

19. Termination of service by Central Government.— Subject to the provisions of this Act and the rules and regulations made thereunder the Central Government may dismiss, or remove from the service, any person subject to this Act.

NOTES

1. *The section empowers the Central Government to dismiss or remove from service any, person subject to the AA but only in accordance with the provisions of the AA or of any rules or regulations made there under; the only legal restrictions are contained in [ARs.13-A](#) [14](#) and [15](#) which require a show cause notice to be served upon an officer before his service is terminated on grounds of his failure to qualify at an examination or course, misconduct or inefficiency. Such show cause notice may be dispensed with by the Central Govt. when it considers it inexpedient or impracticable to do so or when the officer is already convicted by a criminal court for the misconduct. [AR.15-A](#) provides for the release of an officer on medical grounds, which is to be carried out on the recommendations of a Medical Board.*

2. *Dismissal under this section, [AA.s.18](#) or [20](#) is not a punishment as under [AA.s.71](#) but merely amounts to termination of a person's commission service without his consent. Removal is a less grave form of dismissal.*

3. *For the date an order of dismissal or removal under this section takes effect, see [AR.18](#) and for the date a sentence of cashiering or dismissal awarded by a court-martial takes effect, see [AR 168](#).*

4. *The competent authority cannot make the dismissal/removal under this section or discharge under [AR.13](#) retrospective nor can such valid dismissal etc., be cancelled without the person's consent.*

5. *An officer or JCO holding a substantive rank cannot be reduced to a lower substantive rank though he can be dismissed or removed under this section.*

6. *As to furnishing a JCO, WO or OR, who is dismissed or removed with a discharge certificate, see [AA.s.23](#) and [AR.12](#). see also [Regs Army para.169](#).*