

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD

Dated the 18th August, 1992.

No. 823-28/LD/Leg(O)/92. The following Act of the Assembly received the assent of the President on 16th August, 1992, is hereby published for general information:--

[Act XXII of 1992]

AN

ACT

to provide for regularization of the services of certain civil servants appointment on ad hoc basis;

WHEREAS, it is expedient in the public interest*to provide for regularization of the services of certain civil servants appointed on ad hoc basis in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Civil Servants (Regularization of Ad-hoc appointments) Act, 1992.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless the context otherwise

requires—

(a) "Act" means the Azad Jammu and Kashmir Civil Servants Act, 1976;

(b) "Commission" means the Azad Jammu and Kashmir Public Service Commission;

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

(d) "Post" means a post sanctioned by Government connected with the affairs of the State of Jammu and Kashmir;

¹ Act XXII of 1992 repealed by the Azad Jammu and Kashmir Civil Servants (Regularization of Ad-hoc appointments) Repeal Act, 1994 (XIII of 1994) dt. 16.03.1994.

(2)

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The expression "ad hoc appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the Act.

Regularization of Services of certain Civil Servants.-

Notwithstanding anything contained in any law or rule, or in any

decree, order or judgment of the Court, all civil servants holding ad hoc appointment till the date of Commencement of this Act, shall be deemed to have been validly selected and appointed to the post held by them on regular basis, with effect from the date of Commencement of this Act:

Provided that--

(i) Such Civil Servants possess the educational qualification and experience prescribed for the posts; and

(ii) the commission has in respect of the post held by such civil servant not recommended any other\person on or before the Commencement of this Act.

Procedure for termination of services where such termination is necessary.- To accommodate the recommendees of the commission, the service of the junior most and ad hoc Civil Servants will be terminated:

Provided that in case.of two or more ad hoc civil servants whose date of appointment is the same, the services of the civil servants younger in age shall be terminated.

Determination of _seniority.- (1) The civil servants whose services are regularized under this Act shall rank junior to all civil servants belonging to same service or cadre, as the case may be, who. are in service on regular basis on the Commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the Commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter se of the civil servants, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiating in such service or cadre:

Provided that if the date of continuous officiating in the case of two or more civil servants is the same, the civil servant older in age shall rank senior to the younger civil servant.

Discretionary Appointments.- All civil servants holding

discretionary appointment to a post on or before the 30th day of

June, 1992 who have held discretionary post continuously for

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more than five years shall be deemed to have been appointed on regular basis from the date of Commencement of this Act.

Sd/-

(Syed Shakir Shah)

Additional Secretary Law.