

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

Dated the 1-6-1978.

No. 2024/SL/78. The following Ordinance made by the President on the 1st day of June, 1978, is hereby published for general information:-

(ORDINANCE XXXVIII OF 1978)

AN

ORDINANCE

to provide for Azad Jammu and Kashmir Public Service Commission

WHEREAS it is expedient to provide for Azad Jammu and Kashmir Public Service Commission and for matters ancillary thereto, in the manner 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 Ordinance, 1978.
 - (2) It shall come into force at once and shall be deemed to have taken effect from the twenty - fourth day of August, 1974.
2. **Definitions:-** In this Ordinance, unless there is anything repugnant in the subject or context,-
 - (a) 'Commission' means the Azad Jammu and Kashmir Public Service Commission;
 - (b) 'Government' means the Azad Government of the State of Jammu and Kashmir;
 - (c) 'Member' means a member of the Commission and includes the Chairman thereof;
 - (d) 'President' means the President of Azad Jammu and Kashmir; and

(e) Service of Azad Jammu and Kashmir means the service of Azad Jammu and Kashmir as defined in the Azad Jammu and Kashmir Interim Constitution Act, 1974.

3. **Composition of Commission etc:-** (1) There shall be an Azad Jammu and Kashmir Public Service Commission consisting of the following three members :-

- (i) One Chairman;
- (ii) One non-official part-time Member; and
- (iii) an ex-officio Member.

(2) The Chairman and other members of the Commission shall be appointed by the President.

(3) Two members of the Commission shall be persons who have held office in the Service of Azad Jammu and Kashmir for not less than twenty years.

(4) The pay and other conditions of service of members shall be such as may be determined by the President:

Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

4. **Terms of office of members, etc:-** (1) The President may determine the term of office of the Chairman and other members which shall not exceed three years :

Provided that the President may extend the term of office of the Chairman or any other member for such period, not exceeding two years, as it may deem fit.

(2) A member may resign his office by writing under his hand addressed to the President.

5. **Ineligibility for further employment:-** (1) On ceasing to hold office, a member, except in the case of an ex-officio member, shall not be eligible for further employment in the service of Azad Jammu and Kashmir.

(2) Nothing in sub-section (1) shall be deemed to prevent a member other than the Chairman from being appointed as Chairman.

6. **Removal from office:-** A member shall not be removed from office except in the manner to be prescribed by rules made under section 10.

7. **Functions of the Commission:-** The functions of the Commission shall be
- (a) to conduct tests and examinations for recruitment to the civil services of Azad Jammu and Kashmir and such posts in connection with the affairs of the Government as may be prescribed by rules made under Section 10 ;
 - (b) to advise the President on matters relating to qualifications for, and method of recruitment to, the services and posts referred to in clause (a); and
 - (c) any other matter which the President may refer to the Commission.

Explanation:- In this Section, 'recruitment' means initial appointment otherwise than by promotion or transfer.

8. **Commission to be informed when its advice not accepted:-** Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.

9. **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 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 eight 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.
10. **Reports of Commission.**- (1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the Legislative Assembly of Azad Jammu and Kashmir.
- (2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission-
- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons, thereof; and
- (b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons thereof.
11. **Power to make rules.**- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.
12. **Rules to have retrospective effect.**- The Public Service Commission (Functions) Rules framed under Section 11, immediately after the promulgation of this Ordinance, shall be deemed to have taken effect on the twenty-fourth day of August, 1974,
13. **Repeal.**- The Azad Jammu and Kashmir Public Service Commission (Amendment) Ordinance, 1978 (Ordinance XIII of 1978) is hereby repealed.

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

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