

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

Dated 29th January, 1984.

No. 196/LD/84. The following Ordinance made by the President on the 29th day of January, 1984, is hereby published for general information:-

(Ordinance XXV of 1984)

**AN
ORDINANCE**

further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976.

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976) 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 Civil Servants (Amendment) Ordinance, 1984.
 - (2) It shall come into force at once.
2. **Amendment of Section 2, Act VI of 1976:-** In the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976) hereinafter referred to as the said Act, in sub-section (1) of section (2), for clause (b) the following shall be substituted.-
 - (b) "Civil Servant" means a person who is appointed to any Service of the State of Jammu and Kashmir or holds a civil post in service of Azad Jammu and Kashmir employed in connection with the affairs of the State but does not include.-
 - (i) a person who is on deputation to the service of Azad Jammu and Kashmir in connection with the affairs of the Government, form the Council or the Federation or any Province of Pakistan or authority;
 - (ii) a person who is employed on contract, or on work-charged basis, or who is paid from contingencies;

- (iii) a person who is a 'worker' or 'workman' as defined in the Factories Act 1934 (XXV of 1934) or the workman's Compensation Act, 1923 (VIII of 1923)".

3. **Amendment of Section 7, Act VI of 1976.**- In the said Act, in Section 7, after sub-section (4) the following new sub-section (5) shall be inserted and shall be deemed to have taken effect on and from the 14th day of the April, 1976.-

“(5) Notwithstanding anything contained in this Act or in any other law for the time being in force, a medical practitioner who, following his release from service with the Armed Forces, after having rendered satisfactory Service under compulsory Service in the Armed Forces Ordinance, 1971 (XXXI of 1971) of Pakistan for a period of not less than two years enters employment of the Government shall be entitled to count towards his seniority in such employment the period of service rendered by him under the aforesaid Ordinance and to his pay in such employment being fixed after giving him credit for the service so rendered.”

4. **Amendment of Section 12, Act VI of 1976.**- In the Azad Jammu and Kashmir Civil Servants Act, 1976 (Act VI of 1976), for the existing section 12, the following shall be substituted.-

“12. Retirement from service.- A civil servant shall retire from service:-

- (i) in case of a person holding a post equivalent to the post of Additional secretary to Government of Pakistan or a higher post, on such date as the competent authority may in the public interest direct;
- (ii) in any other case, on such date after the has completed twenty five years of service qualifying for pension or other retirement benefits, as the competent authority may, in the public interest direct; or
- (iii) where no direction is given under the clause (i), or clause (ii), on the completion of Sixtieth years of his age.

Explanation.- In this Section “competent authority” means the appointing authority or a person duly authorised by the appointing authority in that behalf not being a person lower in rank to the civil servant concerned.”

5. **Insertion of new Section 12-A, Act VI of 1976.**- In the said Act, after Section 12, the following new Section 12-A, shall be inserted, namely:-

“12-A. **Certain persons to be liable to removal or reversion.**- Notwithstanding anything contained in his terms and conditions of service a civil servant appointed or promoted during the period from the sixteenth day of April 1975 to the eleventh day of August, 1977, may be removed from service or reverted to his lower post or grade, as the case maybe, without notice by the President or a person authorised by him in this behalf, on date as the President or as the case may be, the person so authorised may in the public interest, direct.”

6. **Amendment of Section 13, Act VI of 1976.**- In the said Act, in Section 13, and sub-section (1), the proviso shall be deleted and shall be deemed always to have been so deleted.
7. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, every thing done, all actions taken, notifications issued, orders or appointments made, proceedings initiated jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Civil Servants (Amendment) Ordinance, 1977 (Ordinance XII of 1977) or its succeeding Ordinances issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Ordinance.

Sd/- (Major General (Retd). Abdul Rehman Khan)
President,
Azad Jammu And Kashmir.
(Ch. Muhammad) Joint Secretary