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PART—III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
AGRICULTURE PRODUCTION DEPARTMENT

Notification

Jammu, the 23rd April, 2002.

SRO-161.— In exercise of the powers conferred by *the* proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor hereby makes the following rules, namely:—

1. Short title and commencement.— (a) These rules may be called the Jammu and Kashmir Horticulture (Gazetted) Service Recruitment Rules, 2002.

(b) They shall come into force from the date of their publication in the Government Gazette.

2. Definitions.— In these rules, unless the context otherwise requires:—

(a) "Administrative Department" means the department of the Government in the Civil Secretariat holding the administrative charge of the service;

(b) "Cadre" means the cadre of the service;

- (c) "Commission" means the Jammu and Kashmir Public Service Commission;
- (d) "Member of service" means a person appointed to a post in the service under the provisions of these rules;
- (e) "Schedule" means the schedule annexed to these rules;
- (f) "Service" means the Jammu and Kashmir Horticulture (Gazetted) Service; and
- (g) "Words and expressions" used in these rules but not defined shall have the same meaning as are assigned to them in the Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956.

2. Constitution of service.— (1) From the date of commencement of these rules there shall be constituted the Jammu and Kashmir Horticulture (Gazetted) Service.

(2) The Government may, at the commencement of these rules appoint to the service any person who at the commencement of these rules is holding any post in its sanctioned scale of pay included in the cadre of the service:

Provided that for the purpose of initial constitution of the service, a person holding any post included in the cadre of the service in its sanctioned scale of pay shall be deemed to have been appointed to the service under these rules, if he is fully qualified to hold the post.

Explanation.— The word "holding" means a person holding a post included in the cadre of the Jammu and Kashmir Horticulture (Gazetted) Service in its sanctioned scale of pay on regular basis under orders of the competent authority and will not cover the persons holding a post on ex-cadre/deputation basis or on ad hoc basis or in a stop gap arrangement.

4. Strength and composition of the service.— (3) The authorized permanent and temporary strength of the cadre and the nature of the posts included therein shall be determined by the Government from time to time and shall at the initial constitution of the service under these rules be such as specified in the Schedule I annexed to these rules:

Provided that the Government may create temporary posts in the service for specified period as may be considered from time to time.

Government shall, at the interval of every three or other intervals as may be necessary, re-examine and composition of the cadre of the service and conditions therein as it may deem fit:

that nothing in this sub-rule shall be deemed to

effect the power of the Government to alter the strength and composition of the cadre at any time.

5. Qualification and method of recruitment. — 1) No person shall be eligible for appointment or promotion to any post in any class, category or grade in the service unless he possesses the qualifications as laid down in Schedule II and fulfils other requirements of recruitment as provided in the rules and order for the time being in force.

(2) Appointment to the service shall be made, —

- (a) by direct recruitment (which will include appointment by transfer);
- (b) by promotion; and
- (c) partly by direct recruitment and partly by promotion in the manner mentioned against each post in the Schedule II.

6. Probation. — (1) Persons appointed to the service, either by direct recruitment or by promotion shall be on probation or trial for two years.

(2) If it appears at any time during or at the end of the period of probation or of trial that an officer has not made sufficient use of his opportunities or if he has otherwise failed to give satisfaction and has not passed the prescribed departmental examination or training, ~~if~~ directly recruited, be discharged from the service and if appointed by promotion be reverted to the post on which he holds a lien. *if any*

(3) The Government may in the case of any person extend the period of probation or trial upto the maximum period of four years.

Explanation. — Appointments on probation will be made against substantive vacancies only. All other appointments will be on trial. —

Provided that any period of officiating appointment shall be reckoned as period spent on probation when a person appointed on trial is given regular appointment in the service.

(4) A candidate appointed to the service by competitive examination shall be allowed the minimum of the time scale during the first year and at the second stage of the scale during the remaining period of probation/trial. Where the period of probation/trial is extended beyond two years for reasons not directly attributable to the probationer he shall be allowed to draw the second and third increments after the expiry of 2nd and 3rd years of probation/trial.

Provided that where a person has immediately before such appointment, been holding a post under the Government in a substantive capacity and was drawing therein pay equal to or more than the minimum of the time scale, his initial pay at the time of his appointment to the service, shall be regulated under Article 77 (a) (ii) read with Article 67 (a) (ii) of the Jammu and Kashmir Civil Service Rules.

(5) In respect of a person who immediately before, such appointment held a post under the Government in an officiating capacity and draw his presumptive pay equal to or higher than the minimum of time scale, his initial pay at the time of appointment to the service shall be regulated under Article 77 (a) (ii) of the Jammu and Kashmir Civil Service Regulations, treating his presumptive pay as substantive pay for purposes of such fixation alone. He shall not, however, get the benefit of Article 67 (a) (ii) either at the time of initial fixation or subsequently.

(6) In the case of persons who are appointed under these rules other than by competitive examination their fixation of pay shall be regulated under the normal rules relating to such fixation from time to time.

7. Training and Departmental Examination. - Persons appointed to the service by competitive examination shall be required to undergo such training from time to time during the course of service and to pass during the period of probation or trial such departmental examination as the Government may prescribe.

Provided that the Government may exempt either wholly or partly from such training or departmental examination persons who have passed a departmental examination or undergone training declared by the Government to be equivalent to the departmental examination or training prescribed under these rules.

8. Eligibility of Government servants for direct recruitment. - A person already in the Government service may apply through proper channel for direct recruitment to a vacant post in any particular class or category in the service, if he possesses the educational and other qualifications prescribed for recruitment to such class or category of posts. The upper age limit of Government servants shall be as provided in the general rules.

Provided that in case of a post which requires a higher degree of specialization and/or experience, the Government may prescribe a higher age limit.

9. Power to relax. - Where the Government is of the opinion that it is necessary or expedient so to do, it may by order, for reasons to be recorded in writing and in consultation with the Public Service Commission, relax any of the provisions

of these rules with respect of any class, category of persons or posts :

Provided that while exercising this discretion, the Government would keep the following principles in view :—

- (a) that the discretion is exercised bona fide ;
- (b) that such an exercise specifies objective test ;
- (c) that it would satisfy any responsible man in place of the authority competent to relax ; and
- (d) that the power should be vested with the Chief Minister only.

10. Maintenance of Seniority list.—Seniority of the members of the service shall be regulated under the Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1966. The Administrative Department in the Civil Secretariat shall maintain an up-to-date and final seniority list of the service.

11. Residuary matters.—In regard to matters not specifically covered by these rules, the members of the service shall be governed by the rules, regulations and orders applicable to State Civil Service in general.

12. Interpretations.—If any question arises relating to the interpretation of these rules, the matters shall be referred to the Government whose decision thereon shall be final and binding.

13. Repeal and savings.—(1) All rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed.

(2) Notwithstanding such repeal any appointment order made or action taken under the provisions of the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

By order of the Governor.

(Sd.)

Principal Secretary and Secretary to Government,
Agriculture Production Department.

Schedule-I to SRO-161 dated 23-4-2002

Sanctioned strength of Gazetted Officers in the Department of Horticulture.

S. No.	Name of the post	Grade	Sanctioned strength		
			Perma- nent	Temp- orary	Total
1	2	3	4	5	6
1.	Director Horticulture	14300-18300	1	—	1
2.	Joint Director Horticulture	12000-16500	—	2	2
3.	Dy. Director Horticulture (Central)	10000-15200	—	1	1
4.	Chief Horticulture Officer	10000-15200	2	12	14
5.	Chief Training Officer	10000-15200	—	1	1
6.	Chief Canning Instructor	10000-15200	—	2	2
7.	District Horticulture Officer	8000-12950	—	14	14
8.	Plant Protection Officer	8000-12950	—	1	1
9.	Horticulture Information & Publicity Officer	8000-12950	—	2	2
10.	Manager Divisional PP Workshop & Stores	8000-12950	—	2	2
11.	Divisional Training Officer	8000-12950	—	2	2
12.	Asstt. Director Horticulture	8000-12950	—	1	1
13.	Nursery Registration Officer	8000-12950	—	2	2
14.	Farm Manager	8000-12950	—	3	3
15.	District Level Subject Matter Specialist :	8000-12950	—	40	40
	(a) Pomology	= 14			
	(b) Entomology	= 14			
	(c) Plant Pathology	= 12			
16.	Manager-Cum-Chemist	8000-12950	1	13	14

1	2	3	4	5	6
17.	Analyst	8000-12950	—	2	2
18.	Agriculture Engineer	8000-12950	—	1	1
19.	Horticulture Development Officer	6700-10900	42	153	195
20.	Asstt. Analyst	6700-10900	—	3	3

(Sd.)

Additional Secretary to Government,
Agriculture Production Department.

Schedule-II to SRO-161 dated 25-4-2002
J&K Horticulture (Gazetted) Services Recruitment Rules, 2002.

Class	Cat.	Designation of the post	Grade	Minimum qualification for direct recruitment	Proposed method of recruitment
I	2	3	4	5	6
I.		Director	1400-18000	...	By promotion from Class II from amongst the persons having 3 years experience as such.
II.	A	Jr. Director	12000-16500	...	By promotion from Class III from amongst the persons with at least 4 years service as such.
III.	A	Dy. Director/Chief Horticulture Officer/Chief Training Officer/Chief Canning Instructor	10000-15200	...	By promotion from Class-IV amongst the persons with 5 years experience as such. The Post of Chief Canning Instructor, however shall be filled up only from amongst the officers possessing M. Sc. Degree in Food, Fruit, Preservation.
IV.	A	District Horticulture Officer/Nursery Registration Officer/Horticulture Inf. & Pub. Officer/Asstt. Director/Manager, Divisional Plant Protection Workshop	8000-12950	...	By promotion from Class VI having 5 years experience as such.