

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Subject :—OWP No. 1629/2016 titled Ravinder Singh and Others Vs. State
and Others. Change in limits for e-Tendering.

Government Order No. 162-FD of 2018

Dated 28-3-2018.

Whereas, Information Technology Department had issued circular vide No. 04/ITD of 2015 dated 20-05-2015 urging the departments to tender compulsorily all works/procurements costing more than Rs. 1.00 lakh through e-Tendering.

Whereas, executing departments had expressed difficulties in the implementation of this downward threshold limit of Rs. 1.00 lakh in view of the prolonged internet breakdown during the years 2016 ;

Whereas, in the aforesaid context, Finance Department reviewed the downward limit for e-Tendering and raised it to Rs. 10.00 lakh vide Circular No. A/21(2003)-Misc-A-531 dated 19-09-2016 with the condition that the limit of Rs. 10.00 lakh would remain in force till such time the ceiling is reviewed by Finance Department ;

Whereas, the above circular instructions were stayed by Hon'ble High Court on petition bearing OWP No. 1629/2016 MP No. 01/2016 titled Ravinder Singh and Other Vs. State and Others ;

Whereas, the Hon'ble High Court disposed of the Writ Petition directing to keep the limit unchanged at Rs. 1.00 lakh.

Now, therefore, in compliance with the judgement off the Hon'ble High Court and in supersession of Circular No. A/21(2003)-Misc-A-531 dated 19-09-2016, it is ordered that all the departments shall compulsorily

tender all works/procurements costing more than Rs. 1.00 lakh (one lakh only) through e-Tendering.

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,

Principal Secretary to Government,
Finance Department.

No. A/21(2003)-III-AB-205

Dated 28-03-2018.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

O. M. No. A/41(94)-New Part-349

Dated 28-03-2018.

Subject :—Fixation of pay of Junior Engineers in terms of O. M. No. A/80(07)-I/1532 dated 20-12-2012—Clarification thereof.

Consequent to the upgradation of Pay Scales of Junior Engineers vide Government Order No. 296-F of 2010 dated 21-12-2010, clarification regarding fixation of Pay was issued vide O. M. No. A/80(07)-I/1532 dated 20-12-2012. Further clarification has been sought regarding regulation of pay of a senior officer whose pay gets fixed at a rate lower than his junior while fixing pay in terms of Government Order *ibid*.

(2) The issue has been examined in the Finance Department and it is further clarified that, if the pay of any senior officer gets fixed at a stage lower than his junior counterpart due to the merger of the two pay scales of the posts of Junior Engineers into the unified pay band Rs. 9300-34800 +4200 GP in terms of Government Order No. 296-F of 2010 dated 21-12-2010 read with O. M. No. A/80(07)-I/1532 dated 20-12-2012, the pay of the senior counterpart shall be stepped up to the figure equal to pay as fixed for the junior counterpart in terms of Government Instruction No. 4 below Article 77-B of Jammu and Kashmir Civil Services Regulations Vol-I, provided that,—

- i. Both the senior and junior officers belong to the same cadre and category ;
- ii. The junior officer was not drawing from time to time a higher rate of pay than the senior officer by virtue of fixation of his pay under normal rules or on account of any advance increments etc. prior to 21.12.2010 ;
- iii. The anomaly is directly as a result of the application of Government Order No. 296-F of 2010 dated 21-12-2010 ;

- iv. The senior officer whose pay has been so stepped up shall draw his next increment from the date of next increment of the junior officer.

(Sd.) M. R. ANDRABI,

Director Codes,
Finance Department.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Subject :—Electronic transfer of G. P. Fund Balance from one District Fund Office to another and simplification thereof.

Reference :—Director General, J&K Funds Organization No. DF Tech./155 dated 11-01-2018.

Government Order No. 169-FD of 2018

Dated 29-03-2018.

Sanction is hereby accorded to the insertion of following proviso below Rule 5.131 in the GPF Manual as Rule 5.131 (A) :—

Rule 5.131 (A).—“The Funds Offices which have got integrated with an online application and are connected with the central server, shall get the ledger cards of the transferees pulled out from one fund office to another fund office electronically for facilitation of the ledger postings without involving any transfer entry. The system will be adopted by the concerned Fund Offices on the written request of the DDO concerned.”

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,

Principal Secretary to the Government,
Finance Department.

No. FD/Coord/03/2018

Dated 29-03-2018.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT.

Circular

Subject :—Marketing support for sale of cement manufactured by J&K Cements Limited.

Pursuant to Cabinet Decision No. 119/15/2011 dated 23-06-2011, Instructions were issued by the Industries and Commerce Department vide Government Order No. 110-IND of 2011 dated 24-06-2011 whereby all the State Government Departments were directed to purchase Cement from J&K Cements Limited for execution of works in the Kashmir Valley.

2. Again vide Government Order No. 89-IND of 2016 dated 05.04.2016 Industries and Commerce Department reiterated the Instructions for compliance of all State Government Departments to purchase Cement for works in Jammu-Division from J&K Cements Limited.

3. In view of the above, all the Government Departments are required to effect the purchase of Cement whenever and wherever required from J&K Cements only. The Departments can purchase Cement from other sources subject to the certificate of the J&K Cements Limited to the effect that the company is unable to supply the requisite quantity and J&K Cements Limited issues necessary non-availability certificate.

4. However, it has been brought to the notice of the Finance Department that the Government Departments do not adhere to the instructions in letter and spirit as circulated vide aforementioned Government Orders.

5. Accordingly, it is enjoined upon all the Government Departments, State owned PSUs and Autonomous Bodies to purchase Cement from J&K Cements only in all such cases where Cement is supplied or can be supplied departmentally to Executing Agencies/Contractors etc.

6. Further the Treasury Officers/DDOs shall ensure that no claim preferred by any agency in contravention of the Government instructions is entertained for payment. Any violation on this account shall be deemed as a financial impropriety and dealt with accordingly.

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,

Principal Secretary to Government,
Finance Department.

No. A/21(2003)-II-391

Dated 03-04-2018.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Circular

Subject :—Endorsing copies of sanctions and quarterly statements to the
Office of Accountant General, J&K.

In term of Rule 17.5 & 8.10 of Jammu and Kashmir Financial Code Vol-I, the copies of the Government Orders/Sanctions relating to sanctioning of expenditure, receipt, upgradation of pay scales, creation/abolition of the establishment, execution of rate contracts for supplies/works and Hire Value Purchases etc. are required to be endorsed to the Office of Accountant General, J&K. These sanctions are required by the Office of Accountant General, to monitor the provision of funds and to watch the observance of standing rules/procedures and orders of the competent authorities.

2. Besides, all the Heads of Departments are required to furnish quarterly statements showing the details of sanctions issued on the 15th of each month of July, October, January and April, in respect of their departments during the preceding quarter. A 'Nil' statement has to be sent in case no such order was issued during the preceding quarter.

3. Despite issuance of Circular instructions from time to time in this regard by the Finance Department, the Sr. Dy. Accountant General (Admn.) has reported failure of departments to include the name of the Accountant General, J&K, in the standard list of endorsements and other mailing lists.

4. Accordingly, all the Administrative Secretaries/Heads of Departments are requested to furnish the copies of orders/sanctions along with quarterly statements to the Office of the Accountant General, J&K, and also issue necessary instructions to the subordinate offices under their

administrative control to ensure that the copies of sanctions/orders are invariably endorsed and sent to the Office of Accountant General, J&K, in order to comply with the provisions of J&K Financial Code Vol-I in letter and spirit.

(Sd.) NAVIN K. CHOUDHARY, IAS,

Principal Secretary to Government,
Finance Department.

No. A/35(2017)-532

Dated 06-04-2018.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Subject:— Amendment in the Jammu and Kashmir Book of Financial Powers (Third Edition-2002).

Reference :—Approval of the Hon'ble Chief Minister-in-Coordination, conveyed vide No. GDC-27/CM/2018 dated 20-03-2018.

Government Order No. 210-F of 2018

Dated 16-04-2018.

In the Book of Financial Powers in Chapter 2, under the caption "Classification of Officers" B-Other Officers (Class-I Officers), the following shall be inserted below S. No. 120 as 120-A :—

"Secretary, Jammu and Kashmir Accountability Commission."

By order of the Government of Jammu and Kashmir

(Sd.) NAVIN K. CHOUDHARY, IAS,

Principal Secretary to Government
Finance Department.

No. A/68(2001)-B-I- 864

Dated 16-04-2018.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Jammu, the 24th of April, 2018.

SRO-192.—In exercise of powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the following amendments shall be made in the Jammu and Kashmir Civil Services (House Rent Allowance and City Compensatory Allowance) Rules, 1992, namely :—

In the said rules—

The followings shall be inserted as 2nd & 3rd proviso below rule 4 (I) :—

Provided that w. e. f. 01-04-2018 the House Rent Allowance to the State Government Employees shall be payable in the revised pay structure (as per classification notified by Central Government) at following rates :—

All Metropolitan Cities (X Class Cities)	Srinagar U. A./Jammu U. A. (Y Class Cities)	Other places (Z Class locations)
@ 24% of Basic Pay	@ 16% of Basic Pay -	@ 8% of Basic Pay

Provided further that for the period 01-01-2016 to 31-03-2018, the House Rent Allowance shall be admissible at the existing rates in the existing Pay Scales/Pay Bands.

Note :—

- (i) (The term "Basic Pay" shall have the same meaning as defined under Note 2 below Article 27 (aa) of the Jammu and Kashmir Civil Service Regulations) ; and

- (ii) The classification of specific cities/areas as "X", "Y", "Z" Class locations shall be as per classification in the Central Government.

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,
Principal Secretary to Government,
Finance Department.

No. A/Misc(2008)-temp-1231

Dated 24-04-2018.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FINANCE DEPARTMENT

Notification

Jammu, the 24th April, 2018.

SRO-193.—In exercise of the powers conferred under section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to make the following rules, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Jammu and Kashmir Civil Services (Revised) Pay Rules, 2018.

(2) These rules shall be deemed to have come into force on the 1st day of January, 2016 with effective date of implementation from 1st April, 2018.

2. *Categories of Government servants to whom the rules apply.*—(1) Save as otherwise provided by or under these rules, these rules shall apply to persons appointed to civil services and posts in connection with the affairs of the State including whole time contingent paid workers/work charged employees drawing pay in graded scales whose pay is debited to consolidated fund of the State.

(2) These rules shall not apply to,—

- (i) Members of the All India Services appointed to the civil posts/serving in connection with the affairs of the State ;
- (ii) Faculty Members of Government Degree Colleges, to whom Government Degree Colleges (Adoption of UGC Revised Pay Scales) Rules, 2009 apply ;
- (iii) Faculty Members of Government College of Engineering and Technology, Jammu, to whom Jammu College of Engineering and Technology (Adoption of AICTE Revised Pay Scales) Rules, 2013 apply ;
- (iv) Faculty Members of S. K. Institute of Medical Science, Srinagar, to whom S. K. Institute of Medical Sciences Faculty Members (Revised Pay) Rules, 2009 apply ;

- (v) Members of J&K Subordinate Judicial Services, to whom the Jammu and Kashmir Subordinate Judicial Pay Rules, 2011 apply ;
- (vi) persons not in whole-time employment ;
- (vii) persons paid out of contingencies ;
- (viii) persons paid otherwise than on a monthly basis including those paid only on a piece rate basis ;
- (ix) persons employed on contract basis except where the contract provides otherwise ;
- (x) persons re-employed in Government service after retirement ;
- (xi) persons whose services are obtained on deputation ;
- (xii) posts which carry consolidated rate of pay ;
- (xiii) any other class or category of persons whom the Government may, by order,

specifically exclude from the operation of all or any of the provisions contained in these rules.

3. *Definitions.*—In these rules, unless the context otherwise requires,—

- (i) “existing basic pay” means the pay drawn in the prescribed existing Pay Band and Grade Pay or Pay in the existing pay scale ;
- (ii) “existing Pay Band and Grade Pay” in relation to a Government servant means the Pay Band and the Grade Pay applicable to the post held by the Government servant as on the date immediately before the commencement of these rules whether in a substantive capacity or in officiating capacity ;
- (iii) “existing scale” in relation to a Government servant means the pay scale applicable to the post held by the Government

servant as on the date immediately before the date of commencement of these rules, whether in a substantive, temporary or officiating capacity ;

- (iv) "existing pay structure" in relation to a Government servant means the present system of Pay Band and Grade Pay or the Pay Scale applicable to the post held by the Government servant as on the date immediately before the commencement of these rules whether in a substantive, temporary or officiating capacity.

Explanation :—The expressions "existing basic pay", "existing Pay Band and Grade Pay" and "existing scale", in respect of a Government servant who on the 1st day of January, 2016 was on deputation out of State or on leave or on foreign service, or who would have on that date officiated in one or more lower posts but for his officiating in a higher post, shall mean such Basic Pay, Pay Band and Grade Pay or Scale in relation to the post which he would have held but for his being an deputation or on leave or on foreign service or officiating in the higher post, as the case may be ;

- (v) "existing emoluments" mean the sum of (i) existing basic pay and (ii) existing dearness allowance at index average as on 1st day of January, 2006 ;
- (vi) "Pay Matrix" means Matrix specified in Part A of the Schedule, with Levels of Pay arranged in vertical cells as assigned to corresponding existing Pay Band and Grade Pay ;
- (vii) "Level" in the Pay Matrix means the Level corresponding to the existing Pay Band and Grade Pay specified in Part A of the Schedule ;
- (viii) "pay in the level" means pay in the appropriate Cell of the Level as specified in Part A of the Schedule ;
- (ix) "revised pay structure" in relation to a post means the Pay Matrix and the Levels specified therein corresponding to the existing Pay Band and Grade Pay of the post unless a different revised Level is notified separately for that post ;

- (x) "basic pay" in the revised pay structure means the pay drawn in the prescribed Level in the Pay Matrix ;

- (xi) "revised emoluments" means the pay in the Level of a Government servant in the revised pay structure ; and

- (xii) "Schedule" means a schedule appended to these rules.

4. *Level of posts*.—The Level of posts shall be determined in accordance with the various Levels as assigned to the corresponding existing Pay Band and Grade Pay as specified in the Pay Matrix.

5. *Drawal of pay in the revised pay structure*.—Save as otherwise provided in these rules, a Government servant shall draw pay in the Level in the revised pay structure applicable to the post to which he is appointed ;

Provided that a Government servant may elect to continue to draw pay in the existing pay structure until the date on which he earns his next or any subsequent increment(s) in the existing pay structure or until he vacates his post or ceases to draw pay in the existing pay structure :

Provided further that in cases where a Government servant has been placed in a higher grade pay or scale between 1st day of January, 2016 and the date of notification of these rules on account of promotion or upgradation, the Government servant may elect to switch over to the revised pay structure from the date of such promotion or upgradation, as the case may be.

Explanation 1 :—The option to retain the existing pay structure under the provisos to this rule shall be admissible only in respect of one existing Pay Band and Grade Pay or scale.

Explanation 2 :—The aforesaid option shall not be admissible to any person appointed to a post for the first time in Government service or by transfer from another post on or after the 1st day of January, 2016, and he shall be allowed pay only in the revised pay structure.

Explanation 3 :—Where a Government servant exercises the option under the provisos to this rule to retain the existing

pay structure of a post held by him in an officiating capacity on a regular basis for the purpose of regulation of pay in that pay structure, or under any other rule or order applicable to that post, his substantive pay shall be substantive pay which he would have drawn had he retained the existing pay structure in respect of the permanent post on which he holds a lien or would have held a lien had his lien not been suspended or the pay of the officiating post which has acquired the character of substantive pay in accordance with any order for the time being in force, whichever is higher.

6. *Exercise of option.*—(1) The option under the provisos to rule 5 shall be exercised in writing in the form appended to these rules so as to reach the authority mentioned in sub-rule (2) within three months of the date of notification of these rules or where any revision in the existing pay structure is made by any order subsequent to the date of notification of these rules, within three months of the date of such order :

Provided that—

- (i) in the case of a Government servant who is, on the date of such notification or, as the case may be, date of such order, out of State on leave or on deputation or foreign service or active service, the said option shall be exercised in writing so as to reach the said authority within three months of the date of his taking charge of his post in the State ; and
- (ii) where a Government servant is under suspension on the 1st day of January, 2016, the option may be exercised within three months of the date of his return to his duty if that date is later than the date prescribed in this sub-rule.

(2) The option shall be intimated by the Government servant to the Head of his Office along with an undertaking, in the form appended to these rules.

(3) If the intimation regarding option is not received by the authority within the time specified in sub-rule (1), the Government servant shall be

deemed to have elected to be governed by the revised pay structure with effect from the 1st day of January, 2016.

(4) The option once exercised shall be final.

Note 1 : Persons whose services were terminated on or after 1st January, 2016 and who could not exercise the option within the prescribed time limit, on account of discharge on the expiry of the sanctioned posts, resignation, dismissal or discharge on disciplinary grounds, shall be entitled to exercise option under sub-rule (1).

Note 2 : Persons who have died on or after the 1st day of January, 2016 and could not exercise the option within prescribed time limit are deemed to have opted for the revised pay structure on and from the 1st day of January, 2016 or such later date as is most beneficial to their dependents if the revised pay structure is more favorable and in such cases, necessary action for payment of arrears shall be taken by the Head of Office.

Note 3 : Persons who were on earned leave or any other leave on 1st day of January, 2016 which entitled them to leave salary shall be entitled to exercise option under sub-rule (1).

7. *Fixation of pay in the revised pay structure.*—(1) The pay of a Government servant who elects, or is deemed to have elected under rule 6 to be governed by the revised pay structure on and from the 1st day of January, 2016, shall, unless in any case the Government by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds a lien or would have held a lien if such lien had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner :—

- (i) the pay in the applicable Level in the Pay Matrix shall be the pay obtained by multiplying the existing basic pay by a factor of 2.57, rounded off to the nearest rupee and the figure so arrived at will be located in that Level in the Pay Matrix and

if such an identical figure corresponds to any Cell in the applicable Level of the Pay Matrix, the same shall be the pay, and if no such Cell is available in the applicable Level, the pay shall be fixed at the immediate next higher Cell in that applicable Level of the Pay Matrix.

Illustration :

1 Existing Pay Band: PB-1	Pay Band	5200-20200					
2 Existing Grade Pay : 2400	Grade Pay	1800	1900	2100	2300	2400	2800
3 Existing Pay in the Pay Band : 9810	Levels	1	2	3A	3B	4	5
4 Existing Basic Pay: 12210 (9810+2400)	1	18000	19900	25300	25400	25500	29200
5 Pay after multiplication by a fitment factor of 2.57: $12210 \times 2.57 = 31379.7$ (rounded off to 31380)	2	18500	20500	26100	26200	26300	30100
6 Level Corresponding to GP 2400: Level 4	3	19100	21100	26900	27000	27100	31000
7 Revised Pay in the Pay Matrix (either equal to or next higher to 31380 in level 4) : 31400	4	19700	21700	27700	27800	27900	31900
	5	20300	22400	28500	28600	28700	32900
	6	20900	23100	29400	29500	29600	33900
	7	21500	23800	30300	30400	30500	34900
	8	22100	24500	31200	31300	31400	35900
	9	22800	25200	32100	32200	32300	37000
	10	23500	26000	33100	33200	33300	38100

- (ii) if the minimum pay or the first Cell in the applicable Level is more than the amount arrived at as per sub-clause (i) above, the pay shall be fixed at minimum pay or the first Cell of that applicable Level.

(2) Where a post has been upgraded, the fixation of pay in the applicable Level will be carried out in the manner prescribed in accordance with sub-clauses (i) & (ii), of Clause-A under Rule 7 (1).

Illustration :

1 Existing Pay Band: PB : I	Pay Band	5200-20200					
2 Existing Grade Pay : 2400	Grade Pay	1800	1900	2100	2300	2400	2800
3 Date of upgradation: 1-1-2016							
4 Existing Pay in the Pay Band : 12560	levels	1	2	3A	3B	4	5
5 Upgraded Grade Pay ; 2800							
6 Pay for the purpose of fixation : 12960 (10160+2800)	1	18000	19900	25300	25400	25500	29200
7 Pay after multiplication by a fitment factor of 2.57 : $12960 \times 2.57 = 33307.3$ (rounded off to 33307)	2	18500	20500	26100	26200	26300	30100
8 Level Corresponding to GP 2800 : Level	3	19100	21100	26900	27000	27100	31000
9 Revised Pay In the Pay Matrix (either equal to or next higher to 33307 in Level 5) : 33900	4	19700	21700	27700	27800	27900	31900
	5	20300	22400	28500	28600	28700	32900
	6	20900	23100	29400	29500	29600	33900
	7	21500	23800	30300	30400	30500	34900
	8	22100	24500	31200	31300	31400	35900
	9	22800	25200	32100	32200	32300	37000
	10	23500	26000	33100	33200	33300	38100

Provided that where a post has been upgraded after 01.01.2016 up to notification of these rules and the Government servant has opted for revision of his pay under these rules, his pay on the date of upgradation of the post shall be fixed as under :—

- (a) In case the minimum pay or first Cell of the upgraded Level is higher than the pay fixed in the pre upgraded Level, the pay shall be fixed at that minimum or the first Cell of that upgraded Level ;
- (b) In case the pay fixed in the pre upgraded Level coincides with the stage of pay in the upgraded Level, the pay

shall be fixed at that same stage/Cell of that upgraded Level ;

- (c) In case the stage of pay fixed in the pre upgraded Level falls between two stages of the pay in the upgraded Level, the pay shall be fixed at the next higher stage/Cell of that upgraded Level ;
- (d) The date of increment in all the above three cases shall remain unchanged except where the pay in the pre-upgraded Level was drawn at the maximum thereof. In the latter case next increment in the upgraded pay Level of the post shall be drawn after the prescribed incremental period reckoning from the date of upgradation.

(3) A Government servant who is on leave on the 1st day of January, 2016 and is entitled to leave salary shall be entitled to pay in the revised pay structure from 1st day of January, 2016 or the date of option for the revised pay structure.

(4) A Government servant who is on study leave on the 1st day of January, 2016 shall be entitled to the pay in the revised pay structure from 1st day of January, 2016 or the date of option.

(5) A Government servant under suspension shall continue to draw subsistence allowance based on existing pay structure and his pay in the revised pay structure shall be subject to the final order on the pending disciplinary proceedings.

(6) Where the existing emoluments exceed the revised emoluments in the case of any Government servant, the difference shall be allowed as personal pay to be absorbed in future increases in pay.

(7) Where in the fixation of pay under sub-rule (1), the pay of a Government servant, who, in the existing pay structure, was drawing immediately before the 1st day of January, 2016 more pay than another

Government servant junior to him in the same cadre, gets fixed in the revised pay structure in a Cell lower than that of such junior, his pay shall be stepped up to the same Cell in the revised pay structure as that of the junior.

(8) Where a Government servant is in receipt of personal pay, other than sterilization personal pay, due to loss in his substantive pay immediately before the date of commencement of these rules, which together with his existing emoluments exceed the revised emoluments, then the difference representing such excess shall be allowed to such Government servant as personal pay to be absorbed in future increase in pay.

(9) (i) In cases where a senior Government servant promoted to a higher post before the 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after the 1st day of January, 2016, the pay of senior Government servant in the revised pay structure shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post and such stepping up shall be done with effect from the date of promotion of the junior Government servant subject to the fulfillment of the following conditions, namely :—

- (a) both the junior and the senior Government servants belong to the same cadre and the posts in which they have been promoted are identical in the same cadre ;
- (b) the existing pay structure and the revised pay structure of the lower and higher posts in which they are entitled to draw pay are identical ;
- (c) the senior Government servant at the time of promotion is drawing equal or more pay than the junior ;
- (d) the anomaly is directly as a result of the application of the provisions of these rules or Article 77(B) of J&K

CSRs or any other rule or order regulating pay fixation on such promotion in the revised pay structure :

Provided that if the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, the provisions of this sub-rule shall not be invoked to step up the pay of the senior officer.

- (ii) The order relating to re-fixation of the pay of the senior officer in accordance with clause (i) shall be issued under Government Instruction No. 4 below Article 77-B of Jammu and Kashmir Civil Service Regulations and the senior officer shall be entitled to the next increment on completion of his required qualifying service with effect from the date of re-fixation of pay.

(10) Subject to the provisions of rule 5, if the pay as fixed in the officiating post under sub-rule (1) is lower than the pay fixed in the substantive post, the former shall be fixed at the same stage as the substantive pay.

8. *Fixation of pay of employees appointed by direct recruitment on or after 1st day of January, 2016.*—The pay of employees appointed by direct recruitment on or after 1st day of January, 2016 shall be fixed at the minimum pay or the first Cell in the Level, applicable to the post to which such employees are appointed :

Provided that where the existing pay of such employee appointed on or after 1st day of January, 2016 and before the date of notification of these rules, has already been fixed in the existing pay structure and if his existing emoluments happen to exceed the minimum pay or the first Cell in the Level, as applicable to the post to which he is appointed on or after 1st day of January, 2016, such difference shall be paid as personal pay to be absorbed in future increments in pay.

9. *Increments in Pay Matrix.*—The increment shall be as specified in the vertical Cells of the applicable Level in the Pay Matrix.

Illustration :

An employee in the Basic Pay of 31400 in Level 4 will move vertically down the same Level in the cells and on grant of increment, his basic pay will be 32300.

Illustration :

Pay Band 5200-20200

Pay Band	5200-20200					
Grade Pay	1800	1900	2100	2300	2400	2800
levels	1	2	3A	3B	4	5
1	18000	19900	25300	25400	25500	29200
2	18500	20500	26100	26200	26300	30100
3	19100	21100	26900	27000	27100	31000
4	19700	21700	27700	27800	27900	31900
5	20300	22400	28500	28600	28700	32900
6	20900	23100	29400	29500	29600	33900
7	21500	23800	30300	30400	30500	34900
8	22100	24500	31200	31300	31400	35900
					↓	
9	22800	25200	32100	32200	32300	37000
10	23500	26000	33100	33200	33300	38100

10. *Date of next increment in revised pay structure.*—(1) There shall be two dates for grant of increment namely, 1st January and 1st July of every year, instead of existing date of 1st July :

Provided that an employee shall be entitled to only one annual increment either on 1st January or 1st July depending on the date of his appointment, promotion or grant of financial upgradation.

(2) The increment in respect of an employee appointed or promoted or granted non-functional (In-Situ Promotion) under Jammu and Kashmir Civil Service (Higher Standard Pay Scale Scheme) Rules, or any other

scheme/rules during the period between the 2nd day of January and 1st day of July (both inclusive) shall be granted on 1st day of January and the increment in respect of an employee appointed or promoted or granted non-functional (In-Situ Promotion) including upgradation under J&K HSPSS Rules or any other scheme or rules in force during the period between the 2nd day of July and 1st day of January (both inclusive) shall be granted on 1st day of July.

Illustration :

- (a) In case of an employee appointed or promoted in the normal hierarchy or under J&K HSPSS Rules or any other scheme or rules in force during the period between the 2nd day of July, 2016 and the 1st day of January, 2017, the first increment shall accrue on the 1st day of July, 2017 and thereafter it shall accrue after one year on annual basis.
- (b) In case of an employee appointed or promoted in the normal hierarchy or under J&K HSPSS Rules or any other scheme or rules in force during the period between 2nd day of January, 2016 and 1st day of July, 2016, who did not draw any increment on 1st day of July, 2016, the next increment shall accrue on 1st day of January, 2017 and thereafter it shall accrue after one year on annual basis :

Provided that in the case of employees whose pay in the revised pay structure has been fixed as on 1st day of January, the next increment in the Level in which the pay was so fixed as on 1st day of January, 2016 shall accrue on 1st day of July, 2016 :

Provided further that the next increment after drawal of increment on 1st day of July, 2016 shall accrue on 1st day of July, 2017.

11. *Revision of pay from a date subsequent to 1st day of January, 2016.*—Where a Government servant who continues to draw his pay in the existing pay structure is brought over to the revised pay structure from a date later than 1st day of January, 2016, his pay in the

revised pay structure shall be fixed in the manner prescribed in accordance with clause (A) of sub-rule (1) of rule 7.

12. *Fixation of pay on promotion on or after 1st day of January, 2016.*—The fixation of pay in case of promotion from one Level to another in the revised pay structure shall be made in the following manner, namely :—

- (i) One increment shall be given in the Level from which the employee is promoted and he shall be placed at a Cell equal to the figure so arrived at in the Level of the post to which promoted and if no such Cell is available in the Level to which promoted, he/she shall be placed at the next higher Cell in that Level.

Illustration :

1. Level in the revised pay structure : Level 4

1 Basic Pay in the Revised Pay Structure : 29600	Pay Band	5200-20200					
2 Promotion/In-situ Promotion Granted in Level 5	Grade Pay	1800	1900	2100	2300	2400	2800
3 Pay after giving one increment in Level 4 : 30500	Levels	1	2	3A	3B	4	5
4 Pay in the Higher level i. e. Level 5 : 31000 (either equal to or next higher to 30500 in Level 5)	1	18000	19900	25300	25400	25500	29200
	2	18500	20500	26100	26200	26300	30100
	3	19100	21100	26900	27000	27100	31000
	4	19700	21700	27700	27800	27900	31900
	5	20300	22400	28500	28600	28700	32900
	6	20900	23100	29400	29500	29600	33900
	7	21500	23800	30300	30400	30500	34900
	8	22100	24500	31200	31300	31400	35900
	9	22800	25200	32100	32200	32300	37000
	10	23500	26000	33100	33200	33300	38100

- (ii) If the minimum of the promotional Level happens to be more than the amount arrived at as per sub-clause (i) above, the pay shall be fixed at minimum pay or the first Cell of that applicable Level.

13. *Availability of option for fixation of pay on promotion from the Date of Next Increment (DNI) in the lower post.*—(1) On promotion from one Level to another Level/financial upgradation under Time Bound Promotion Scheme/in-situ scheme, a Government servant shall have an option to get his/her pay fixed in the higher post/Level either from the date of his/her promotion or from the date of his/her next increment (either 1st July or 1st January, as the case may be) accruing in the Level of the post from which he/she is promoted. The pay will be fixed in the following manner in the Revised Pay Structure :—

- (a) In case, consequent upon his/her promotion, the Government Servant opts to have his/her pay fixed from the date of his/her next increment (either 1st July or 1st January, as the case may be) in the Level of the post from which Government servant is promoted, then, from the date of promotion till his/her date of next increment, the Government servant shall be placed at the next higher cell in the Level of the post to which he/she is promoted.

Illustration :

1 Level in the Revised Pay Structure : Level 4	Pay Band	5200-20200					
2 Basic Pay in the Revised Pay Structure : 29600	Grade Pay	1800	1900	2100	2300	2400	2800
3 Granted Promotion in Level 5	Levels	1	2	3A	3B	4	5
4 Pay in the Higher Level i.e. Level 5 : 30100 (next higher to 29600 in Level 5)	1	18000	19900	25300	25400	25500	29200
	2	18500	20500	26100	26200	26300	30100
	3	19100	21100	26900	27000	27100	31000
	4	19700	21700	27700	27800	27900	31900
	5	20300	22400	28500	28600	28700	32900
5 Pay from the date of promotion till DNI: 30100	6	20900	23100	29400	29500	29600	33900
	7	21500	23800	30300	30400	30500	34900
	8	22100	24500	31200	31300	31400	35900
	9	22800	25200	32100	32200	32300	37000
	10	23500	26000	33100	33200	33300	38100

- (b) Subsequently, on the Date of Next Increment (DNI) in the Level of the post to which Government servant is promoted, his/her pay will be re-fixed and two increments (one annual increment and the second on account of promotion) may be granted in the Level from which the Government servant is promoted and he/she shall be placed, at a cell equal to the figure so arrived, in the Level of the post to which he/she is promoted ; and if no such cell is available in the Level to which he/she is promoted, he/she shall be placed at the next higher cell in that Level.

Illustration :

1 Level in the Revised Pay Structure: Level 4	Pay Band	5200-20200					
2 Basic Pay In the Revised Pay Structure: 29600	Grade Pay	1800	1900	2100	2300	2400	2800
3 Granted Promotion in Level 5	Levels	1	2	3A	3B	4	5
4 Pay from the date of promotion till DNI: 30100	1	18000	19900	25300	25400	25500	29200
	2	18500	20500	26100	26200	26300	30100
	3	19100	21100	26900	27000	27100	31000
	4	19700	21700	27700	27800	27900	31900
	5	20300	22400	28500	28600	28700	32900
5 Re-fixation on DNI : Pay after giving two increments in Level : 4 : 31400	6	20900	23100	29400	29500	29600	33900
6 Pay in the Higher level i. e. Level 5 : 31900 (either equal to or next higher to 31400 in Level 5)	7	21500	23800	30300	30400	30500	34900
	8	22100	24500	31200	31300	31400	35900
	9	22800	25200	32100	32200	32300	37000
	10	23500	26000	33100	33200	33300	38100

- (c) The Government employee who is promoted in his own pay and grade (OPG) to the higher post shall have no right to exercise an option to defer his/her fixation of pay till next date of increment.

(2) In order to enable the employees to exercise the option within the time limit prescribed, the option clause for pay fixation on promotion with effect from the date of promotion/date of next increment shall

invariably be incorporated in the promotion/appointment order so that there are no cases of delay in exercising the option due to administrative lapse(s).

14. *Qualification Bar.*—Notwithstanding anything contained in these Rules, the departmental tests/technical qualifications prescribed for appointment to the posts or for promotion from one post to the another or for drawal of increments shall continue to be operative as heretofore for the revised Pay Levels also.

15. *Creation of new posts.*—No post shall be created in future under the Government except in one of the Revised Pay Levels shown in the schedule appended to these Rules. All posts created or upgraded on or after 01-01-2016 to the date of issue of these Rules shall be deemed to have been created or upgraded in the corresponding Pay Levels for those posts.

16. *Mode of payment of arrears of pay.*—The mode and procedure of payment of arrears on account of the revision of pay under these rules from 1st day of January, 2016 to 31st day of March, 2018 shall be ordered/issued separately.

*Explanation :—*For the purpose of this rule, “arrears of pay” in relation to a Government servant, means the difference between—

- (i) the aggregate of the pay and dearness allowance to which he is entitled on account of the revision of his pay under these rules for the period effective from the 1st day of January, 2016 ; and
- (ii) the aggregate of the pay and dearness allowance to which he would have been entitled (whether such pay and dearness allowance had been received or not) for that period had his pay and allowances not been so revised.

17. *Special provisions/treatment for certain posts.*—The benefits of special provisions/special treatment available/accorded to certain categories of posts under the Jammu and Kashmir Civil Services (Revised)

Pay Rules, 1998 notified vide SRO-18 dated 19-01-2018 shall continue, unless the same has been specifically withdrawn, till further orders :

Provided that the benefit of higher pay scales as were existing for any specific class(s)/categories of employees/posts prior to the notification of Jammu and Kashmir Civil Services (Revised) Pay Rules, 1992 shall not be available henceforth.

18. *Overriding effect of rules.*—The provisions of the Jammu and Kashmir Civil Services Regulations, the Jammu and Kashmir Civil Services (Revised) Pay Rules, 1962, the Jammu and Kashmir Civil Services (Revised) Pay Rules, 1973, the Jammu and Kashmir Civil Services (Revised) Pay Rules, 1982, the Jammu and Kashmir Civil Services (Revised) Pay Rules, 1987, the Jammu and Kashmir Civil Services (Revised) Pay Rules, 1992, the Jammu and Kashmir Civil Services (Revised) Pay Rules, 1998, and the Jammu and Kashmir Civil Services (Revised) Pay Rules, 2009 shall not, save as otherwise provided in these rules, apply to cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

19. *Power to relax.*—Where the Government is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, the Government may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

20. *Interpretation.*—If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Government in Finance Department for decision which shall be binding and final.

By order of Governor.

(Sd.) NAVIN K. CHOUDHARY, IAS,
Principal Secretary to Government,
Finance Department.

No. A/Misc.(2008)-Temp.-1232

Dated 24-04-2018.

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Standard endorsements.