

# SRINAGAR MUNICIPAL CORPORATION CLASS-IV SERVICES (SPECIAL PROVISION) REGULATIONS, 2014

Notification No. 08 SMC of 2014, dated 30-09-2014, Srinagar  
Municipal Corporation.

In exercise of the powers conferred under section 67 read with section 394 of the Jammu and Kashmir Municipal Corporation Act, 2000, and pursuant to the approval conveyed by the Government vide No. HUD/Adm/50/2010 dated 05-09-2014, "the Srinagar Municipal Corporation Class-IV Services (Special Provision) Regulations, 2014" are hereby notified and appended herewith.

These regulations shall come into force from the date of their publication in the Government Gazette.<sup>1</sup>

Regulations to provide for regularization of Municipal Corporation employees appointed on ad hoc, contractual or consolidated basis.

In exercise of the powers conferred by section 67 read with section 394 of the Jammu and Kashmir Municipal Corporation Act, 2000, the Corporation with the prior approval of the Government hereby makes the following regulations to provide for regularization of the employees appointed on Ad hoc, Contractual or Consolidated basis.

## 1. Short title and commencement

(1) These regulations may be called the Srinagar Municipal Corporation Class-IV Services (Special Provision) Regulations, 2014.

(2) These shall come into force from the date of their publication in the Government Gazette.<sup>1</sup>

## 2. Definitions

In these regulations unless there is anything repugnant in the subject or the context,—

(a) "Act" means the Jammu and Kashmir Municipal Corporation Act, 2000;

(b) "Appointed day" means 1st of January, 2014;

(c) "Competent Authority" means the authority competent to make appointment under section 67 of the Act;

- (d) "Consolidated appointee," means a person who has been appointed against any post under the Corporation on consolidated monthly salary/wages;
- (e) "Contractual appointee" means a person who has been appointed on contract basis against any post under the Corporation;
- (f) "Ad hoc appointee" means a person appointed on ad hoc basis against any post on need basis;
- (g) "Government" means the Government of Jammu and Kashmir;
- (h) "Post" means a post borne on the establishment of the Corporation in the cadre of Class-IV categories like peons, orderlies, farash, safaiwallas, mushkies, summon server, sampler, workshop helper, chowkidar, gardener, boatmen, slaughter house worker, cattle catcher, cleaner and similar posts created by the Competent Authority from time to time on need basis;
- (i) "Empowered Committee" means the Empowered Committee constituted under sub-section (1) of regulation 10.
- (j) "Regularized employee" means a person whose services are regularized under regulation 10 (5);
- (k) "Corporation" means Srinagar Municipal Corporation;
- (l) "Recruiting Agency" means the authority competent to make selection for appointment to any substantive post or service under the Corporation.

## 3. Application of the Regulation

These Regulations shall apply to Safaiwallas and Class-IV posts under the Corporation as are held by any person having been appointed on ad hoc, contractual basis including those appointed on consolidated salary/wages; provided that such appointments have been made by the Competent Authority on need basis but shall not apply to—

- (a) Persons appointed on tenure posts co-terminus with the life of the project or scheme of the State or Central Government, as the case may be;
- (b) Part-time or seasonal employees.

*Explanation to Rule (3):—* Provided that only Safaiwalla and Class-IV posts shall be utilized for purpose of adjustment/regularization of the consolidated workers engaged from time to time and having completed seven years of continuous service.

<sup>1</sup> Published in the Govt. Gazette dated 30-09-2014.

#### 4. Exclusion from the purview of recruiting agencies

Notwithstanding anything to the contrary contained in any other rule/regulation for the time being in force, the posts referred to under section 3 shall be and shall always be, deemed to have been excluded from the purview of the recruiting agencies.

#### 5. Regularization of contractual, consolidated and ad hoc appointee

Notwithstanding anything to the contrary contained in any rule/regulations for the time being in force, the ad hoc, contractual or consolidated appointees shall be regularized on the fulfillment of the following conditions:—

- (i) That he has been appointed/engaged as consolidated/ad hoc/contractual worker by the Competent Authority on need basis;
- (ii) That he continues as such on the appointed day;
- (iii) That he possessed the requisite qualifications and eligibility for the post on the day of his initial appointment on contractual, or consolidated basis as prescribed under the recruitment rules governing the service or post;
- (iv) That no disciplinary or criminal proceedings are pending against him on the appointed day; and
- (v) That he has completed seven years of continuous service as such on the appointed day;
- (vi) Regularization shall be done against clear vacant post:

Provided that the regularization of the eligible ad hoc, contractual or consolidated employees under these regulations shall have effect only from the date of such regularization irrespective of the fact that such appointees have completed more than seven years of service on the appointed day or thereafter but before such regularization :

Provided further that any contractual or consolidated appointee who is in-service but who has not completed seven years of service on the appointed day shall continue as such till completion of seven years and shall thereafter be entitled to regularization under these regulations.

#### 6. Relaxation in upper age limit

(1) The upper age limit as prescribed under rules for entry into Corporation service shall be relaxed, by the Minister Incharge Housing and Urban Development Department, in case the ad hoc, consolidated or contractual appointee is otherwise eligible for regularization under these regulations provided such appointee has crossed the age limit at the time of his regularization but was within the prescribed age for appoint-

ment/engagement at the time of his initial appointment as such or his age was relaxed by the Competent Authority at the time of his initial appointment/engagement.

(2) The ad hoc, contractual or consolidated appointee shall be treated as an in-service candidate so far as the upper age limit is concerned for direct recruitment to Corporation service:

Provided his ad hoc, contractual or consolidated service is subsisting on the day of issue of the advertisement notification or at the time of consideration of their regularization by the Competent Authority under these regulations.

#### 7. Fixation of pay

Every regularised employee shall from the date of his regularization be entitled to fixation of pay in the time scale of pay applicable to the Safaiwalla/Class-IV post against which he is regularized.

#### 8. Test or training

Wherever any test or training is prescribed as a qualification for declaration of completion of probation in a service the regularized employee shall pass such test or undergo such training within one year from the appointed day, failing which his annual increments shall be stopped and if he fails to pass such test or undergo such training even by the end of the fourth year from the date of his regularization, his services shall be terminated.

#### 9. Seniority

The seniority of the regularized employee shall be determined with reference to the date of his regularization:

Provided that the inter-se seniority of the regularized employee shall be determined with reference to the date of their initial appointments on ad hoc or contractual or consolidated basis, as the case may be, subject to the merit/select list, if any:

Provided further that if the date of initial appointment on ad hoc or contractual or consolidated basis of two or more employees is same, then an employee older in age shall rank senior to an employee younger in age subject to merit/select list, if any.

#### 10. Empowered Committee

(1) There shall be an Empowered Committee consisting of,—

(i)	Commissioner, SMC	Chairman
(ii)	Joint Commissioner (Adm.)	Member

(iii)	Representative of the Administrative Department (not below the rank of Dy. Secretary)	Member
(iv)	Financial Advisor (CAO), SMC	Member
(v)	Joint Commissioner (Works) (in respect of Works Div.)	Member
(vi)	Secretary, SMC	Member-Secretary

(2) The Divisions, Branches, Sections of the Corporation shall within 60 days from the commencement of these Regulations, refer all the cases of eligible ad hoc, contractual or consolidated appointees for regularization under these regulations to the Member-Secretary for being placed before the Empowered Committee for scrutiny and verification with regard to their entitlement to regularization under these regulations.

(3) The Empowered Committee shall examine such cases and notify the names of such ad hoc, contractual or consolidated employees who have been found eligible for regularization under these regulations in respect of each wing of SMC within 15 days period for filing of objections before the committee.

(4) The Empowered Committee shall thereafter examine the complaints, if any, received and make appropriate recommendations to the Competent Authority with regard to administrative approval for regularization in respect of each case on fulfillment of the conditions specified under these regulations or rejection of the case.

(5) The Competent Authority on the recommendations of Empowered Committee shall consider and accord approval for regularization.

### 11. Appeal

(1) Any person aggrieved of the recommendations made by the Empowered Committee on account of being left-out may prefer an appeal within 30 days from the date of recommendations by the Empowered Committee before the Administrative Secretary, Housing and Urban Development Department.

(2) The Appellate Authority may, after hearing the appellant and after seeking comments from the Empowered Committee pass appropriate orders in this behalf which shall be final and conclusive.

### 12. Penalty

(1) In case it is found that the regularized employee has secured appointment or regularization on the basis of a forged, fake or fabricated

document/certificate, his regularization or appointment shall be cancelled by the Competent Authority.

(2) In case any officer or official fabricates or forges any document to give undue advantage to any person in the matter of regularization or aids or abets any person to secure any fabricated or forged document to claim regularization under these regulations he shall be liable for disciplinary proceedings and the salary drawn by such regularized employee shall be recoverable from such defaulting officer or official as arrears of land revenue.

### 13. Restriction on further ad hoc, contractual or consolidated appointments

With effect from the commencement of these regulations, no appointment shall be made by the Corporation on ad hoc, contractual, consolidated or temporary basis and all the vacant posts shall be filled up strictly in accordance with the rules governing the recruitment to the respective services or post. However, in case of further expansion of Municipal Limits from time to time as-per functions of the Corporation and in case of special circumstances, the Corporation with prior approval of the Government can engage such persons on need basis if they possess the prescribed eligibility criteria.

### 14. Interpretation

If any question arises relating to the interpretation of these rules, the matter shall be referred to the Government whose decision thereon shall be final.