

GOVERNMENT OF JAMMU AN KASHMIR
CIVIL SECRETARIAT : FINANCE DEPARTMENT

Notification,

Jammu 12th March, 2007

SRO:- 80 In exercise of the powers conferred by the proviso to Section 124 of the constitution of Jammu and Kashmir, the Governor hereby make the following rules, namely:

1. **Short title and commencement** (1) These rules may be called the Jammu and Kashmir Excise & Commercial Taxes (Gazetted) Service Recruitment Rules.

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

2. **Definitions- In these rules, unless the context other wise requires:-**

- a) "State" means the Jammu and Kashmir State;
- b) "Government" means the Government of Jammu and Kashmir .
- c) "Administrative Department" means the Department of the Government in the Civil Secretariat holding the Administrative charge of the service.
- d) "Head of the Department means the Major Head of Department holding the administrative control of the organization'
- e) "Rules" means the Jammu and Kashmir (Gazetted) Service Recruitment Rules;
- f) "Cadre" means the cadre of the service;
- g) "Post" means a permanent post carrying a definite time scale sanctioned by the competent authority;
- h) "Commission" means the Jammu and Kashmir Public Service Commission;
- i) "Member of the service" means a person appointed to a post in the service under the provisions of these rules;
- j) "Schedule" means the schedule (s) annexed to these rules;
- k) "service" means the Jammu and Kashmir Excise and Commercial Taxes (Gazetted) service;
- l) 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 Services (Classification , control and Appeal) rule, 1956/ Jammu and Kashmir Civil service Regulations.

3. **Constitution of Service:-** (1) From the date of commencement of these rules there shall be constituted the "Jammu and Kashmir Excise and Commercial Taxes (Gazetted) services;

(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 in a substantive capacity any post included in the cadre of the service:

Provided that for the purposes of initial constitution of service, the person holding any post in a substantive capacity to which he was appointed by the competent authority under rules 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/she is fully qualified to hold the post under these rules unless he/she opts otherwise within 15 days from the commencement of these rules.

"Explanation:- The word holding means a person holding a post included in the cadre of the Jammu and Kashmir Excise and Commercial Taxes (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:-** (1) The authorized permanent and temporary strength of the cadre and the nature of the posts included there in 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 cadre or the service for specified period or purpose as may be considered necessary from time to time.

- (2) The service shall have the time scale of Rs. 7500-12000 provided that 25% of the posts in the time scale of pay shall be in the selection grade of Rs.9000-14100.

- (3) The Government shall at the interval of every five years or at such other intervals as may be necessary re-examine the strength and composition of the cadre of the Service and make such alterations therein as it deems fit.

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/she possesses the qualifications as laid down in the schedule II and fulfills other requirement of recruitment as provided in the rules and orders for the time being in force.

(2) First appointments to a service or class may be made:-

- a) by direct recruitment; or
- b) by promotion; or
- c) partly by (a) and partly by (b) in the ratio and in manner as mentioned against each post in schedule-II:
 - i) provided that all the posts under direct recruitment shall be filled through J&K Public Service Commission as per the Rules/orders of the Government issued for the purpose.
 - ii) provided further all posts to be filled by pro motion shall be filled through departmental promotion committee/Jammu and Kashmir Public Service commission, unless any post/category of posts is exempted from the purview of the Public Service Commission in terms of J&K Public Service Commission (Limitation functions) Regulations 1957 by the Government by specific order.
 - iii) The departments shall refer vacancies in the direct promotion quota to Public Service Commission and Departmental Promotion committees as per SRO-166 dated .14-06-2005.

- 6) **Probation:-** (1) Persons appointed to the service, either by direct recruitment or by promotion shall be " on probation for two years and their confirmation for class or category shall be made under the provisions of Jammu and Kashmir Civil Services (Classification Control and Appeal) rules, 1956.

(2) The pay of the person appointed to the service under these rules shall be regularized as per the provisions of J&K Civil Services Regulation or General Rules as issued from time to time.

- 7) **Reservation in appointments:-** while making appointments either by promotion or by direct recruitment reservation shall be made in accordance with the rules and orders issued from time to time for members of Schedule Caste/Scheduled Tribes/Backward Classes or any other category or class of permanent residents of State under the provisions of Jammu and Kashmir Reservation Act, 2004.

Schedule - I

S.No	Designation of the Post	Scale of Pay	No.of posts
1	2	3	4
A.	Commercial Taxes Department		
1.	ETOs/CTOs	7500-12000	72
2	Technical PA	7500-12000	01
3	Total		73
B	Excise Department		
1	ETOs	7500-12000	20
2	Technical PA	7500-12000	01
3	ETO Legal	7500-12000	01
	Total		22
C	Maintenance Engineers (Computers)	8000-12950	02
	Grand Total		97

- i) Leave Reserve
- ii) Training Reserve { @10% }
- iii) Deputation Reserve
- iv) Selection Grade 25% of the duty posts in the time scale

- 8) **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 probation and to pass during the period of probation or trial such department examination as the Government may be prescribed.

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

9. **Eligibility of Government Service for Direct Recruitment:-** A person already in the Government service may apply through proper category in the service if he/she possesses the educational and other qualifications prescribed for recruitment to such class or category of post. The upper age limit of such Government servants shall be as provided in the general rules.

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

10. **Maintenance of seniority lists:-** Seniority of the members of the Service shall be regulated under the Jammu and Kashmir Civil service (classification Control and Appeal) Rules, 1956. The administrative Department shall maintain an up- to-date and final seniority list of members 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 rules/regulations and orders applicable to the state civil service in general.
12. **Interpretation:-** If any question arises relating to the interpretation of these rules the matter shall be referred to the Administrative Department 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 Government of Jammu & Kashmir.

Sd/-
(B.B Vyas)

Commissioner/secretary to Government
Finance Department

Dated: - 12-03-2007

No.ET-Estt/38/77
Copy to the:-

1. Principal Secretary to Government, ARI & Trainings Department.
2. Commissioner/Secretary to Government, General Administration Department.
3. Commissioner/Secretary to Government, Law Department (w.7.s.c).
4. Excise Commissioner, J&K, Srinagar.
5. Commissioner Commercial Taxes, J&K, Srinagar.
6. Additional Commissioner Commercial Taxes (Adm), Jammu/Kashmir.
7. Deputy Excise Commissioner (Executive) Jammu/Kashmir.
8. Stock file.


(Shakeel Ul Rehman)
Deputy Secretary to Government
Finance Department

Schedule - II

Class	Category	Grade Designation	Designation	Minimum qualification for direct recruitment	Method of recruitment
I	A	7500-12000	ETO/CTO/ Technical PA	Graduate or equivalent from recognized University	<p>d) 50% by recruitment by competitive examination as laid by the Government for such competitive examination.</p> <p>b) 50% by Promotion from Inspectors in the Excise and Commercial Taxes Department having not less than five years services and having passed departmental examination for ETO as prescribed in this behalf.</p>
II	B	8000-12950	Maintenance Engineers (Computers)	B.E Computers	By deputation from IT Department or by direct recruitment when not available in IT Department
III	C	7500-12000	ETO (Legal) Consolidation of Laws	Law Graduate	By selection from Legal Assistants having not less than 5 years service in Excise or Commercial Taxes Department(s). In case there is no eligible candidate available among the Legal Assistant then the post shall be filled up by the selection from Law Graduates Inspectors having not less than 5 years service as such and having not less than 5 years service as such and having passed the departmental examination prescribed for Excise and Commercial Taxes Officers.