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**AZAD JAMMU & KASHMIR BAR COUNCIL EMPLOYEES  
SERVICE RULES, 1999**

**(Gazette of Azad Jammu & Kashmir, Extra Ordinary, 1<sup>st</sup> July , 1999**

**No. F.C, 392/1999**

(See Section 53of the Act)

In. exercise of the powers conferred by Section 53 of the Legal Practitioners & Bar Councils (Act XXX of 1995), the Azad Jammu & Kashmir Bar Council is pleased to make the following Rules:-

**CHAPTER-I**

**GENERAL**

1.1 These Rules may be called the Azad Jammu & Kashmir Bar Council, Bar Council Employees Service Rules, 1999.

1.2 They shall come into force with effect from 1-1-1998, except Chapter-VIII which shall come into force from 1-1-2000.

1.3 In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to said.

- (a) “Appointing authority”, means the authority enumerated as such under Rule 73 of the Azad Jammu & Kashmir Legal Practitioners Bar Council Rules, 1998
- (b) “Bar Council”, means the Azad Jammu & Kashmir Bar Council;
- (c) “Executive Committee”, means the Executive Committee of the Azad Jammu & Kashmir Bar Council;
- (d) “Rules”, means the Azad Jammu & Kashmir Legal Practitioners Bar Council Rules, 1998.
- (e) “Chairman”, means the Chairman of the Executive Committee;
- (f) “Employee”, means an employee of Azad Jammu & Kashmir Bar Council;
- (g) “Appendix”, means the appendix to these Rules;

- (h) Terms not defined shall have the meanings assigned to them under the Act and Rules.
- (i) <sup>1</sup>Appointing authority means the Executive committee of the Bar Council.
- (j) <sup>2</sup>Accused means an employee of the Bar Council against whom action is taken under the rules.
- (k) <sup>3</sup>Secretary means the Secretary of Bar Council or any person authorized by the Executive Committee of Bar Council to perform the functions and duties of the Secretary.

## **CHAPTER-II**

### **REQUIREMENT QUALIFICATION & RETIREMENTS**

2.1 The qualifications required for the various categories of posts, and the pay scales shall be as specified in the Appendix,

Proviso <sup>4</sup>Deleted.

Proviso <sup>5</sup>Deleted.

2.2 All employees of the Azad Jammu & Kashmir Bar Council appointed by the Chairman of Azad Jammu & Kashmir Bar Council immediately before coming into force of these Rules, they shall be deemed to have been appointed under these Rules and the AJ&K Legal Practitioners Bar Council Rules, 1998 or as the case may be.

2.3 The employee shall be given preference In the matter of appointment, but in the event of non-availability of a suitable person, the vacancy shall be filled up by direct recruitment after public advertisement.

2.4 Promotion shall be strictly on the basis of seniority-cum-fitness efficiency.

2.5 No person, who has been dismissed from service or convicted of an offence involving moral turpitude, shall be eligible for the appointment.

2.6 The minimum age for employment shall be 18 years and maximum 35 years.

2.7 The retirement age of an employee shall be (60) years.

Provided that the Bar Council may retire an employee earlier on the ground of his being found medically unfit to perform his duties.

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1. Added by amendment Notification dated 29.01.2014.
  2. Added by amendment Notification dated 29.01.2014.
  3. Added by amendment Notification dated 29.01.2014.
  4. Deleted by amendment Notification dated 29.01.2014.
  5. Deleted by amendment Notification dated 29.01.2014.

**CHAPTER-III**

**CONDITION OF SERVICE**

3.1 A person joining on initial appointment shall remain on Probation for a period of one year and an employee, who is promoted, shall remain on probation for six months.

3.2 If the work or the conduct of an employee during the period of probation has been unsatisfactory, the appointing authority, not with standing, that the period of probation has not expired, may, if he has been appointed by initial recruitment, dispense with his service, and if he has been appointed by promotion, revert him to his substantive post.

3.3 On completion of the period of probation, the appointing authority may confirm the employee in the appointment, or if his work or conduct has, in the opinion of the appointing authority not been satisfactory:-

- (a) In case he has been appointed by initial recruitment, dispense with his service;
- (b) In case he has been appointed by promotion, revert him to his substantive post;
- (c) Extended the period of probation by a period not exceeding one year in case of initial recruitment, and six months in case of appointment by promotion, and during or on the expiry of such period, pass such orders as it could have passed during or on the expiry of the initial probationary period:

Provided that if no orders have been made by the day following the completion of initial probationary period, the period of probation shall be deemed to have been extended.

Provided further that if no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended.

3.4 The seniority inter se of the employee in a grade shall be determined with reference to their dates of appointments to the grade.

Provided that if the date of appointment of more than one employee is same, the seniority shall be determined by the date of birth.

**CHAPTER-IV**

**CONTRIBUTORY PROVIDENT FUND**

4.1 There shall be a contributory provident fund, to be called the Azad Jammu and Kashmir Employees Contributory Fund, hereinafter referred to as the Fund.

4.2 Each employee shall compulsorily contribute to the Fund at the rate of Rs. 12..50% percent, per month, of his basic pay, and the Bar

Council shall also, made an equal contribution to the account of such employee:

Provided that employee shall not be entitled to receive the contribution from the Bar Council unless he has put in five years continuous service:

Provided further that the employee, who have completed five years service at the time of the Commencement of these Rules, shall be entitled to payment of the contribution of the Bar Council under rule 4.2.

4.3 An employee shall be entitled to payment of the amount due to him under Rule 4.2, on his leaving employment or on retirement, and in the event of the death of an employee, the amount shall be paid to such person/persons as may have been nominated by him to receive the amount.

Provided that no employee who is dismissed from Service, shall be entitled to receive the contribution of the Bar Council under Rule 4.2.

4.4 At the recommendations of the appointing authority, and subject to the discretion of the Bar Council, an advance from the contributory provident fund, may be granted to an employee having put in:-

- (i) Less than five years continuous service, up to the amount contributed by him to the C.P. Fund
- (ii) More than five years continuous service, up to the amount to be determine by the appointing authority out of the total • contribution,

For the following purpose:-

- (a) To pay expenditure incurred in connection with the illness of the employee, or any person actually dependent bn him;
- (b) To pay expenditure in connection with the marriage of the employee, or any person actually dependent on him;
- (c) To pay expenditure on building or purchasing of house or site for a house;
- (d) To pay expenditure in connection with the performance of Hajj; and
- (e) Such emergency, which the Bar Council may deem fit.

## **CHAPTER-V**

### **LEAVE**

5.1 Each employee shall be entitled to avail the following leave;

- (a) Casual leave not to exceed 25 days in a calendar year to be allowed for good cause only.

Provided that no employee shall be allowed casual leave for more than six consecutive days at a time.

- (b) Earned leave, An employee of the Azad Jammu and Kashmir Bar Council shall earn leave to be calculated at the rate of four days of every calendar month of the period of duty rendered and credited to the leave accounts. Duty period of 15 days or less in a calendar month shall be ignored and of more than 15 days shall be treated as a full calendar month for the purpose. There shall be no maximum limit on the accumulation of such leave.
- (c) Grant of Leave, The maximum period of leave on full salary that may be granted at one time shall be as follows.
  - i) Without medical certificate 120days
  - ii) With medical certificate 180days
  - iii) On medical certificate from leave account in entire service 365days

5.2 'Extraordinary Leave (leave without pay) It may be granted on any ground up to a maximum period of five years at time, provided the employee to whom such leave is granted has been in continuous service for a period of not less than ten years; in case an employee has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the appointing authority.

5.3 Leave preparatory to Retirement. Subject to availability, the maximum period, which an employee may be granted as a leave preparatory to retirement, shall be 365 days, on payment of full salary.

5.4 Encashment of Refused Leave- If in case of retirement on attaining the age of superannuation, an employee, for reasons of public service be granted leave preparatory to retirement, duly applied for in sufficient time, he will in lieu thereof be granted lump sum leave salary, for the leave refused to him subject to a maximum of 180 days leave on full salary.

5.5 In Service Death, In case an employee dies while in service lump sum payment equal to full salary of the accumulated earned leave available at the time of death of employee, his family shall be paid full salary up to 180 days.

## **CHAPTER-VI**

### **DISCIPLINARY ACTION**

- 6.1 When an employee, in the opinion of the Appointing Authority.
- (a) Is inefficient, or has ceased to be efficient.
  - (b) is guilty of misconduct; or
  - (c) is negligent,

The appointing authority may impose on him one of more penalties.

**Explanation:** "Misconduct" includes conduct prejudicial to good or office discipline or unbecoming of an employee, and gentleman or any act prejudicial to the cause, and purpose of Bar Council, and legal profession.

- 6.2 The following are the penalties, namely:-
- (i) Warning;
  - (ii) Censure;
  - (iii) Withholding for a specific period increment or promotion;
  - (iv) Recovery from pay or other emoluments, of the whole or any part of any pecuniary loss caused to the Bar Council by negligence or breach of order;
  - v) Reversion to a lower post;
  - vi) Removal from service; and
  - vii) Dismissal from service.

**Explanation:** In this Rule, removal from Service or dismissal from service does not include the discharge of a person appointed on probation during the period of probation or appointed under a contract to hold temporary appointment on the expiration of period of appointment or in accordance with the terms of his contract.

6.3 When an employee is to be proceeded against under clause(a) of Rule 6.1 and the Appointing Authority is of the opinion that the allegations are established would call for any one or more penalties provided in clauses (i), (ii) and (iii) of Rule 6.2, the Appointing Authority shall make the allegations against an employee known to him in writing and call upon him to explain his conduct within ten days of receipt thereof and consider the explanation of the employee, if any, submitted within the specified time and after giving him an opportunity of being heard in person, may award any one or more of the penalties specified in Rule (i), (ii) and (iii).

6.4 When an employee is to be proceeded against, under Clause (b) or (c) of Rule 6.1, and the Appointing Authority is of the opinion that the allegations are established, would call for a penalty provided in clauses (iv) to (vii) of Rule 6.2, the following shall be observed namely:-

- (i) The appointing Authority shall frame a charge and communicate it to employee together there with the statement of allegations and any other circumstances, which proposed to be taken into consideration.
- (ii) The Appointing Authority shall require the employee to put in a written defence within ten days from the day the charge has been communicated to him, stating at the same time whether he desires to be heard in person, or not;
- (iii) If the written defence submitted by the employee is found to be unsatisfactory, the Appointing Authority shall appoint an Enquiry Officer to hold an enquiry into the allegations;

- (iv) The Enquiry Officer, shall, after the enquiry in which the employee shall be entitled to be heard, submit his report within two months of the commencement of his inquiry to the Appointing Authority within seven days of the conclusion of the enquiry.
- (v) The Appointing Authority shall consider the report, and if, upon such consideration, it is of the opinion that a penalty should be imposed upon the employee, it shall provisionally determine the penalty to be imposed and shall so inform the employee, and supply him with a copy of the report and call upon him to show cause within seven days of the communication thereof why the penalty proposed should not be imposed.
- (vi) The Appointing Authority shall take into consideration any cause shown by the employee, and pass a final order thereafter.

6.5 An employee against whom action is proposed to be taken under Clause (b) and (c) of Rule 6.1, may be placed under suspension, provided that he shall be subjected to such orders in relation to attendance or non-attendance of the office as may be made by the Appointing Authority.

6.6 In the event Of the employee being exonerated of the charge, he shall be entitled to payment of the salary for the period of suspensions in addition to such allowance to which he is entitled, accounting for any payments made during suspension.

6.7 An employee, on whom a penalty is imposed, shall have the right of appeal to the Bar Council, where the Appointing Authority is other than the Bar Council.

## **CHAPTER VII ALLOWANCES**

7.1 <sup>1</sup>The employees of the Bar Council shall be entitled to such salaries, allowances and other emoluments as prescribed by the Bar Council:

Provided that the Bar Council may from time to time allow or withdraw allowances to the employees as it deems appropriate.

7.2 The employee shall be eligible to T.A/D.A <sup>2</sup>pay and allowances as admissible from time to time to Government servants in the comparative pay scales.

7.3 All the employees of the Bar Council shall be the whole time employees. <sup>3</sup>No employee can refuse to perform duties after office hours.

7.4 <sup>4</sup>Deleted.

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1. Substituted by amendment in rules Notification dated 29.01.2014.  
2. Added amendment Notification dated 29.01.2014.  
3. Added vide amendment in rules Notification dated 29.01.2014.  
4. Deleted in rules by Notification dated 29.01.2014.

## CHAPTER-VIII

### GRATUITY

8.1. **Gratuity.** Gratuity is the recognition of the services rendered to the Azad Jammu and Kashmir Bar Council over a long period by a staff member.

8.2 **Eligibility.** All categories of staff, fulfilling the conditions mentioned hereunder shall be eligible for payment of Gratuity.

8.3 **Conditions of Eligibility:-**

- (i) The member of staff must have put in at least 10 years service with the AJ&K Bar Council, including the period of probation, if any;
- (ii) He must have retired on reaching the age of retirement prescribed by the AJ&K Bar Council, which at present is 60 years:&
- (iii) Gratuity on the same basis is also payable to employees who resign after completion of 10 years of continuous service. Provided that if he dies, while in the service of the AJ&K Bar Council, before qualifying the conditions under clause (i) above, his nominee/nominees shall be paid gratuity at the rate of two months basic pay salary for each completed year of service put in by him. provided further that the Appointing Authority, under special circumstances, may waive the conditions of eligibility, and allow payment of two months salary each for the years of service put by an employee.

8.4 **Qualification:** The following categories of staff shall not be eligible for payment of any gratuity:-

- (i) Those who resign from the service of the AJ&K Bar Council before completing the service of 10 years; and
- (ii) Those who are dismissed.

8.5 **Computation of amount of Gratuity:** For calculating the Gratuity payable to a member of the staff, only the monthly basic salary, last drawn by the employee on the date of his retirement or, resignation or death and excluding all allowances, benefits and prerequisites, shall be taken into consideration.

8.6 **Computation of period of service:** For the purpose of calculating the period of 10 years service with the Azad Jammu & Kashmir Bar Council, only continuous 10 years shall be taken into consideration.

8.7 **Payment of Gratuity to the employee/nominee:**

- i) Subject to the eligibility, the gratuity shall be paid to the employee computed the rate of two months salary last drawn, for the number of years of service put in by him, &

- ii) If an employee is eligible for payment of gratuity under these rules, dies in the service of the AJ&K Bar Council, or after the acceptance of resignation or retirement but before payment of the gratuity amount to him, such amount shall be paid to his nominee/nominees.

Any payment effected by the Azad Jammu & Kashmir Bar Council in accordance with the provisions of this Rule, shall be given complete discharge to it in respect thereof.

**8.8 Set-Off AJ&K Bar Council's Claim Against Gratuity:** In case of members of staff who are eligible for payment of gratuity according to the Rules, and who owe any money to the AJ&K the Bar Council, the Council shall be entitled, without being bound to do so, to set-off and appropriate the amount of gratuity against the such dues owing to the Council or such position thereof as may be sufficient to meet or satisfy the same.

8.9 These rules, without modifications, or amendments made from time to time, and incorporation herein by the AJ&K Bar Council, on being circulated amongst the employees of the Council, shall be acceptable to and binding on all the employees of the Council.

**By Order of AJ&K Bar Council**  
**--sd--**  
**Secretary AJ&K Bar Council**

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