

Government of West Bengal  
Finance Department  
Audit Branch.

No. 6249-F.

Calcutta, the 15th June, 1982.

NOTIFICATION

In exercise of the power conferred by the provision to article 309 of the Constitution of India, the Governor is pleased hereby to make the following rules regarding the reservation of vacancies in the State Services and Posts, Group 'C' and Group 'D', for Ex-Servicemen, namely :-

1. Short title and commencement: (1) These rules may be called the Ex-Servicemen (Reservation of Vacancies in the State Services and Posts, Group 'C' and Group 'D') Rules, 1982.

(2) They shall come into force with immediate effect.

2. Definitions In these rules, unless the context otherwise requires:-

(a) "Armed Forces of the Union" means the Naval, Military or 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 a 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) "reserved vacancies" means vacancies reserved under rule 4 for being filled by Ex-Servicemen.

3. Application: These rules shall apply to all State Services and Posts, Group 'C' and Group 'D'.



(1) Reservation of Vacancies : Five per cent of the vacancies in each of the categories of Group 'C' posts and of such posts in each Group 'C' service and ten per cent of the vacancies of 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 and/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 that the percentages of reservation as aforesaid 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 may be, of fifty per cent of the vacancies in that category of posts filled in that year.

Provided further that in the case of an increase in the reservation for the Ex-Servicemen under the first proviso, the additional vacancies be 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 referred to in sub-rule (1) reserved for being filled by Ex-Servicemen, vacancies shall also be reserved for candidates belonging to the Scheduled Castes and the Scheduled Tribes in accordance with such orders as may be issued in this behalf by the State Government from time to time.

Provided that if any Ex-Serviceman belonging to a 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 State 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 any 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 Zilla Sainik Board/Rajya Sainik Board/Directorate General of Re-Settlement and recorded a certificate to that effect; and

(iii) has obtained approval of the State Government.

5. Special provision regarding age limit : For appointment to any vacancy in State Services and posts, 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/service to which he seeks appointment by more than three years, he shall be deemed to have satisfied the condition regarding age limit.



Special provision regarding educational qualification.

(1) For appointment to any reserved vacancy in the 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 qualifications, if any, prescribed in respect of such posts.

(2) For appointment to any reserved vacancy in Group 'C' posts, the appointing authority may, as its discretion, relax the minimum educational qualifications, where such qualifications prescribed include a pass in the Class VIII of the High School or equivalent qualifications or a pass in 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 or transfer, where the minimum educational or technical qualifications prescribed for appointment by direct recruitment are higher than that prescribed for promotees or transferees, and Ex-Serviceman shall be deemed to have satisfied prescribed educational or technical qualifications if he --

(i) satisfies the educational or technical qualifications prescribed for promotees or transferees; 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 for 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 State 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 any of these rules, the question shall be decided by the State Government in the Finance Department and its decision shall be final.

9. Submission of Annual Return: All appointing authorities shall furnish an Annual Return direct to the Secretary, Home (Defence) Department, Government of West Bengal in the matter of absorption of Ex-Servicemen against reserved vacancies under these rules in the forms as given in Appendix I and Appendix II to these rules as soon after the 1st of January of every year as possible and by the 1st day of March of the year at the latest.



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Appendix I

Annual Statement showing total number of Government servants in Group 'C' and Group 'D' posts and the number of Ex-Servicemen amongst them as on the 1st January of the year .....

Name of the Department ---

Name and address of the Office .....

(1)	(2)	(3)	(4)	(5)
Group of post.	Permanent/Temporary.	Total number of employees.	Number of Ex-Servicemen.	Percentage of Ex-Servicemen to the total employees.

Appendix II

Annual Return for the calendar year 19 ----

Name of the Department \_\_\_\_\_

Name and address of the office \_\_\_\_\_

Direct Recruitment.

(1) Group of Post :

(2) Number of vacancies notified :

(3) Total number of vacancies filled up :

(4) Number of reserved vacancies for Ex-Servicemen :

(a) Notified (out of Column 2) -

(b) Actually filled up (out of Column 3) -

(c) Shortfall, if any -

(5) Remarks (Reasons for shortfall, if any) -

By order of the Governor,

N.K. Zutshi.

Jt. Secy. to the Govt. of West Bengal.