

DEFINITION OF EX-SERVICEMEN

Those who were released between 01 Jul 66 and 30 Jun 68 (both days inclusive) - Any person who has served in any rank (whether as a combatant or not) in the Armed Forces of the Union, has been released there from otherwise than by way of dismissal or discharge on account of misconduct or inefficiency

(Authority : Min of Home Affairs Notification No F.14/26/64-Estt(D)
dated 11 Oct 1966)

Those who were released between 01 Jul 68 and 30 Jun 71 (both days inclusive) - Any person who has served in any rank (whether as a combatant or not) in the Armed Forces of the Union for a continuous period of not less than six months and released there from otherwise than by way of dismissal or discharge on account of misconduct or inefficiency

(Authority : Min of Home Affairs Notification No 14/11/68-Estt(D)/Estt -C)
dated 13 Feb 69)

Those who were released between 01 Jul 71 and 30 Jun 74(both days inclusive) - Any person who has served in any rank (whether as a combatant or not) in the Armed Forces of the Union and has been released there from otherwise than by way of dismissal or discharge on account of misconduct or inefficiency

(Authority : Cabinet Secretariat, Department of Personnel Notification
No 13/3/71-Ests(C) dated 14 Oct 71)

Those who were released between 01 Jul 74 and 30 Jun 79(both days inclusive) - ESM means a person who has served in any rank(whether as a combatant or non -combatant) in the Armed forces of the Union, for a continuous period of not less than six months after attestation and has been released there from otherwise than by way of dismissal or discharge on account of misconduct or inefficiency.

(Authority : Cabinet Secretariat, Department . of Personnel & Administrative
Reforms Notification No 13/24/73-Estt(C) dated 26 Oct 74)

Those who were released between 01 Jul 79 and 30 Jun 87 (both days inclusive) - Any person who has served in any rank (whether as combatant or not) in the armed forces of the Union for a continuous period of not less than six months after attestation if discharged for reasons other than at their own request or by way of dismissal or discharge on account of misconduct or inefficiency and not less than five years service if discharged at own request.

(Authority : Department . of Personnel & Administrative Reforms Notification No 39016/10/79-Estt(C) dated 15 Dec 79)

Those who were released on or after 01 Jul 87 - Any person who has served in any rank (whether as combatant or not) in the armed forces of the Union and was released/retired with any kind of pension from Defence Budget or released on completion of specific terms of engagement with gratuity otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency.

(Authority : DOP&T OM No 36034/5/85-Estt(SCT) dated 14 Apr 87)

Personnel of Territorial Army - Who are pension holders ;for continuous embodied service, persons with disability attributable to military service and gallantry award winners retired on or after 15 Nov 86.

(Authority : DOP&T OM No 36034/5/85-Estt(SCT) dated 14 Apr 87)

Personnel of Army Postal Service - Personnel of Army Postal Service , who are a part of regular Army and retire from such service (that is directly from APS without reversion to P&T Department) with a pension or who have been released from such service on medical grounds attributable to military service or circumstances beyond their control and awarded medical or other disability pension shall come within the definition of ex-servicemen

(Authority : Min of Defence OM No 9(52)/88/D)(Res) dated 19 Jul 89)

Note : As per Govt. of India, Min of Def/Department of ESW OM No 1(9)/2010/D(Res-I) dated 20/21 Jul 2011, personnel who were on deputation in APS for more than six months prior to 14 Apr 87 would also be considered as ex-servicemen with all consequential benefits.

Recruits - Who are boarded out/released on medical grounds and granted medical/disability pension. However, the operation of the OM has been kept in abeyance for issuance of notification by DOP&T.

(Authority : Min of Def/Department of ESW OM No 12/1/2005/D(Res) dated 01 Feb 2006)

Those who were released on or after 10 Oct 2012 **

An ex-servicemen means a person-

- (i) Who has served in any rank whether as a combatant or non combatant in the Regular Army, Navy and Air Force of the Indian Union and
 - (a) Who either has been retired or relieved or discharged from such service whether at his own request or being relieved by the employer after earning his or her pension; or
 - (b) Who has been relieved from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or
 - (c) Who has been released from such service as a result of reduction in establishment;

or
- (ii) who has been released from such service after completing the specific period of engagement, otherwise than at his own request, or by way of dismissal, or discharge on account of misconduct or inefficiency and has been given gratuity; and includes personnel of the Territorial Army, namely, pension holders for continuous embodied service or broken spells of qualifying service;

or

- (iii) personnel of the Army Postal Service who are part of Regular Army and retired from the Army Postal Service without reversion to their parent service on medical grounds attributable to or aggravated by military service or circumstances beyond their control and awarded medical or other disability pension;

or

- (iv) Personnel, who were on deputation in Army Postal Service for more than six months prior to the 14 April, 1987; or
- (v) Ex-recruits boarded out or relieved on medical ground and granted medical disability pension **irrespective of the date of boarding out/release.*****

**** Authority: DOP&T office Memo No.36034/1/2006-Estt(Res) dated 04 Oct 2012 and this order came into force from the date it is published in the Gazette of India vide G.S.R 757(E) dated 10th Oct 2012.)**

***** Authority – Ministry of Defence, Department of Ex-servicemen Welfare D(Res I) OM dated 07th July 2014 ex-recruits have been granted ESM Status irrespective of the date of boarding out/release.**

Note : The eligibility of the person to the status of ex-servicemen will be governed by the definition in vogue at the time of his discharge and will not be affected by the changes in the definition subsequent to the discharge.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-15022020-216183
CG-DL-E-15022020-216183

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 98]
No. 98]

नई दिल्ली, शुक्रवार, फरवरी 14, 2020/माघ 25, 1941
NEW DELHI, FRIDAY, FEBRUARY 14, 2020/MAGHA 25, 1941

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक एवं प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 13 फरवरी, 2020

सा.का.नि. 116(अ).—राष्ट्रपति, संविधान के अनुच्छेद 309 के परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, भूतपूर्व सैनिक (केन्द्रीय सिविल सेवा और पद पुनर्नियोजन) नियम 1979 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ:-

- (1) इन नियमों का संक्षिप्त नाम भूतपूर्व सैनिक (केन्द्रीय सिविल सेवा और पद पुनर्नियोजन) संशोधन नियम, 2020 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. भूतपूर्व सैनिक (केन्द्रीय सिविल सेवा और पद पुनर्नियोजन) नियम 1979 के नियम 2 के खण्ड (ग) के उपखण्ड (ii) में निम्नलिखित परंतुक अन्तःस्थापित किया जाएगा, अर्थात्:-

“परंतु अल्पकालिक सेवा कमीशंड अधिकारी जो नियुक्ति की प्रारंभिक अवधि के पूरा होने के पश्चात्, कदाचार या अकुशलता के कारण बर्खास्तगी अथवा सेवामुक्ती से अन्यथा सेवामुक्त किया गया है और जिसे कोई उपदान दिया गया है, भूतपूर्व सैनिक की प्रास्थिति के लिए पात्र होगा।”

[फा. सं. 36034/1/2019-स्थापना (आरक्षण)]

सुजाता चतुर्वेदी, अपर सचिव

टिप्पण : मूल नियम भारत के राजपत्र, भाग II, खण्ड 3, उप-खण्ड (ii) में सा.का.नि. संख्यांक 1530, तारीख 15 दिसंबर, 1979 द्वारा प्रकाशित किए गए थे और तत्पश्चात् निम्नानुसार संशोधित किए गए:-

1. सा.का.नि. 973, तारीख 27 अक्टूबर, 1986:
2. सा.का.नि. 333(अ), तारीख 27 मार्च, 1987; और
3. सा.का.नि. 757(अ), तारीख 4 अक्टूबर, 2012

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 13th February, 2020

G.S.R. 116(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, namely:—

1. Short title and commencement: -

- (1) These rules may be called the Ex-servicemen (Re-employment in Central Civil Services and Posts) Amendment Rules, 2020.
- (2) They shall come into force on the date of its publication in the Official Gazette.

2. In the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, in rule 2, in clause (c) in sub-clause (ii), the following proviso shall be inserted, namely:—

“Provided that Short Service Commissioned Officers released from service after completing initial terms of engagement otherwise than by way of dismissal or discharge on account of misconduct or inefficiency and have been given gratuity shall be eligible to the status of Ex-servicemen;”

[F. No. 36034/1/2019-Estt. (Res)]

SUJATA CHATURVEDI, Addl. Secy.

Note : The Principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (ii), *vide* G.S.R. 1530, dated the 15th December, 1979 and subsequently amended as follows:—

1. G.S.R. 973, dated 27th October, 1986;
2. G.S.R. 333(E), dated 27th March, 1987; and
3. G.S.R. 757(E), dated 4th October, 2012.