

Gujarat Panchayat Services (Reservation of Vacancies for Ex-servicemen in Class-III and Class-IV Posts and Service) Rules, 2005

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Gujarat Panchayat Services (Reservation of Vacancies for Ex-servicemen in Class-III and Class-IV Posts and Service) Rules, 2005

In exercise of the powers conferred by Sec. 227 read with Sec. 274 of the Gujarat Panchayats Act, 1993 (Gujarat 18th of 1993) and in supersession of all the rules made in this behalf, the Government of Gujarat hereby makes the following rules for regulating the reservation of vacancies in Class III and Class IV, in the Gujarat Panchayat Services and posts for Ex-servicemen, namely,-

1. Short title :-

These rules may be called the Gujarat Panchayat Services (Reservation of Vacancies for Ex-Servicemen in Class-III and Class-IV Posts and Service) Rules, 2005.

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-servicemen" means an Ex-servicemen who while serving in the Armed Forces of the Union was disabled in operations against the enemy or in disturbed areas;

(c) "Ex-servicemen" 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 Union but does not include a person who has served in the Defence Security Corps, the General Reserve Engineering Force, the Lok Sahayak Sena and the Para Military Forces, and

- (i) Who has retired from such service after earning his 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 otherwise disability pension; or
- (iii) who has been released, otherwise than at his own request from such service as a result of reduction in establishment;
- (iv) 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 of the following categories, namely:-
 - (a) pension holders for continuous embodied service;
 - (b) persons with disability attributable to military service; and
 - (c) gallantry award winners.

Explanation I.-The persons servicing in the Armed Forces of the Union, who on retirement from service, would come under the category of "ex-servicemen" may be permitted to apply for re-employed one year before the completion of the specified terms of engagement and avail themselves of all concessions available to ex-servicemen but shall not be permitted to leave the uniform until they complete the specified term of engagement in the Armed Forces of the Union.

Explanation II.-The Territorial Army personnel shall be treated as Exservicemen with effect from 15.11.1986.

Provided that personnel who are discharged due to misconduct or inefficiency with the following remarks in their discharge certificate shall not be considered as an ex-servicemen :

- (a) deserter,
- (b) tride by Summary Court Martial or, General Court Martial,
- (c) services no longer required,

(d) undesirable,

(e) unlike to be an efficient soldier;

(v) for the period commencing on 15.11.1986 and ending with 30.6.1987, any person who has been released,-

(a) at his own request after completing five 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 mis-conduct or inefficiency or has been transferred to the reserve, pending such release; shall be deemed to be ex-servicemen for the purpose of this clause.

(c) "Reserved Vacancies" means vacancies reserved under Rule 4 for being filled in by ex-servicemen.

3. Application :-

These rules shall apply to all the categories of Class III and Class IV Panchayat Service posts and service.

4. Reservation of Vacancies :-

(1) Ten percent of the vacancies in each of the categories of Class III posts of panchayat service and of such posts in each Class III service and Twenty percent of the vacancies in each of the categories of Class IV posts of panchayat service and of such posts in each Class IV service including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be permanent or are likely to continue for three months and more, to be filled in by direct recruitment in any year shall be reserved for being filled in by ex-servicemen :

Provided that the percentage of reservation so specified 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 percent of the vacancies in that category of posts filled in that year;

Provided further that in case of an increase in the reservation for

the ex-servicemen under the preceding proviso, the additional vacancies so 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 reserved for being filled in by ex-servicemen, vacancies shall be reserved for candidates belonging to the Scheduled Castes and Scheduled Tribes in accordance with the orders as are issued in this behalf by the Government;

Provided that if any ex-servicemen 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 Scheduled Castes or Scheduled Tribes in accordance with the orders issued by the Government.

5. . :-

Special provision regarding age limit for appointment to reserved vacancies, 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 if the resultant age does not exceed the maximum age limit prescribed for the post and service for which he seeks appointment by more than three years, he shall be deemed to satisfy the condition regarding age limit.

6. Special provision regarding educational qualifications :-

(1) For appointment to any reserved vacancies in the Class IV posts of Peon, Daftary, Jamadar and Record Sorter, every ex-servicemen, who has put in not less than three years service in the Armed Force of the Union shall be exempted from the prescribed educational qualifications.

Explanation.-In computing the period of service for the purpose of this sub-rule, the period of service which a person has put in, 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 the Class IV posts other than those referred to in sub-rule (1), the appointing authority may at its discretion relax the minimum educational qualifications, if any, prescribed in respect of such post in favour of ex-servicemen who are otherwise eligible for appointment to such

posts.

7. Amendment of Recruitment Rules :-

All rules regulating the recruitment of persons to any of the posts in the Panchayat Service Class IV and Panchayat Service Class III under the panchayat services shall be subject to the provisions of these rules and shall be construed accordingly.