



Government of Jammu and Kashmir
ARI and Trainings Department
Civil Secretariat, J&K

Subject: Notifying method of recruitment through Executive Order - Guidelines thereof.

Reference: U.O No. GAD-SERV0GENL/60/2023-02-GAD dated 09.05.2024 of General Administration Department.

Government Order No. 25 -JK(ARI &Trgs) of 2024
Dated: 21 -06-2024

Whereas, the business of Administrative Reforms, Inspection and Trainings Department (ARI & Trainings) is transacted in accordance with the J&K, Business Rules;

Whereas, among other things, the ARI & Trainings Department is charged with the responsibilities of Administrative Reforms and thereby coordinates and finalizes Recruitment Rules of all the Government Departments;

Whereas, ARI & Trainings Department has from time to time, urged Departments to initiate necessary steps for finalizing the recruitment rules or carrying amendments in the existing recruitment on regular basis wherever applicable and also necessary revision after span of at least five years time;. However, certain Departments fail to adhere to these instructions/timelines;

Whereas, the General Administration Department vide Government Order No 635-JK(GAD) of 2024 Dated 16-02-2024, among other things, has also advised all the Departments to take necessary steps for finalizing the recruitment Rules of the Services/Cadres and to desist from amending the Recruitment Rules through Executive Orders;

Whereas, meanwhile, some Departments have expressed urgency for filling up of some critical posts, where existing method of recruitment are required to be revised or where no formal recruitment rules are available at all.

Whereas, the General Administration Department in consultation with the Department of Law, Justice and PA, as an exception, has allowed Departments to issue and act on the Executive Orders for filling up the gaps in existing Recruitment Rules of where there is are no formal method of recruitment available for **specified critical posts** only, for a period of six months, within which the Departments as per procedure laid down, shall have to finalize the recruitment rules;

Whereas, for the said purpose of finalizing method of Recruitment through "Executive Orders", there is a stipulation that the intending Departments shall have to seek prior concurrence of the ARI & Trainings Department and Department of Law, Justice and Parliamentary Affairs, before submission of proposals relating to Executive Orders for consideration by the Competent Authority; and

Whereas, for the said purpose, the ARI & Trainings Department has been charged with the responsibility to issue guidelines alongwith Check-list for considering such proposal to be submitted by the concerned Intending Departments for seeking concurrence.

Now therefore, sequel to the above instructions, following guidelines are hereby notified along with check-list, for considering proposals for issuance of Executive Orders for notifying method of recruitment by the respective Departments:

1. Identification of Critical posts:

- a) The "critical posts" means the sanctioned posts, where no method/mode of recruitment is available at all and remained vacant and are at cutting edge and non-filling of which on account of non-availability of method of recruitment, may affect the functioning of the Government Department and delivery of public service adversely.
- b) The critical posts vacancies shall also mean, where the Department may not afford to delay the recruitment due to non-availability of formal recruitment rules or non-revision of recruitment rules for the purpose of administrative requirements.
- c) The critical posts, shall also include the posts, where existing method of recruitment has become obsolete or where there is severe ambiguity in the rules and necessitates revision.
- d) The critical post shall exclude the posts where mere changes are required such as length of service or change in the nomenclature or change in the schedule-1 (i.e cadre strength).
- e) The critical posts shall also exclude the posts where uniform method is applicable as notified by the General Administration Department from time to time.
- f) The Intending Departments shall notify list of such post through an order and shall invariably outline the job responsibilities, qualification or any other relevant details viz-a-viz. cadre strength of the posts duly supported with Schedule-1 or creation orders, as the case may be.
- g) The indenting departments shall justify the 'critical nature' and non-finalization of formal recruitment rules for the post(s) for which the executive order is required and furnish necessary certificate to this effect.

2. Procedure for framing Executive Order:

- a) Method of recruitment should emphasis on equal opportunities and commitment to fair and unbiased avoiding any sort of discrimination whatsoever or other protected character.
- b) The ratio between direct and promotion quota may be prescribed for a particular post or service depending on a judicious blending of several considerations like nature of job, qualifications, experience required, maintenance of adequate standard of efficiency in the cadre and with due regard to promotion prospects in the said cadre/service.
- c) The draft Executive Order shall be framed in a manner that it should be in sync with the present requirements and must serve the purpose, till the recruitment Rules are formally notified.

- d) The Department shall check as to whether such posts are borne on other establishments and method of recruitment in that case is not in variance, so as keep the sanctity of the statutory provisions of those rules.
- e) The Intending Department should take extra cautious, while revising/ updating Schedule-1 and shall ensure that sanctioned strength of the posts is not exceeded in any manner and is in consonance with the existing schedule and creation/abolition of posts from time to time has been taken into account. An explicit certificate to this effect shall be furnished by the respective Departments while furnishing proposals to the ARI & Trainings Department.
- f) The minimum qualification/experience and physical standard, if applicable required for direct recruitment posts may be indicated as precisely as possible and if necessary in two parts viz. essential qualification and desirable qualification without any ambiguity or vagueness taking into account the pay attached to the post vis-a-vis nature of duties.
- g) For Promotion Posts, the method of recruitment should not be in variance or counter-productive to existing recruitment rules, so as to avoid inception of any litigation.
- h) The method/mode of recruitment should not be person specific but in overall interest of the Department.
- i) The method of recruitment to critical posts should be in proportion to proper hierarchy without compromising promotion prospects.
- j) For the critical posts in case of Gazetted Cadre, the prior concurrence of J&K, Public Service Commission is to be obtained.
- k) Once the Draft Executive Orders are vetted by the ARI & Trainings Department, the concurrence/vetting of Department of Law, Justice and PA also to be obtained.
- l) The Intending Departments shall also certify that there is no legal impediment or court case pending against the said process and is free from all encumbrances.

3. Constitution of Committee:

The committee constituted vide Government Order No. 985-JK(GAD) of 2024 dated 29.04.2024 issued by the General Administration Department shall be responsible for the purpose of finalizing/vetting of Executive Orders for notifying method of recruitment to the critical posts.

4. Time Lines

- a) The Committee shall finalize and vet the "Draft Executive Orders" within one month from the date the proposals complete in all respects are received in the Department
- b) The draft executive orders shall remain valid upto six months from the date of issuance of such orders.



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- c) The Departments shall furnish proposals for formal recruitment rules within three months from the date of issuance of any executive order for critical posts, so as to comply with the timelines notified by the Government.
- d) The Executive Orders already issued and are in operation or otherwise shall cease to exist, if six months time line has exhausted. In such cases, the respective departments shall either re-validate the same as per instant procedure or come up with formal recruitment rules for its vetting by the ARI & Trainings Department.
- e) The Executive Orders, so notified shall have prospective effect for all practical purposes.

5. Check List

In order to facilitate easy and timely vetting of the proposals by the ARI & Trainings Department, the following check list is hereby notified:

1	Name of the Department	
2	Notification of Critical Post	
3	Gazettted/Non-Gazettted	
4	In case of Gazettted post Concurrence of J&K PSC to be attached.	
5	Self Contained Note	
7	Draft Executive Order	
8	Schedule-I	
9	Schedule-II	
10	Existing RRs	
11	Creation Orders, if any	
12	Comparative Statement	
13	Certificate that whether the critical post(s) is/are free from all encumbrances/court cases.	
14	Certificate that sanctioned strength is not exceeded in any manner.	
15	Certificate by the intending Department to the effect that no legal impediment or Court case is pending against the process.	




6. Performa for Schedule-I and Schedule-II

Schedule-I

1	2	3	4
S. No.	Name of the Post	Pay Level	Sanctioned Strength

Schedule-II

1	2	3	4	5	6	7
Class	Category	Name of the Post	Pay Level	Minimum Qualification		Mode of Recruitment
				Essential	Desirable	

By order of the Government of Jammu and Kashmir.

Sd/-

(Shabnam Shah Kamili) JKAS
Secretary to the Government

Dated: 21 -06-2024

No. ARI-Adm/15/2024-01(CC-7415701)

Copy to the:

1. All Financial Commissioners (Additional Chief Secretaries).
2. Director General, J&K Institute of Management, Public Administration and Rural Development.
3. All Principal Secretaries to the Government.
4. Principal Secretary to the Lieutenant Governor, J&K.
5. Joint Secretary (Jammu, Kashmir & Ladakh), Ministry of Home Affairs, Government of India.
6. All Commissioner/Secretaries to the Government.
7. All Head of Departments/Managing Directors.
8. Secretary, J&K Public Service Commission.
9. Director Archives, Archeology and Museum.
10. Director Information, J&K.
11. Secretary, J&K, Service Selection Board.
12. Private Secretary to the Chief Secretary, J&K.
13. Private Secretary to Commissioner/Secretary to the Government, General Administration Department.
14. Private Secretary to Secretary to the Government, ARI & Trainings Department for information.
15. PA to Secretary (Technical), ARI & Trainings Department.
16. I/c website GAD/ARI.
17. Government Order file/Stock file.

(Mohammad Arshad Jan)

Under Secretary to the Government