

No. 36034/5/85-Estt. (SCT)

Government of India

Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

New Delhi, dated 14th April, 1987

OFFICE MEMORANDUM

*Subject.*—Recommendation No. 15-2 of the High Level Committee on the problems of Ex-servicemen—Revision of the definition of 'ex-serviceman' in the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979.

The undersigned is directed to say that the High Level Committee on the Problems of Ex-servicemen recommended the following definition of the term 'Ex-serviceman'.

"An 'ex-serviceman' means a person, 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

- (i) who retired from such service after earning his/her pension; or
- (ii) who has been released from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or
- (iii) who has been released, otherwise than on his own request, from such service as a result of reduction in establishment; or
- (iv) who has been released from such service after completing the specific period of engagements, 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 of the following categories, namely:—
  - (i) Pension holders for continuous embodied service.
  - (ii) Persons with disability attributable to military service; and
  - (iii) Gallantry award winners."

After careful consideration the Government has opted the above definition recommended by the High Level Committee. However, it may be observed that in the new suggested definition certain categories of personnel which have served in the Armed Forces of the Indian Union have been excluded for consideration as ex-servicemen, whereas certain additional categories of Territorial Army Personnel have been added in the revised definition. The Notification containing the revised definition was issued on 27th October 1986 and published in the official Gazette on 15th November 1986. The Notification gives effect to the new definition from the date of its publication, but since some of the categories were excluded without adequate publicity, the effect of the earlier notification of 27th October, 1986 has been stayed by issuing another Notification dated 27th March 1987 (copy enclosed) in which the date of effect has been indicated as 1st July 1987. The net effect is that the following two categories of personnel, who were included in the pre-revised definition of 'ex-servicemen' will now cease to be treated as ex-servicemen w. e. f. 1st July 1987; as will be seen from the following proviso namely,

"Any person who has been released:—

- (a) at his own request after completing 5 years service in the Armed Forces of the Indian Union; or
- (b) After serving for a continuous period of six months after attestation, 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; shall also be deemed to be an ex-serviceman for the purposes of this clause."

3. The Territorial Army Personnel will however be treated as ex-servicemen w.e.f. 15th November 1986.

4. Ministry of Finance etc. are, therefore, requested to bring the contents of this Office Memorandum to the notice of all the appointing authorities under their administration control and ensure that there is no laxity on the part of the authorities implementing the above instructions.

Sd.  
BATA K. DEY,  
Director (JCA).