% by State Government and employees are being paid as last pay drawn minus pension.

8. Whereas, the General Administration Department vide U. O. dated 20-03-2018 returned the proposal with the following observations :—

*“Returned. The matter was taken up with the Department of Law, Justice and Parliamentary Affairs for opinion, who vide U. O. No. LD (Ser)/2017/124-GDC dated 12-02-2018 opined as under :—*

*“Department is advised to take recourse either of the two provision i. e. clause (ii) of section (3) or 1st proviso to section 4 of the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2010 and exclude these posts by a notification from the operation of Act, 2010 in view of the facts and circumstances of the case”.*

9. Whereas, in view of the above advice of the General Administration Department, the matter was further examined in light of the provisions contained in the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2010 and the relevant recruitment rules governing the subject. It was observed that in order to make the Zila Sainik Welfare Office, Kargil functional, the viable option is to invoke the first proviso to Section 4 of the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2014 which reads as under :—

*“Provided that the Government may, by notification in the Government Gazette, in exceptional circumstances and for sufficient reasons, exclude a post or a category of posts ordinarily falling within District or Divisional Cadre, and include it in the Divisional or State Cadre as may be necessary”.*

10. Now, therefore, in exercise of the powers conferred by first proviso to section 4 of the Jammu and Kashmir Civil Services Decentralization and Recruitment Act, 2010, the Government hereby direct that following category of posts of Zila Sainik Welfare Office at Kargil ordinarily falling in District Cadre, Kargil shall be excluded therefrom and included in Divisional Cadre, Kashmir as a one-time exception only, namely :—

S. No.	Name of the post	Number of posts	Pay Band/Grade Pay (Pre-revised)
1.	Senior Assistant	1	5200- 20200+2400
2.	Junior Assistant	1	5200-20200+1900
3.	Welfare Organizer	1	5200-20200+1900
4.	Peon-cum-Chowkidar	2	4440-7440+1300

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,  
Principal Secretary to Government,  
Home Department.