

File No. 4/3/2013-Welfare
Ministry of Finance
Department of Financial Services
(Welfare)

Jeevan Deep Building,
Parliament Street, New Delhi,
dated 5th September, 2013

Office Memorandum

Subject: Age relaxation to ex-servicemen employees in PSBs while competing for promotion to higher post.

The undersigned is directed to refer to Ministry of Defence (MoD), letter No. 0515/Gen/DGR/Emp-3, dtd. 7th Nov., 2012, followed by DO letter No. 28(47)/2013/D(Res.I), dtd. 24.6.2013, on the subject cited above and to say that the matter was examined in consultation with DOP&T and State Bank of India(SBI).

2. DOP&T is of the view that as per existing instructions, Ex-Servicemen are provided relaxation in case of appointment on direct recruitment basis. Ex-servicemen who have already secured appointment under the Central Government can avail of second benefit of age relaxation for securing another appointment in any higher post or service under the Central Government. However, such candidate will not be eligible for the benefit of reservation for ex-servicemen in Central Government jobs.

3. SBI has reported that as per Gol guidelines, bank gives benefit of relaxation in service eligibility criteria for maximum period of 2 years to its ex-servicemen employees after they have rendered at least 3 years of actual service in the bank (only once during their career) for the purpose of promotion. These guidelines enable the ex-servicemen employees to become eligible for promotion to officers' cadre after 4 years of service instead of 6 years, applicable to other Bank employees. Therefore, an ex-serviceman joining the bank in the age group of 39-40 years would become eligible for appearing in the promotion exercise before they cross 45 years' of age.

4. SBI has further clarified that selection of employees for promotions from clerical cadre to officers' cadre, in SBI, is not done through fresh appointment but by way of internal out of cadre career progression and therefore, provisions under DOP&T's order No. 36034/6/90-Estt.(SCT), dtd. 10.10.94 which provide for benefit of age relaxation for securing another

appointment in any higher post or service under the Central Government, is not applicable.

In the Hon'ble High Court of Delhi at New Delhi a similar matter came up through the WP(Civil) No. 2533/2013, titled All India Ex-Servicemen Bank Employees Federation(Regd) Vs the Chairman, SBI & Ors. Hon'ble High Court pleased to dismiss the same vide its order dtd. 22.4.2013, observing that Notifications provide (second time age relaxation) for appointment and not promotion and petitioner in the present case are not giving up their appointments in the existing post for seeking appointments to group C and D posts but are effectively seeking promotion through proper channel by appearing in examination for promotion to the Group A posts. In view of above, there is no merit in the writ petition, which is accordingly dismissed, leaving the parties to bear their own costs.

6. As in the instant case, ex-servicemen are seeking age relaxation in SBP (and SBI also) while **competing for promotion** from clerical services to Officers' cadre in their own hierarchy, where no applications are called for. DFS therefore, agrees to SBI's stand that it being a case of promotion in their own line of promotion, ex-servicemen employees are not entitled for any such age relaxation being a case of second time age benefit notwithstanding the fact that the promotion process may involve some departmental screening test/interview etc. In view of foregoing, MoD may agree that second time age relaxation could have been available only in following circumstances:

- (i) in case an ex-serviceman was competing for a higher post in officer's cadre in his own office/bank under direct recruitment quota provided the ex-serviceman employee fulfills other eligibility criteria for that, and
- (ii) he would have applied for any higher post in another PSB.

Ex-Servicemen who have been re-employed or are re-employed by Private Companies /Autonomous Bodies/ Public Sector Undertakings /Government Offices on casual/contract/ Temporary ad-hoc basis and who can be removed from such service at any time by their Employer concerned.

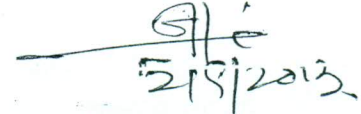
7. Petitions of ex-servicemen may be disposed off accordingly.

 21/9/2013
Under Secretary(Welfare)

To
Shri L.Chakrapani,
Deputy Director(Emp-3)
DG(R) Division,West Block IV, RK Puram, New Delhi.

Copy also for information and necessary action to:

1. Sh. Supriyo Mukherjee, Under Secretary(R-I), Deptt. of Ex-servicemen Welfare, Ministry of Defence, South Block, New Delhi for information.
2. Sh. Debabrata Das, Under Secretary, DOP&T, North Block, New Delhi for information wrt their OM No. 36034/2/2013-Estt.(Res), dtd. 26th July, 2013 for information.
3. All CEOs in PSBs, FIs and PSICs and IBA for information and necessary action .


21/8/2013

जे. एस. फौगाट/J. S. PHAUGAT
अवर सचिव/Under Secretary