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PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—FOREST DEPARTMENT

Notification

Srinagar, the 28th July, 2009.

SRO-221.—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.*—(1) These rules may be called the Jammu and Kashmir Ecology Environment and Remote Sensing (Gazetted) Service Recruitment Rules, 2009.

(2) 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) "Government" means the Government of Jammu and Kashmir ;
- (e) "Head of the Department" means the Major Head of the Department holding the administrative control of the organization ;
- (f) "Member of the service" means a person appointed to a post in the (Gazetted) service under the provisions of these rules ;
- (g) "Post" means a permanent post carrying a definite time scale sanctioned by the competent authority ;
- (h) "Rules" mean the Jammu and Kashmir Ecology Environment and Remote Sensing (Gazetted) Service Recruitment Rules, 2009 ;
- (i) "Schedule" means the schedule(s) annexed to these rules ;
- (j) "Service" means the Jammu and Kashmir Ecology Environment and Remote Sensing (Gazetted) Service ;
- (k) "State" means the Jammu and Kashmir State.

(2) Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 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 Ecology Environment and Remote Sensing (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 in substantive capacity any post included in the cadre of the service :

Provided that for the purpose of initial constitution of service, the person holding any post in 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 Ecology Environment and Remote Sensing (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 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 Schedule-I & II annexed to these rules.

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

(2) 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 cadre of the service to make 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 Schedule-II and fulfils other requirements of recruitment as provided in the rules and orders for the time being in force.

(2) Appointment to the service or class shall be made—

(a) by direct recruitment; or

(b) by promotion; or

(c) partly by (a) and partly by (b) in the ratio and in the manner as mentioned against each post in Schedule-II.

Provided that all posts under direct recruitment shall be filled through the Jammu and Kashmir Public Service Commission as per the rules/orders of the Government issued for the purpose :

Provided further that all posts to be filled by promotion 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 Jammu and Kashmir Public Service Commission (Limitation Function) Regulation, 1957 by the Government by specific order.

(3) The Department shall refer vacancies in the direct/promotion quota to the Public Service Commission and Departmental Promotion Committee, as the case may be, in terms of SRO-166 dated 14-06-2005:

6. *Probation.*—(1) Persons appointed to the service by direct recruitment or by promotion shall be on probation for a period of two years and their confirmation to the class or category shall be governed under the provisions of Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

(2) The pay of a person appointed to the service under these rules shall be regularized as per the provisions of Jammu and Kashmir Civil Service Regulations or General Rules as issued from time to time by Government.

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 Scheduled Castes/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, and the Reservation Rules in force.

8. *Training and departmental examination.*—Persons appointed to the service by direct recruitment through competitive examination or by promotion shall be required to undergo such training from time to time as may be required and to pass during the period of probation such departmental examination as may be prescribed in consultation with the Commission in this behalf:

Provided that the Government may in consultation with the Commission exempt, either wholly or partly, from such training or departmental examination persons who have passed a departmental

examination or undergone training declared by Government to be equivalent to a departmental examination or training prescribed under these rules.

9. *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/she possesses the educational and other qualifications prescribed for recruitment to such class or category of posts. 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 Services (Classification, Control and Appeal) Rules, 1956. The Head of 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 the 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 Governor.

(Sd.)

Commissioner/Secretary to Government,
Forest Department.

SCHEDULE-I
(Gazetted).

S. No.	Designation of the post	Pay band+Grade pay	No. of posts
1.	Chief Conservator of Forests, Environment and Remote Sensing	PB-4 37400-67000+10,000	01
2.	Scientist	PB-3 15600-39100+7600	03
3.	Jr. Scientist	PB-3 15600-39100+6600	03
4.	Scientific Officer	PB-3 15600-39100+6600	01
5.	Soil Conservationist/ Environmental Forester/ Environmental Engineer	PB-3 15600-39100+6600	03
6.	Mass Media Officer	PB-3 15600-39100+6600	01
7.	Scientific Assistant	PB-2 9300-34800+5200	04

(Sd.)

Commissioner/Secretary to Government,
Forest Department.

SCHEDULE-II

Class	Category	Designation of the post	Pay band+Grade pay	Minimum qualification for direct recruitment	Method of recruitment
1	2	3	4	5	6
I		Chief Conservator of Forests, Environment & Remote Sensing	PB-4 37400-67000+10,000	...	By deputation from IFS.
II		Scientist	PB-3 15600-39100+7600	...	By promotion from Class-III, Category-A having five years substantive service.
III	A	Jr. Scientist/Scientific Officer	PB-3 15600-39100+6600	...	By promotion from Class-IV having five years substantive service in that class.
	B	Soil Conservationist/ Environmental Forester/ Environmental Engineer	PB-3 15600-39100+6600	...	By deputation from Forest/ Soil Conservation/Urban Environment Engineering Department (UEED) as the case may be.

I	2	3	4	5	6
C	Mass Media Officer	PB-3	15600-39100+6600	..	By deputation from Information Department.
IV	Scientific Assistant	PB-2	9300-34800+5200	Master's Degree in Forestry/ Soil Science/Zoology/Botany/ Geology/Geography/Hydrology/ Limnology/Agriculture/Environment Science/Computer Science with Postgraduate Diploma in Remote Sensing/M.Sc. Geo Information/ M. Tech. in Remote Sensing from a recognized University.	100% by direct recruitment.
(Sd.)					Commissioner/Secretary to Government, Forest Department.