



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
PERSONNEL (B) DEPARTMENT ::: DISPUR ::: GUWAHATI-6

NOTIFICATION

The 13th January, 2022

No.ABP.48/2009/70.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following rules for regulating the reservation of posts in the State services and posts Grade-III and Grade-IV, for Ex-servicemen, namely-

1. Short title, commencement and period of operation.

- (1) These rules may be called the Assam Ex-servicemen (Reservation of Posts in State Services and Posts of Grade-III and Grade-IV) Rules, 2021.
- (2) They shall be deemed to have come into force with immediate effect and in perpetuity.

2. Definitions

In these rules, unless the context otherwise requires :-

- (a) "Armed Forces of the Union" means the Naval, Military and Air Forces of the Union.
- (b) "Ex-servicemen" means a person,
 - (i) who has served in any rank (whether as a combatant or as 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.

(c) "Reserved vacancies" means vacancies occurred against the posts for being filled up by Ex-servicemen. It also includes the vacancy to be filled up against prescribed percentage referred in rule 4 to meet the adequate representation of the Ex-servicemen.

3. **Application**

These Rules shall apply to all State Services and Posts borne in Grade III and Grade IV.

4. **Reservation of vacancies**

(1) Two percent of the posts in each of the categories of Grade III and Grade IV shall be reserved for being filled up by Ex-servicemen:

Provided that if in any year any vacancy reserved for Ex-servicemen is not filled up due to non-availability of Ex-servicemen category candidate and if the post cannot be allowed to remain vacant on ground of maintaining efficiency in public service delivery, the Appointing Authority may, with full justification refer the vacancy to the Personnel Department for considering any de-reservation on case to case basis.

- (2) Out of two percent reservation referred in sub-rule (1), in appointment of Grade-III and Grade-IV post in respect of Ex-servicemen, one-fourth or 25% will be reserved for the disabled ex-servicemen (disability arising in service) and family of the deceased ex-servicemen killed in action and rest three-fourth or 75% will be reserved for other Ex-servicemen.
- (3) Out of the two percent reservation referred in Sub-rule(1), in appointment of Grade-III and Grade-IV posts in respect of Ex-Servicemen, if any ex-servicemen belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes or More Other Backward Classes is selected, his selection shall also be counted against the overall quota of reservation that shall be provided for the Schedule Castes or Schedule Tribes or Other Backward Classes including More Other Backward Classes in accordance with the orders as are issued in this behalf by the State Government from time to time.

5. **Special provision regarding age limits:-**

The upper age limit for entry into Government services for Grade-III and Grade-IV posts in respect of Ex-servicemen shall be relaxed by two years over the general age limit i.e. upto 42 (forty two) years:

Provided that the upper age limit in respect of Ex-servicemen who belongs to Scheduled Caste/ Scheduled Tribes and Other Backward Classes/ More Other Backward Classes shall be relaxed by five years and three years over their general age limit of 42 (forty two) years i.e. upto 47 (forty seven) years and 45 (forty five) years respectively.

Provided further that this special provision relating to upper age limit may be changed in respect of the Ex-servicemen if the upper age limit for candidates in general is changed.

6. **Special provision regarding educational qualification:-**

- (1) For appointment to any reserved vacancy in the Grade IV posts, every Ex-servicemen who has put in not less than three years service in the Armed Forces of the Union shall be exempted from the prescribed educational qualification.

Explanation:- In computing, for the purpose of this sub-rule, the period of service which a person has put in the Armed Forces of the Union, any period during which he served in a civil Department of the Government of India, shall be included.

- (2) For appointment to any reserved vacancy in Grade IV posts, the Appointing Authority, at its discretion, may relax the minimum educational qualification if any, prescribed in respect of such posts if they are otherwise eligible for appointment to such posts.
- (3) For appointment to any reserved vacancy in Grade III posts, a matriculate Ex-servicemen who has put in not less than 15 years of service in the Armed Force in the Union and who has obtained the Indian Army Special Certificate of Education or the corresponding Certificate in the Navy or the Air Force may be considered for appointment to the posts for which the essential educational qualification prescribed is graduation and where technical or professional work experience is not essential.

7. **Amendment of Recruitment Rules**

All rules regulating the recruitment of persons to Grade-III and Grade -IV posts and services under the State Government shall be subject to the provision of these Rules and shall be construed accordingly.

8. **Interpretation**

If any question arises relating to the interpretation of these Rules, the decision of the Government in Personnel Department shall be final.

9. **Repeal and Savings**

The Ex-servicemen (Reservation of vacancies in the State services and posts Class- III and Class- IV) Rules, 1986 and the rules corresponding to these rules and in force immediately before commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

NIRAJ VERMA,
Principal Secretary to the Government of Assam,
Personnel Department.