

No. 12/99/85-2GSII

From :

The Chief Secretary to Govt. Haryana.

To

1. All the Heads of Departments/Commissioners of Ambala/Hissar Divisions/ Deputy Commissioners/Sub-Divisional Officers (Civil) in the State.
2. The Registrar, Punjab and Haryana High Court and All District and Sessions Judges.

Dated, Chandigarh. the 8th November, 1988.

Subject : Revision of definition of Ex-Servicemen

Sir,

I am directed to invite your attention to Govt. of India's notification No. 36034/5/85-Estt. (SCI) dated the 14-4-87/copy enclosed vide which they have decided to include the following categories of territorial personnel of Army in the definition of Ex-Servicemen :—

- (1) Pension holders for continuous embodied service ;
- (2) Persons with disability attributable to Military Service ; and
- (3) Gallantry award winners.

3. This matter has been considered by the State Govt. and it has been decided to adopt the notification issued by the Govt. of India.

4. This issues with the concurrence of the Finance Department vide their U. O. No. 11 (11) .S (FG II-82/1654, dated 11-7-88.

5. These instructions will be applicable from the date of issue of this letter.

6. These instructions be brought to the notice of all concerned.

Yours faithfully,

Sd/-

RAM PRASAD

Under Secretary General Administration,
for : Chief Secretary to Govt., Haryana.

No. 12/99/85-2 GSII Dated-11-88.

A copy is forwarded to all the Financial Commissioners and all Administrative Secretaries to Govt. of Haryana for information and necessary action.

Sd/-

RAM PRASAD

Under Secretary General Administration,
for : Chief Secretary to Govt., Haryana.

No. 12/99/85-2 GSII Dated : 8-11-88.

A copy is forwarded to the Principal Secretary to Chief Minister/Secretaries/Private Secretaries to Ministers/Ministers of State, for information and necessary action.

Sd/-

RAM PRASAD

Under Secretary General Administration,
for Chief Secretary to Govt., Haryana.

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

Government of India

Ministry of Personal, Public Grievances & Pensions Department
of Personnel & 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-servicemen' 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 problem of Ex-servicemen recommended the following definition of the term 'Ex-servicemen'.

"An 'Ex-serviceman' means a person, who has served in any rank whether as a combatant or non combatant in the Regular Army, Navy & 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 education 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 or 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 Govt. have accepted 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 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 Oct. 1986 and published in the official Gazette on 15-11-86. The Notification gives effect to the new definition from the date of its publication, but since of 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 27-3-87 (copy enclosed) in which the date of effect has been indicated as 1-7-87. 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. 1-7-87; as will be seen from the following proviso, namely.

"Any person who has been released :—

- (a) at his own request after completion 5 years' service in the Armed Forces of the 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 deemed to be an ex-serviceman for the purpose of this clause.

3. The territorial Army Personnel will however be treated as ex-serviceman w.e.f. 15.11.86.

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 administrative control and ensure that there is no laxity on the part of the authorities implementing the above instructions.

Sd/-

(Rafa K. Dav)

No. 12/113/89-2GS-II

From

The Chief Secretary to Govt., Haryana.

To

1. All the Heads of Depts./Commissioners of Divisions/Deputy Commissioners/Sub-Divisional Officers (Civil) in the State.

2. The Registrar, Punjab & Haryana High Court & All Districts and Sessions Judges in Haryana.

Dated, Chandigarh the 19th February, 1991.

Subject:—Grant of Military service benefits to ex-servicemen under the Punjab Govt. National Emergency (Concession) Rules, 1965—Clarification in view of Judgement delivered by Supreme Court in Civil Appeal No. 1060 of 1990 against the order dated the 11th July, 1988 of the High Court of Punjab & Haryana at Chandigarh in Civil Writ Petition No. 4725 of 1988—Sh. Dhan Singh versus State of Haryana.

Sir,

I am directed to invite your attention to Haryana Govt. letter No. 12/14/84-2GS-II, dated the 4th August, 1986 on the above cited subject and to say that on the Civil Appeal No. 1060 of 1990 filed against the order dated 11th July 1988 of the Punjab & Haryana High Court in Civil Writ Petition No. 4725 of 1988 (Dhan Singh versus State of Haryana and others), the Hon'ble Supreme Court of India vide its orders dated 5-12-90 has upheld the amendment made in Rule 2 of the Punjab Government National Emergency (Concessions) Rules, 1965 by the Haryana Government vide Notification No. GSR 182/Const./Art. 309 Amend. (2)/76, dated 4-8-1976 in so far as it defined the expression Military Service. In view of the decision of the Hon'ble Supreme Court of India, it has been decided to modify/clarify the above mentioned instructions as follows:—

“The benefit of military service would be admissible to those ex-servicemen who joined the military service during the period of emergency i.e. 26-10-62 to 10-1-68. The credit of military service would be limited to the period of service rendered during emergency period only.”

2. This may be brought to the notice of all concerned. The cases of grant of benefit of military service rendered during emergency to ex-military civil employees may be decided in accordance with these instructions.

Yours faithfully,

Sd/-

Ram Prasad

Under Secretary, General Administration,
or Chief Secretary to Government, Haryana.