

**THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated 20th March, 1978.

No. 965/SL/78. The following Ordinance made by the President on 20th day of March, 1978, is hereby published for general information:-

(ORDINANCE XIII OF 1978)

AN

ORDINANCE

to amend the Azad Jammu and Kashmir Public Service Commission Ordinance, 1978

WHEREAS it is expedient to amend the Azad Jammu and Kashmir Public Service Commission Ordinance, 1978 (III of 1978), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement:-** (1) This Ordinance may be called the Azad Jammu and Kashmir Public Service Commission (Amendment) Ordinance, 1978.
(2) It shall come into force at once and shall be deemed to have taken effect on the twenty-fifth day of January, 1978.
2. **Amendment of Section 1, Ordinance III of 1978:-** In the Azad Jammu and Kashmir Public Service Commission Ordinance, 1978 (III of 1978), hereinafter referred to as the said Ordinance, in Section 1, for sub-section (3), the following shall be, substituted, namely:-
"(3) It shall come into force at once and shall be deemed to have taken effect from the twenty-fourth day of August, 1974."
3. **Insertion of new Section 8-A, Ordinance III of 1978:-** In the said Ordinance, after section 8, the following new Section shall be inserted, namely :-
"8-A.- Previous appointments:- Notwithstanding anything contained in section 7 or any law for the time being in force or an appointment Order,-
 - a) all persons recruited without reference to the Commission to the posts prescribed under

Section 7 at any time between twenty-fourth day of August, 1974 and coming into force of the Public Service Commission (Functions) Rules framed immediately after promulgation of this Ordinance, shall be deemed to be adhoc appointments and the post held by any such person shall be filled in accordance with the provisions of this Ordinance within such period, not exceeding six months, as may be fixed by the Government by a special or general Order;

- b) all recruitments other than those mentioned in clause (a) to the posts prescribed under Section 7 at any time between twenty-fourth day of August, 1974 and coming into force of the Public Service Commission (Functions) Rules framed immediately after promulgation of this Ordinance shall be referred to the Commission and if in the opinion of the Commission, a person recruited to any such post, is not fit to hold that post, he may be discharged from service; and
- c) All appointments made by promotion to posts in Grade 16 and 17 at any time between twenty fourth day of August, 1974 and eighth day of May, 1977 shall be referred to the Commission and if in the opinion of the Commission, a person so appointed, is not fit to hold that post, he may be reverted to the post previously held by him."

4. **Addition of new Section 11, Ordinance III of 1978:-** in the said Ordinance, after Section 10, the following new Section shall be added, namely :-

"11. Rules to have retrospective effect.- The Public Service Commission (Functions) Rules framed under Section 10, immediately after the promulgation of this Ordinance, shall be deemed to have taken effect on the twenty-fourth day of August, 1974."

(Mohammad Ibrahim Khan)
President,
Azad Jammu and Kashmir.

Sd/- (Sardar Aftab Ahmed Khan)
Secretary Law.