

BPE's O.M. No. 6/55/79- BPE (GM I)

Dated 22.01.1980.

**Reservation of posts in Public Enterprises for ex-servicemen and dependents of those killed in action**

The undersigned is directed to refer to BPE's O.M. No. 8/6/74- BPE(C), dated the 22nd November, 1974 (not reproduced) on the subject mentioned above extending the reservation for ex-servicemen and dependents of those killed in action for a further period of five years, w.e.f. 1st July, 1974 and to the O.M. of even number dated the 2nd August, 1979 requesting Ministry of Industry etc. to bring the decisions contained in Department of Personnel's O.M. No. 39016/778-Estt. (C), dated the 10th May, 1979 to all the Public Sector Enterprises under their administrative control.

2. It has since been decided to make available to the ex-servicemen certain facilities including reservation in posts and services on a permanent basis vide Ministry of Home Affairs, Department of Personnel's Notification No. 39016/0/79-Estt(C) dated the 15th December, 1979

3. Ministry of Industry, etc., are requested to bring the Rules contained in the Notification dated the 15th December, 1979 to the notice of all Public Sector Enterprises under their administrative control for guidance and necessary compliance in future.

**DOP's NOTIFICATION No. 39016/77/8-Estt. (C)**  
**dt. 10.05.1979**

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules for regulating the recruitment of ex-servicemen in Central Civil Services and Posts, namely:

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; and
- (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 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 maybe, 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 a 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 qualifications—

- (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 post.
- (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 of 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.

**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.

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 of these rules, the question shall be decided by the Central Government and the decision of the Central Government shall be final.

*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 w.e.f. 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.