

## CHAPTER XXIII

### EX-SERVICEMEN

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

(1) These\* rules may be called the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979.

(2) They shall be deemed to have come into force on the first day of July, 1979.

#### 2. *Definitions*

In these rules, unless the context otherwise requires—

- (a) “*Armed Forces of the Union*” means the naval, military and air forces of the Union;
- (b) “*disabled ex-serviceman*” means an ex-serviceman who while serving in the Armed Forces of the Union was disabled in operations against the enemy or in disturbed areas;
- (c) “*ex-serviceman*” means a person, who has served in any rank (whether as a combatant or as non-combatant), in the Armed Forces of the Union, including the Armed Forces of the former Indian States, but excluding the Assam Rifles, Defence Security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army, for a continuous period of not less than six months after attestation, and
  - (i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release; or
  - (ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid; or
  - (iii) has been released at his own request after completing five years’ service in the Armed Forces of the Union;
- (d) “*para-military forces*” means the Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police;  
Central Industrial Security Force, Secretariat Security Force, Assam Rifles, and Railway Protection Force;
- (e) “*reserved vacancies*” means vacancies reserved under Rule 4 for being filled by ex-servicemen.

#### 3. *Application*

These rules shall apply to all the Central Civil Services and Posts, Group ‘C’ and Group ‘D’ and to the posts of the level of Assistant Commandant in all para-military forces.

#### 4. *Reservation of vacancies*

(1) Ten per cent of the vacancies in the posts of the level of Assistant Commandant in all para-military forces; ten per cent of the vacancies in each of the categories of Group ‘C’ posts and of such posts in each group ‘C’ Service; and twenty per cent of the vacancies in each of the categories of Group ‘D’ posts and of such posts in each Group ‘D’ Service, including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely

\*Promulgated vide G.I., M.H.A., Notification No. 39016/10/79 Estt.(C), dated the 15th December, 1979.



to be made permanent or are likely to continue for three months and more, to be filled by direct recruitment in any year shall be reserved for being filled by ex-servicemen :

Provided the percentage of reservation so specified for ex-servicemen in a category of posts shall be increased or decreased, in any one recruitment year to the extent to which the total number of vacancies reserved for ex-servicemen, Scheduled Castes and Scheduled Tribes (including the carried forward reservations for Scheduled Castes and Scheduled Tribes) and for any other categories taken together, falls short or is in excess as the case may be, of fifty per cent of the vacancies in that category of posts filled in that year :

Provided further that in case of an increase in the reservation for the ex-servicemen under the preceding proviso the additional vacancies so made available for them shall be utilised first for the appointment of disabled ex-servicemen and if any such vacancies still remain unfilled thereafter the same shall then be made available to other ex-servicemen.

2. Out of the vacancies reserved for being filled by ex-servicemen, vacancies shall be reserved for candidates belonging to the Scheduled Castes and Scheduled Tribes in accordance with such orders as are issued in this behalf by the Central Government from time to time :

Provided that if any ex-serviceman belonging to the Scheduled Caste or Scheduled Tribe is selected, his selection shall be counted against the overall quota of reservations that shall be provided for the Scheduled Castes or Scheduled Tribes in accordance with the orders issued by the Central Government from time to time.

(3) No vacancy reserved for ex-servicemen in a post to be filled otherwise than on the results of an open competitive examination, shall be filled by the appointing authority by any general candidate, until and unless the said authority—

- (i) has obtained a 'Non-availability Certificate' from the employment exchange (where a requisition is placed on an employment exchange);
- (ii) has verified the non-availability of a suitable candidate by reference to the Director General Resettlement and recorded a certificate to that effect; and
- (iii) has obtained approval of the Central Government.

#### 5. *Special provision regarding age limit*

For appointment to any vacancy in Central Civil Services Group 'C' and Group 'D', whether reserved or not under these rules, every ex-serviceman who has put in not less than six months continuous service in the Armed Forces of the Union shall be allowed to deduct the period of such service from his actual age and if the resultant age does not exceed the maximum age limit prescribed for the post or service for which he seeks appointment by more than three years, he shall be deemed to satisfy the condition regarding age limit.

#### 6. *Special provision regarding educational qualification*

- (1) For appointment to any reserved vacancy in Group 'D' posts, every-ex-serviceman who has put in not less than three years service in the Armed Forces of the Union shall be exempt from the minimum educational qualification, if any, prescribed in respect of such posts.
- (2) For appointment to any reserved vacancy in Group 'C' posts, the appointing authority may, at its discretion, relax the minimum educational qualification, where such qualification prescribed is a pass in the Middle School Examination or any lower examination, in favour of ex-servicemen who have put in at least three years service in the Armed Forces of the Union and who are otherwise considered fit and suitable for appointment to such posts, in view of their experience and other qualifications.



(3) For appointment to any reserved vacancy in Group 'C' posts, to be filled partly by direct recruitment and partly by promotion or transfer, where the minimum educational or technical qualification prescribed for appointment by direct recruitment is higher than that prescribed for promotees or transferees, an ex-serviceman shall be deemed to satisfy the prescribed educational or technical qualification if he,—

- (i) satisfies the educational or technical qualification prescribed for direct recruitment to the post from which promotion or transfer to the post in question is allowed; and
- (ii) has identical experience of work in a similar discipline and for the same number of years in the Armed Forces of the Union, as prescribed for promotees or transferees.

<sup>1</sup>[(4) "For appointment to any reserved vacancy in Group 'C' posts, a Matriculate Ex-Serviceman (which term includes an ex-serviceman, who has obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy or Air Force); who has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to the posts for which the essential educational qualification prescribed is graduation and where

- (a) work experience of technical or professional nature is not essential; or
- (b) though non-technical professional work experience is prescribed as essential yet the appointing authority is satisfied that the ex-serviceman is expected to perform the duties of the post by undergoing on the job training for a short duration.

(5) For appointment to any reserved vacancy in Group 'C' and Group 'D' posts, where the prescribed minimum educational qualification is matriculation, the appointing authority may, at his discretion relax the minimum educational qualifications in favour of an ex-serviceman who has passed the Indian Army Class-I Examination or equivalent examination in the Navy or the Air Force, and who has put in at least 15 years of service in the Armed Forces of the Union and is otherwise considered fit to hold the post, in view of his experience and other qualifications." ]

Explanation.—For the purposes of this rule, in computing the period of three years service, there shall be added any period of service which an ex-serviceman has rendered while serving in a corresponding post or posts in a civil department, or a public sector undertaking or an autonomous organisation, whether under the Central Government or any State Government, or in a Nationalised Bank to the period of service rendered in the Armed Forces of the Union.

#### 6A. Lower Standard for Selection

In the case of direct recruitment, if sufficient number of candidates belonging to the ex-servicemen are not available on the basis of general standard to fill all the vacancies reserved for them, candidates belonging to the category of ex-servicemen may be selected under a relaxed standard of selection to make up the deficiency in the reserved quota subject to the condition that such relaxation will not affect the level of performance by such candidates.

#### 7. Amendment of recruitment rules

All rules regulating the recruitment of persons to Group 'C' and Group 'D' posts and services under the Central Government shall be subject to the provisions of these rules and shall be construed accordingly.

#### 8. Interpretation

If any question arises as to the interpretation in these rules, the same shall be decided by the Central Government.

<sup>1</sup>Inserted by Dept. of Personnel & Training, Notification No. 15012/8/82-Estt. (D), dated the 12th February, 1986 and published as G.S.R. No. 160 in Part II, Section 3, Sub-Section (i) of Gazette of India, dated 1st March, 1986



*Explanatory Memorandum to the Ex-Servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979*

Under the Ex-servicemen (Reservation of Vacancies in the Central Civil Services and Posts, Class III and Class IV) Rules, 1974, the reservations for ex-servicemen were available in the vacancies filled by direct recruitment in the Central Civil Services and Posts, Class III and Class IV. These rules ceased to be in force with effect from the 1st July, 1979. Since the problem of rehabilitation of ex-servicemen is a continuing feature, it has been decided to make available to the ex-servicemen certain facilities for their rehabilitation in Civil employment on a permanent basis. In formulating the present rules the provisions of the Ex-servicemen (Reservation of Vacancies in the Central Civil Services and Posts Class III and Class IV) Rules, 1974, and the decisions taken on the recommendations of the Working Group of officers on Resettlement of Ex-servicemen with regard to changes in those rules including change in the nomenclature of the rules have been taken into account. This will not adversely affect the rights of any person.

*Special concessions/relaxations admissible to ex-servicemen disabled in action and to families of the defence service personnel killed/severely disabled in action.*—The priorities for extension of welfare and resettlement benefits to ex-servicemen have been revised *vide* Personnel & Adm. Reforms Department's O.M. No. 14024/6/77-Estt. (D), dated 31st December, 1979. It has been provided in the said O.M. that for the purpose of appointment to Group 'C' and Group 'D' posts under the Central Government filled by direct recruitment, the ex-servicemen disabled whether during war or in peace-time, but their disability being attributable to military service, shall be accorded Priority-I along with retrenched employees of Government who are already included in that priority. It has also been provided in the said O.M. that up to two members each of the families of defence services personnel killed in service or severely disabled (with over 50% disability and who have become unfit for employment with their disability attributable to military service) whether during war-time or peace-time would be granted priority immediately after the disabled ex-servicemen, i.e., Priority-II A.

2. For the purpose of this concession, the members of the families of such deceased severely disabled Defence Services personnel would include besides his widow, his son/daughters/near relations who agree to support his family.

3. The question of extending the relaxation in age limit, medical standards and educational qualification as at present granted to war-time disabled defence services personnel to the peace-time disabled defence services personnel has been considered by the Government. It has been decided that these concessions should be made available to peace-time disabled defence services personnel also.

The existing instructions relating to these concessions for absorption of disabled defence services personnel in Group 'C' and Group 'D' posts are consolidated with certain changes wherever necessary in the succeeding paragraphs :—

(i) *Medical standards*

The disabled Defence Service personnel will be examined by a Demobilisation Medical Board of the Defence Services and the certificate of fitness granted by that Board would be considered adequate for the purpose of employment of such personnel in Group 'A' to Group 'D' posts. The Ministry of Defence will in consultation with the Ministry of Home Affairs lay down satisfactory norms of medical standards for guidance of the Defence Services Medical Boards. However, if the physical capacity of a person either deteriorates or improves after demobilisation, the employing authority may require a fresh medical examination by the appropriate Civil Medical Board. In that case also the Medical Board will follow the norms laid down for the Defence Services Medical Board and if the disabled per-



sonnel are found fit for discharging the duties of the posts, they will be considered as medically fit.

(ii) *Relaxation in age limit*

- (a) *Posts filled on the results of competitive examination.*—The disabled Defence Services personnel will be eligible for appointment to Group 'C' posts, which are filled on results of competitive examinations conducted by the Staff Selection Commission and other bodies provided they are educationally qualified. For appearing at the examination, they would be allowed a relaxation of the age limit up to three years (eight years in the case of disabled Defence Services personnel belonging to SC/ST) in excess of the prescribed upper age limit, subject to the condition that they would not be allowed to avail of a larger number of chances in respect of recruitment to a service, or group of services, than the maximum number of chances permissible to any general candidate under the age limit.
- (b) *Posts filled through Employment Exchanges.*—For appointment to Group 'C' and 'D' posts, which are filled through the Employment Exchange, the disabled Defence Services personnel would be allowed relaxation of the age limit up to 45 years of age (50 years in the case of disabled Defence Services personnel belonging to the SC/ST), or provided they satisfy the age limit prescribed for a particular post after deducting the period of their service in the Armed Forces from their actual age and adding three years thereto, whichever may be more advantageous to them.
- (iii) The procedure for notifying vacancies in Group 'C' and Group 'D' posts indicated in the Department of P & AR, O.M. No. 13/34/71-Estt. (C), dated the 1st February, 1972 for effective rehabilitation of war-disabled ex-servicemen and eligible dependants of Defence Services personnel killed or severely disabled in action in Group 'C' and Group 'D' posts would also be followed in the case of ex-servicemen disabled during peace-time and dependants of the Defence Services personnel killed or severely disabled in peace-time.
- (iv) As regards educational qualifications, the disabled Defence Services personnel who are considered for appointment to Group 'C' posts filled through the Employment Exchanges, but who do not possess the required educational qualifications, would not be considered ineligible for appointment merely on that account. Their ability to discharge the duties expected of the incumbents of the particular Group 'C' posts should be assessed by the appointing authority on the basis of suitable tests which should be designed for the purpose by the authority. As regards appointment to Group 'D' posts, the prescribed minimum educational qualification of Middle School standard or a lower standard will be relaxed in case of those disabled Defence Services personnel who have put in three years of service before being invalidated from the Military service, or whose total service in the Defence Forces and a civil department is not less than three years.
- (v) When a disabled Defence Services personnel is available and is sponsored by the Ex-servicemen Cell of the D.G.E. and T. or the Employment Exchanges, he shall not be refused employment, provided he fulfils the minimum requirements of the job. The posts reserved for ex-servicemen/disabled ex-servicemen and those which are to be utilized for the recruitment of the priority categories should not be filled through any other source without first making a reference to Ex-servicemen Cell of the D.G.E. and T. or the Employment Exchanges, and D.G. Resettlement, Ministry of Defence, and obtaining a non-availability certificate.



- (vi) *Evidence of Age qualifications.*—For purposes of claiming the age concessions referred to in (ii)(a) and (b) above, a certificate from the Director General, Resettlement, Ministry of Defence will be accepted as documentary evidence in support of the claim of disabled Defence Service personnel.

[M.H.A., (Dept. of Personnel and Adm. Reforms) O.M. No. 39016/5/81-Estt. (C), dated the 21st February, 1981.]

*Relaxation admissible only for the first civil employment.*—It has been decided that once an ex-serviceman has joined the Government job on civil side after availing of the benefits given to him as an ex-serviceman for his re-employment, his ex-serviceman status for the purpose of re-employment in Government ceases. On his joining the civil employment, he is deemed to be a civil employee and will be entitled to only such of the benefits like relaxation of age etc. as admissible to civil employees in the normal course in accordance with the existing instructions in this regard, subject to other conditions governing the grant of such benefits.

[DOP&T O.M. No. 36034/27/84-Estt. (SCT), dated the 2nd May, 1985.]

*Special Recruitment procedure by pooling vacancies reserved for Ex-servicemen.*—The following procedure should be followed and any difficulty in implementation sorted out in consultation with the D.G. (Resettlement). This procedure will, however, not be applicable to such of the posts which are filled centrally through recruiting agencies like Staff Selection Commission.

2. Vacancies existing in Groups 'C' and 'D' in various offices under each Ministry should be pooled at a Central level (either Zonal or Divisional or Circle) for determining the vacancies which can be earmarked for ex-servicemen. This will ensure that small number of vacancies in small offices are also taken into consideration. Out of the vacancies so pooled, the share of each beneficiary, i.e., the Scheduled Castes, the Scheduled Tribes and the physically handicapped including their carried forward reservation should be identified in accordance with the existing orders and instructions of the Government. The gap between the 50% of the total vacancies so pooled in any recruitment year and the percentage of total reserved vacancies, so identified for SC/ST and the physically handicapped, will determine the number of vacancies to be filled by the Ex-servicemen.

3. Wherever it is considered necessary, the vacancies reserved for Ex-servicemen should be segregated from the normal recruitment procedure and a Special Selection Board should be constituted to undertake the process of recruitment through prescribed recruiting agencies. A representative of the DG(R) may also be associated with such Boards or with the normal recruitment procedure relating to Ex-servicemen.

4. The reserved vacancies for Ex-servicemen should be notified to the DG(R) and the Rajya and Zilla Sainik Board and an advance notice preferably 3 months is to be given to these organisations. The vacancies should also be advertised through the local newspapers which would enable the Ex-servicemen to apply direct to the recruiting agency.

5. The schedule of Special recruitment may be drawn up by the concerned Ministries and Departments in consultation with the DG(R) so that such exercise in an organisation does not clash with the recruitment exercise in another organisation.

6. In order to make it more convenient for the Ex-servicemen to apply for recruitment, a common application form (printed below) may be prescribed, with the minor modification if considered absolutely necessary and the format of the application may be inserted in the advertisement invariably.

7. After the candidates are recommended, they have to be allocated to various offices by Zonal or Circle Headquarters.



8. A report on the Special Recruitment drive undertaken in each recruitment year may be furnished to the Director General (Resettlement), Ministry of Defence annually.

[Dept. of Per. & Trg., O.M. No. 36034/11/85-Estt (SCT), dated the 12th September, 1986.]

**APPLICATION FORM FOR GROUP 'C'/'D' POSTS**  
(Retired Defence Service Personnel)

1. Personnel number, Rank & Name . . . . . Please paste your
2. Arm/Service . . . . . photograph (passport
3. Father's Name . . . . . size) in uniform
4. Dates of:--  
 (a) Birth: . . . . .  
 (b) Enrolment: . . . . .  
 (c) Retirement/Discharge: . . . . .
5. Reasons for release/discharge . . . . .
6. Medical Category . . . . .
7. Award or Decoration . . . . .
8. Home, District and State . . . . .
9. Present address/Mailing address . . . . .
10. Permanent address . . . . .
11. Present profession/employment . . . . .
12. Qualification:—(Please attach attested copies of mark sheets) . . . . .

Course	Year Institution	Civil Equivalent
(a) Civil (educational)		
(b) Military (educational)		
(c) Military (Professional)		

- |                       |      |       |       |
|-----------------------|------|-------|-------|
| 13. Languages known   | Read | Write | Speak |
| (a) Indian . . . . .  |      |       |       |
| (b) Foreign . . . . . |      |       |       |
14. Character as assessed by Military authorities . . . . .
  15. Extra Curricular activities:  
 (a) Sports . . . . .  
 (b) Literary . . . . .  
 (c) Cultural/Art. . . . .
  16. Details of pay/pension/gratuity:  
 (a) Last basic pay drawn . . . . .  
 (b) Total emoluments . . . . .  
 (c) Details of pension/gratuity . . . . .
  17. Zila Sainik Board/Employment Exchange (Registration No.) . . . . .
  18. Job applied for . . . . .

Date

(.....)  
Signature  
Name.....  
Address.....

\*Countersigned

\*Applicable where applications are not made directly.



#### HIGH LEVEL COMMITTEE ON PROBLEMS OF EX-SERVICEMEN

The following recommendations of the High Level Committee on the problems of ex-servicemen given in para 15.10 of its Report have been accepted by the Government :

- (1) The procedure for dereservation of reserved posts for ex-servicemen be done strictly in accordance with the existing rules;
- (2) Directorate General Resettlement should be given 30 clear days for confirmation regarding 'non-availability' of ex-servicemen for specific posts; and
- (3) Number of posts, reserved for ex-servicemen, but not filled in any particular year is to be added to the number of posts falling to the share of ex-servicemen, in the next year. This, of course, is without disturbing the general policy of reservation for other categories for whom reservation is available and subject to the condition that the upper ceiling of 50% for total reservation as prescribed in terms of Supreme Court Judgement, is adhered to.