

# **J&K Legal Services Authority**

## **Notification**

**The Jammu 22<sup>nd</sup> February, 2021**

**No: 02** .- In exercise of the powers conferred under Regulation 26 of the Jammu and Kashmir Legal Services Authority Regulations, 2021 read with the enabling provisions contained in the Legal Services Authorities Act, 1987 (Central Act No.39 of 1987) and the Jammu and Kashmir Legal services Authority Rules, 2020 framed by the Government of Jammu and Kashmir vide Notification, SRO 311 dated 13.10.2020, the Chief Justice, High Court of J&K, [Patron-in-Chief, Jammu and Kashmir Legal Services Authority] makes the following Rules.

### **1. Short title and commencement**

(1) These rules may be called the Jammu and Kashmir Legal Services Authorities/Committees (Officers and Employees) Recruitment Rules, 2021.

(2) They shall come into force with immediate effect.

### **2. Definitions**

In these rules, unless the context otherwise requires,-

- (a) ‘Board’ means the Selection Board or the Departmental Promotion Committee constituted for purposes of carrying out selection process for filling up of the vacant posts in the cadre of the Service, either by way of direct recruitment or by promotion;
- (b) ‘Cadre’ means the cadre of the Service;
- (c) ‘Chief Justice’ means the Chief Justice of the High Court of Jammu and Kashmir;
- (d) ‘Competent Authority’ means the Executive Chairman of the J&K Legal Services Authority;
- (e) ‘Competitive Examination’ means a written examination or test prescribed by these rules with such syllabus and mode of selection as may be laid down by or under the orders of the Competent Authority, from time to time, conducted for short-listing of the competing candidates on the basis of merit obtained in such written examination/test followed by *viva voce* of the shortlisted candidates;
- (f) ‘Government’ means the Government of Jammu and Kashmir;
- (g) ‘High Court’ means the High Court of Jammu and Kashmir;
- (h) ‘Service’ means the Jammu and Kashmir Legal Services Authorities/Committees Service;

### **3. Constitution of Service**

From the date of commencement of these rules, there shall be constituted the Jammu and Kashmir Legal Services Authorities/Committees Service;

Provided that for the purpose of initial constitution of the Service, any person appointed to and holding a sanctioned post in the Legal Services Authorities/Committees on substantive basis shall be deemed to have been appointed to the Service under these rules;

Provided further that any person holding any post in the Jammu and Kashmir Legal Services Authorities/Committees on stop gap, contractual or deputation basis at the commencement of these rules, may be permanently adjusted / appointed on such post in the cadre of the Service with the sanction of the Chief Justice; subject to the condition that such person fulfils the qualifications prescribed for the post.

### **4. Strength and composition of the Service**

(1) The authorised permanent and temporary strength of the cadre of the Service and the nature of the posts included therein shall be determined by the Chief Justice / Patron-in-Chief in consultation with the Executive Chairman and as sanctioned 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** annexed to these rules;

Provided that the Chief Justice with the prior sanction of the Government may create temporary posts in the cadre of the Service for specified period or purposes as may be considered necessary by the Patron-in-Chief and/or the Executive Chairman from time to time.

(2) The Chief Justice may at the interval of every three 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 he may deem fit on the recommendations of the Executive Chairman and with the prior sanction of the Government;

### **5. Qualification and method of recruitment to the service**

(1) No person shall be eligible for appointment or promotion to any post in any class, category or grade borne on the Service unless he possesses the qualification and experience as laid down in **Schedule II** to these rules, and fulfils other requirements of recruitment as provided in the rules and orders for the time being in force to the Government servants in general.

(2) Appointment to the Service shall be made:-

(a) by direct recruitment, which shall include appointment by transfer and deputation of persons from amongst the members of the staff borne on the establishment of the High Court and/or of the Subordinate Courts and/or short term transfer and deputation of officers from the J&K Civil Secretariat Gazetted Service;

(b) by promotion; and

(c) partly by direct recruitment and partly by promotion.

Provided that any such person borne on the establishment of the High Court and/or of the Subordinate Courts, appointed by transfer or deputation, may be permanently absorbed in the Service of the Legal Services Authorities / Committees, subject to his/her possessing the qualification requisite for the post.

Provided further that direct recruitment other than by transfer and deputation shall be made on the basis of Competitive Examination.

Provided further that the selection of candidates shall be made by the Board comprising two or more officers, including the Member Secretary, constituted and/or nominated by the Executive Chairman from time to time.

## **6. Probation**

(1) Persons appointed to the service by direct recruitment shall be on probation for two years and their confirmation shall be made 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 regulated as per the provisions of Jammu and Kashmir Civil Service Regulations or general rules as issued from time to time read with Government Circular No.09-GAD of 2016 dated 29.01.2016 and proviso to sub-section (1) of Section 90 of the Jammu and Kashmir Reorganization Act, 2019.

## **7. Reservation in appointments**

While making appointments by direct recruitment, other than by transfer or deputation, reservation shall be made in accordance with the rules governing the subject and issued from time to time.

## **8. Training and Departmental Examination**

Persons appointed to the service by direct recruitment shall be required to undergo such training during the course of probation and to pass such departmental examination during the period of probation as may be prescribed from time to time.

## **9. Eligibility of Government servants for direct recruitment**

A person already in 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 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 such as provided in the general orders issued by the Government of J&K from time to time:

Provided that in the case of a post that requires a higher degree or qualification, specialization and/or experience, the Executive Chairman 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.

## **11. Powers to relax**

Notwithstanding anything contained in these rules, where the Executive Chairman is satisfied that operation of any rule causes or is likely to cause undue hardship in any particular case, he may, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner; provided that the case is not dealt with in a manner less favourable to the concerned than in accordance with the rules.

## **12. 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 Civil Services in the Jammu and Kashmir in general.

Provided that where any of the powers relating to the matters mentioned in the above Rules is exercisable by the Government under any rules, the same shall, under these rules, be exercised by the Chief Justice / Patron-in-Chief, and the power vested in the Government in that behalf shall be deemed to vest in the Chief Justice except to the extent where sanction of the Finance Department may be required.

## **13. Repeal and savings**

(1) All rules corresponding to these rules and in force immediately before the commencement of these rules are 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.

## **14. Interpretation**

If there arises any doubt regarding application or interpretation of any of the rules herein contained, the same shall be referred to the Executive Chairman and or the Chief Justice / Patron-in-Chief, as the case may be, whose decision thereon shall be final and binding.

## **15. Delegation**

The Chief Justice / Patron-in-Chief may, by a special or general order, delegate all or any of the powers and functions as conferred or enjoined under these rules, to the Executive Chairman.

Sd/-  
(M.K. Sharma)  
Member Secretary

## SCHEDULE I

[Refer to Rule 4(1) of the J&K Legal Services Authorities/Committees (Officers and Employees) Recruitment Rules, 2021]

### Administrative Cadre

S. No.	Designation	Existing pay scale	Total No. of posts	Cadre-wise distribution of posts		
				State	Jammu	Kashmir
1	2	3	4	5	7	6
1	Member Secretary	As may be applicable to the incumbent of the post.	1	1	--	--
2	Secretary, High Court Legal Service Committee (HCLSC)		1	1	--	--
3	Secretary, District Legal Services Authority (DLSA)		20	--	10	10
4	Additional Secretary		1	1	--	--
5	Deputy Secretary / Administrative Officer		2	2	--	--
6	Under Secretary (Administration)		1	1	--	--
7	Under Secretary (Legal)		3	1	1	1

### Ministerial Cadre

1	2	3	4	5	6	7
8	Section Officer	Level 7 44,900-1,42,400	1	1	--	--
9	Accountant	Level 6B 35,600-1,12,800	1	1	--	--
10	Head Assistant	Level 6B 35,400-1,12,400	8	2	3	3
11	Senior Assistant	Level 5 29,200-92,300	18	4	7	7
12	Steno Typist	Level 5 25,500-81,100	20	--	10	10
13	Junior Assistant	Level 4 25,500-81,100	60	4	28	28

### Legal Cadre

1	2	3	4	5	7	6
14	Legal Assistant		10	02	04	04
15	Junior Legal Assistant		11	01	05	05

### Inferior Cadre

1	2	3	4	5	6	7
16	Driver		1	1	--	--
17	Orderly	S. Level 1 16,900-53,500	61	04	28	29

**SCHEDULE II**

[Refer to Rule 5(1) of the J&K Legal Services Authorities/Committees (Officers and Employees) Recruitment Rules, 2021]

**Administrative Cadre**

S. No.	Class	Category	Designation	Existing Scale of Pay	Minimum Qualification required	Method of recruitment
1	2	3	4	5	6	7
1	I	A	Member Secretary	As may be applicable to the incumbent of the post.	Not applicable.	By deputation from Higher Judicial Service.
2	II	A	Secretary, High Court Legal Service Committee (HCLSC)	As may be applicable to the incumbent of the post.	Not applicable.	By deputation from Judicial Service.
3		B	Secretary, District Legal Services Authority (DLSA)	As may be applicable to the incumbent of the post.	Not applicable.	By deputation from Judicial Service.
4	III	A	Additional Secretary	Level-12 78,800- 2,09,200		<p>i) By promotion from Class III, Category 'B' on the basis of merit-cum-seniority with a minimum of four years' substantive service in that Class and Category. Merit to be evaluated on the basis of grading of ACRs for the last four years).</p> <p>ii) In case there is no candidate available in the aforesaid Class &amp; Category, by deputation from the Civil Secretariat till an incumbent in the promotional ladder becomes available.</p>
5		B	Deputy Secretary / Administrative Officer	Level-11 67,700- 2,08,700	Graduation or Professional Bachelor's Degree in Law from a recognized University, as the case may be, depending upon the requirement of the feeding	<p>i) By promotion from Class IV, Categories 'A' and 'B' on the basis of merit-cum-seniority with a minimum of four years' substantive service in that Class / Category. Merit to be evaluated on the basis of grading of ACRs for the last four years.</p> <p>ii) In case there is no candidate available in</p>

					cadre post.	the aforesaid Class & Category, by deputation from the Civil Secretariat till an incumbent in the promotional ladder becomes available.
6	IV	A	Under Secretary (Administration)	Level-8 47,600-1,51,100		i) By promotion from Class V, Category 'A' on the basis of merit-cum-seniority with a minimum of three years' substantive service in that Class and Category.
7		B	Under Secretary (Legal)	Level-8 47,600-1,51,100		i) By promotion from Class X, Category 'A' on the basis of merit-cum-seniority with a minimum of four years' substantive service in that Class and Category.  ii) In case there is no candidate available in the aforesaid Class & Category, by deputation from the Legal Service Gazetted Service till an incumbent in the promotional ladder becomes available.

**Ministerial Cadre**

1	2	3	4	5	6	7
8	V	A	Section Officer	Level 7 44,900-1,42,400		By promotion from Class VII, Category 'A' on the basis of merit-cum-seniority with a minimum of three years' substantive service in that Class and Category.
9	VI	A	Accountant	Level 6B 35,600-1,12,800	Not applicable.	By deputation from the Finance Department.
10	VII	A	Head Assistant	Level-6B 35,600-1,12,800		By promotion from Class VIII, Category 'A' on the basis of seniority-

						cum-merit with a minimum of three years' substantive service in that Class & Category.
11	VIII	A	Senior Assistant	Level-5 29,200-92,300		By promotion from Class IX, Category 'A' on the basis of seniority-cum-merit with a minimum of three years' substantive service in that Class & Category.
12		B	Steno Typist	Level-5 29,200-92,300	Graduation from any recognised university with proficiency in English Shorthand possessing a minimum of 60 words per minute speed in Shorthand and 30 w.p.m. speed in transcription.	By direct recruitment on the basis of a test in shorthand and transcription. Evaluation of the transcription to be made on the basis of standards set by the High Court.
13	IX	A	Junior Assistant	Level-4 25,500-81,100	i) Graduation from any recognised university, possessing knowledge of computer type writing having not less than 35 words speed per minute.	(a) 75% by direct recruitment on the basis of Competitive Examination; and (b) 25% by promotion from amongst Class XIII, Category 'A' possessing Matriculation qualification and having at least three years' substantive service as such on the basis of seniority, subject to qualifying computer type test requiring a minimum speed of not less than 25 words per minute.

**Legal Cadre**

1	2	3	4	5	6	7
14	X	A	Legal Assistant	Level-6E 35,900- 1,13,500	Professional Bachelor's Degree in Law from any recognised university.	i) 50% by direct recruitment on the basis of Competitive Examination; and ii) 50% by promotion from Class XI, Category 'A' having not less than three years' substantive service in that Class, on the basis of merit-cum-Seniority. Merit to be determined on the basis of ACRs for the last three years.
15	XI	A	Junior Legal Assistant	Level-6B 35,600- 1,12,800	Professional Bachelor's Degree in Law from any recognised university.	By direct recruitment on the basis of a Competitive Examination.

**Inferior Cadre**

1	2	3	4	5	6	7
16	XII	A	Driver	Level-4 25,500-81,100	Matriculation from a recognised Board, possessing a valid LMV/HMV/HGV/PSV licence at the time of recruitment.	By direct recruitment. Preference to be given on the basis of length of experience.
17	XIII	A	Orderly	S. Level-1 14,800-47,100	Matriculation from a recognised Board.	By direct recruitment on the basis of <i>viva voce</i> to be conducted by the Board.

Sd/-  
(M.K. Sharma)  
Member Secretary