

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT - (BRANCH-IV)
7TH LEVEL, 'B'-WING, DELHI SECRETARIAT,
I.P. ESTATE, NEW DELHI-110002**

No.F.19(14)/2018/S-IV/ 614-629

Dated: 20/03/2020

CIRCULAR

Sub: Review of reservation policy to maximize the reservation for Ex-servicemen

The matter with regard to review of reservation policy to maximize the reservation for Ex-servicemen in Government jobs has been under reference with Govt. of India, Ministry of Home Affairs.

MHA, Govt. of India, vide letter dated 02nd March, 2020 (copy enclosed), in consultation with DoP&T, inter-alia, reiterated the DoP&T's notification dated 04.10.2012, whereby Ex-servicemen (Re-employment in Central Civil Services and Posts) Amendment Rules, 2012 were notified (copy enclosed).

Since in service matters including reservation, the Government of N.C.T. of Delhi, being Union Territory, follows the OMs / instructions etc. issued by Govt. of India from time to time, the clarification received vide above-mentioned letter dated 02.03.2020 of MHA, GoI alongwith its enclosures is annexed for information.

This issues with the approval of the Competent Authority.

Encls: As above


(RAVI DHAWAN)
SPL. SECRETARY (SERVICES)

No.F.19(14)/2018/S-IV/ 614-629

Dated: 20/3/2020

Copy for information / appropriate action to: -

1. All the Head of Departments/Autonomous Organizations / PSUs, Govt. of N.C.T. of Delhi, Delhi / New Delhi.
2. The Principal Secretary (Revenue), Revenue Department, 5, Sharnath Marg, Delhi-110054.
3. The Secretary, Rajya Sainik Board, Govt. of N.C.T. of Delhi, 4th Floor, Tower Block, Maharana Pratap ISBT, Kashmere Gate, Delhi - 110006.

Copy for information to: -

1. The Principal Secretary to Hon'ble Lt. Governor, Delhi, Raj Niwas, Delhi.
2. The Special Secretary to Hon'ble Chief Minister of Delhi, 3rd Level, Delhi Secretariat, New Delhi.
3. The Secretary to all Ministers, Govt. of N.C.T. of Delhi, Delhi Secretariat, New Delhi.
4. The Staff Officer to Chief Secretary, Delhi Govt. of N.C.T. of Delhi, 5th Level, Delhi Secretariat, New Delhi.
5. The P.A. to Secretary (Services), Govt. of N.C.T. of Delhi, Delhi Secretariat, New Delhi.

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6. The P.A. to Spl. Secretary (Services)-I / II, Govt. of N.C.T. of Delhi, Delhi Secretariat, New Delhi.
7. The P.A. to Dy. Secretary (Services)-I / III / IV, Govt. of N.C.T. of Delhi, Delhi Secretariat, New Delhi.
8. Section Officers of all branches of Services Department, Govt. of N.C.T. of Delhi.
9. Section Officer (Coordination), Services Department, Delhi Secretariat, New Delhi with the direction to upload this letter / circular on the website of the Services Department.


(RAVI DHAWAN)
SPL. SECRETARY (SERVICES)

142/c

F.No. 14035/15/2019-Delhi-I
Government of India
Ministry of Home Affairs

North Block, New Delhi

Dated the February, 2020

02nd March 2020

To
The Secretary (Services),
Services Department,
Govt. of NCT of Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi.

4 MAR 2020

GMD/MD/9620
DY. No.

**Sub:- Review of reservation policy to maximize the reservation for
Ex-servicemen-regarding**

Sir,

I am directed to refer to the Services Department (Branch-VI), GNCTD's letter No. F.No.19(14)/2018/S.IV/3553 dated 27.12.2019 requesting therein to review of reservation policy to maximize the reservation for Ex-servicemen and say that the matter was examined in this Ministry and advice of DoP&T was sought. Advice/Comments of DoP&T has been received which is enclosed for taking necessary action in the matter.

Yours faithfully,

Encl: as above

(C.P. Vinod Kumar)

Under Secretary to the Government of India

Tel: 23093608

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Government of India
Department of Personnel & Training

Reference Ministry of Home Affairs' note page 3-4/ante.

2. This file has been received from Government of NCT of Delhi (GNCTD), through Ministry of Home Affairs, stating that they follow the instructions received from Government of India, in respect of reservation policy. They have sought a copy of instant policy of reservation for the ex-servicemen, in the posts and services of the Central Government.
3. GNCTD intimated that after the implementation of the 6th CPC, Group 'D' posts did not exist in their establishment and that many group 'C' posts have been merged with Group 'B' posts.
4. In this context, it may be stated that a proposal had been received from Department of Ex-servicemen Welfare to increase quota for ex-servicemen from the existing 10% to 20% in Group C and creation of 10% fresh quota for ex-servicemen in direct recruitment in group B (non-Gazetted) posts. However, after the careful consideration of the proposal, in consultation with other Ministries/Departments, including Ministry of Home Affairs, DoPT decided that the proposal, if agreed to, will not serve the desired purpose, as the already prescribed percentage of reservation for ex-servicemen has not yet got filled up.
5. A copy of Notification, dated 04.10.2012, i.e. the current policy of reservation for Ex-servicemen in the posts and services of the Central Government, is annexed.

(S.P. Pant)

Deputy Secretary
Tel: 23093074

Ministry of Home Affairs [Attn.: Shri A.K. Singh, DS (Delhi), Room No. 93-A, North Block, New Delhi]

I.D. No. 36034/1/2018-Estt.(Res) dated 25.02.2020

A.K. Singh
27/2/2020

US (Delhi)

S.O. (Delhi) 27/2/2020

Sh. Manjeet

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
NOTIFICATION

New Delhi, the 4th October, 2012

G.S.R. 757(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. (1) These rules may be called the Ex-servicemen (Re-employment in Central Civil Services and Posts) Amendment Rules, 2012.
(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979
(1) in rule 2, for clause (c), the following clause shall be substituted, namely:-

(c) An 'ex-serviceman' 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 a 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 with pension, or are released from the Army Postal service on medical grounds attributable to or aggravated by military service or circumstance 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 14th April, 1987;

or

- (v) Gallantry award winners of the Armed forces including personnel of Territorial Army;

or

- (vi) Ex-recruits boarded out or relieved on medical ground and granted medical disability pension.

(2) for rule 3, the following rule shall be substituted, namely:-

"3. Application - These rules shall apply to all the Central Civil Services and Posts and the posts upto the level of Assistant Commandant in all paramilitary forces."

(3) in rule 4,-

(a) for sub-rule(I), the following sub-rule shall be substituted, namely:-

- "(i) Reservation of vacancies: - Ten per cent of the vacancies in the posts upto of the level of the Assistant Commandant in all para-military forces, ten per cent of the vacancies in

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Group 'C' posts; and twenty per cent of the vacancies in Group 'D' posts, 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."

(b) for sub-rule(2), the following sub-rule shall be substituted, namely:-

"(2) The Scheduled Castes, the Scheduled Tribes and the Other Backward Class candidates selected against the vacancies reserved for ex-servicemen shall be adjusted against vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes, respectively:

Provided that if a the Scheduled Caste or the Scheduled Tribe or the Other Backward Class ex-servicemen is selected against the vacancy reserved for ex-servicemen and vacancy reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, is not available to adjust such ex-serviceman, he shall be adjusted in future against the next available vacancy reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be."

(c) after sub-rule (3), the following proviso shall be substituted, namely:-

"Provided that in case of recruitment to the vacancy reserved for Ex-servicemen in the Central Para Military Forces, the reserved vacancy remained unfilled due to non-availability of eligible or qualified candidates, the same shall be filled by candidates from non-ex-servicemen category".

(4) for rule 5, the following rule shall be substituted, namely:-

"(5) (a) For appointment to vacancies in Group B(Non-Gazetted), Group C or Group D posts in Central Government, an ex-serviceman shall be allowed to deduct the period of actual military service from his actual age and if the resultant age does not exceed the maximum age limit prescribed for the post for which he is seeking appointment by more than three years, he shall be deemed to satisfy the condition regarding age limit.

(b) For appointment to any vacancy in Group A and Group B services or posts filled by direct recruitment otherwise than

on the results of an Open All India Competitive Examination, the upper age limit shall be relaxed by the length of military service increased by three years in the case of ex-servicemen and commissioned officers including Emergency Commissioned Officers or Short Service Commissioned Officers.

- (c) For appointment to any vacancy in Group A and Group B services or posts filled by direct recruitment on the results of an All India Competitive Examination, the ex-servicemen and Commissioned Officers including Emergency commissioned Officers or Short Service Commissioned Officers who have rendered atleast five years military services and have been released -
- (i) on completion of assignment (including those whose assignment is due to be completed within one year) otherwise than by way of dismissal or discharge on account of misconduct or inefficiency; or
- (ii) on account of physical disability attributable to military service or on invalidment, shall be allowed maximum relaxation of five years in the upper age limit.

[F. No. 36034/1/2006-Estt. (Res.)]

MANOJ JOSHI, Jr. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1530, dated the 15th December, 1979 and subsequently amended by G.S.R. 973 dated 27th October, 1986, and was last amended by notification No. G.S.R. 333(E), dated 27th March, 1986.

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No. 36034/1/2013-Estt.(Res.)
Government of India
Ministry of Personnel, P.G and Pension
Department of Personnel & Training

North Block, New Delhi
Dated: August 2, 2019

OFFICE MEMORANDUM

Subject: Provisions regarding relaxed standard of selection for ex-servicemen against reserved vacancies- reg.

Reference is invited to Department of Ex-servicemen Welfare OM No. 28(76)2019/ D (Res-I,) dated 23.04.2019, and subsequent reminder, dated 15.05.2019, on the subject cited above.

2. In this context, the undersigned is directed to say that the provisions regarding relaxed standard for ex-servicemen has been incorporated in Chapter-9 'Relaxation of Standard' of the Compendium on Instructions of Reservation for Ex-servicemen, which is already uploaded on the website of this Department [dopt.gov.in >> Notifications >> OMs & Orders >> Estt.(Reservation) >> Ex-servicemen], vide Office Memorandum No. 36034/3/2014-Estt.(Res), dated 25.02.2014.

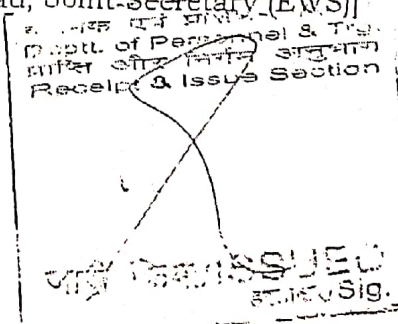
3. Regarding increase in quota for ex-servicemen from the existing 10% to 20% in Group C' and creation of 10% fresh quota for them in direct recruitment in Group 'B' non-gazetted posts, the undersigned is directed to inform that after the careful consideration of the proposal in consultation with other Ministries/Departments, this Department is of the view that the proposal, if agreed to, will not serve the desired purpose. In this regard, the minutes of the meeting held by the Department of Ex-servicemen Welfare on 28.03.2019 may kindly be referred to.

4. This issues with the approval of Additional Secretary (E).

(S.P. Pant)

Deputy Secretary to the Government of India
Tel: 23093074

Department of Ex-servicemen Welfare,
[Kind Attn.: Shri Pudi Hari Prasad, Joint-Secretary (EWS)]
South Block, New Delhi.



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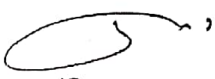
No. 28(87)2018/D(Res-I)
Government of India
Ministry of Defence
(Department of Ex-servicemen Welfare)

Sena Bhawan, New Delhi,
Dated 5 April, 2019

Sub: Minutes of the meeting held under the Chairmanship of Joint Secretary (ESW) on 28.03.2019 at 11:00 am to discuss grant of status of Ex-serviceman to MNS Officers and other issues pertaining to Ex-servicemen.

A copy of the minutes of the meeting held under the Chairmanship of Shri Pudi Hari Prasad, Joint Secretary (ESW) on 28.03.2019 at 11:00 am to discuss grant of status of Ex-serviceman to MNS Officers and other issues pertaining to Ex-servicemen is enclosed for information and necessary action.

Encls: as above


(Suman Sharma)
Under Secretary(Res-I)
Telefax: 23014946
e-mail: us-res1@desw.gov.in

To

- ✓ (i) Shri G. Srinivasan, Director, Department of Personnel & Training, North Block, New Delhi
(ii) Director, AG PS-2, L-Block, Church Road, New Delhi

Copy to:-

- (i) PPS to JS(ESW)
(ii) PS to DS(Res-I)

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US (Res-I) 7/4/19

13578/4/2019 to 23/4/19
M. K. S.

P. put up urgently
15/4/2019

SO (Res-I)
14/4/2019
M. K. S.

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Minutes of the meeting held under the Chairmanship of Shri Pudi Hari Prasad, Joint Secretary (ESW) on 28.03.2019 at 11:00 am to discuss grant of status of Ex-serviceman to MNS Officers and other issues pertaining to Ex-servicemen.

A meeting was held under the Chairmanship of Shri Pudi Hari Prasad, Joint Secretary (ESW) on 28.03.2019 at 11:00 am in his Chamber to discuss grant of status of Ex-serviceman to MNS Officers and other issues pertaining to Ex-servicemen. The meeting was attended by the following officers-

- (i) Shri G. Srinivasan, Director, DOP&T
- (ii) Lt Col A Pande, AAG PS-2
- (iii) Sh. Jitender Kumar, DS(Res-I)
- (iv) Smt. Suman Sharma, US(Res-I)

The following issues were discussed:-

1. Grant of status of Ex-serviceman to MNS Officers

It was informed that proposal for inclusion of Military Nursing Officers in the ambit of Ex-Servicemen (ESM) as outlined in DOP&T Notification dated the 4th October, 2012 has been taken up with twice with DOP&T after consultations with AG PS-2. However, the same has been returned by DOP&T with the suggestion to explore possibility of inclusion of MNS Officers in the Regular Army.

The representative of AG PS-2 intimated that MNS officers cannot be included in the definition of regular army because of the following reasons :-

- MNS Officers are not authorized to carry arms.
- Pay scales are different for Regular Army and MNS Officers.
- MNS Officers are not allowed to command troops.

Director, DOP&T appreciated the problem and suggested that the proposal may again be referred to DOP&T with detailed reasoning. Accordingly, AAG PS-2 was requested to furnish their comments in writing so that the matter may be taken up again with DOP&T.

2. Providing 20% reservation in Group 'C' and 10% in Group 'B' posts for Ex-Servicemen (ESM) for vacancies in the post to be filled by direct recruitment.

Director, DOP&T informed that they are consulting other Ministries/Departments regarding the case. However, the major Ministries i.e. Ministry of Home Affairs and Ministry of Railways have informed DOP&T that they are currently not being able to fill up more than 1% of the reserved vacancies for Ex-Servicemen. Hence, enhancing the reservation further may not be of any use.

In this regard, JS(ESW) pointed out that as per DOP&T instructions, in case of direct recruitment, if sufficient number of candidates belonging to the ESM category are not

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available on the basis of prescribed standards to fill all the vacancies reserved for them, candidates belonging to the category of ESM may be selected under relaxed standards 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. D/o ESW may take up the matter with DOP&T to issue suitable instructions to Ministries/Departments for their strict compliance so that more vacancies reserved for ESM may be filled up.

3. Granting Statutory Powers to DGR by providing reservation for ESM on the lines of SC/ST/OBCs/PWD

Director, DOP&T informed that comments of Ministries/Departments have been sought. JS(ESW) requested that the matter may be followed up by DOP&T with concerned Ministries/Departments so that instructions are issued at the earliest.

4. Proposal to include Short Service Commissioned Officers who obtained release from service at their own request during the extended period of engagement in the category of 'Ex-Servicemen'

It was informed that based on the decision of Hon'ble High Court of Delhi in WP(C) No. 7302/2016 filed by Major Kapil Sawhney Vs. UOI & Others, this Department had suggested that all Short Service Commissioned Officers who have completed the initial term of engagement may be accommodated in the definition of 'Ex-Serviceman' by amending the definition as in Para 2(c)(ii) of the DOP&T Notification dated 04.10.2012. The file is being referred to DOP&T for amendment of their Notification dated 04.10.2012.

Director, DOP&T after perusing the draft suggested to redraft the language to bring more clarity in the proposal. Thereafter only the proposal may be referred to DOP&T.

The meeting ended with vote of thanks to the Chair.
