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No.36012/45/2005-Estt. (Res.)

Government of India

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block
New Delhi- 110001.

Dated the 10th August, 2010.

OFFICE MEMORANDUM

Subject: Reservation in promotion – Treatment of SC/ST candidates promoted on their own merit.

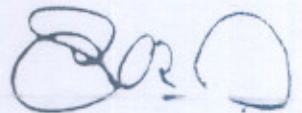
The undersigned is directed to refer to this Department's O.M.No.36028/17/2001-Estt. (Res.) dated 11th July, 2002 which clarified that SC/ ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will be adjusted against un-reserved points of the reservation roster and not against reserved points. It was subsequently clarified by this Department's O.M. No.36028/17/2001-Estt. (Res.) dated 31.1.2005 that the above referred O.M. took effect from 11.7.2002 and that concept of own merit did not apply to the promotions made by non-selection method.

2. Central Administration Tribunal, Madras Bench in O.A. No.900/2005 [S. Kalugasalamoorthy v/s. Union of India & Others] has set aside the O.M. No.36028/17/2001-Estt. (Res.) dated 31.1.2005 and held that when a person is selected on the basis of his own seniority, the scope of considering and counting him against quota reserved for SCs does not arise. The High Court of Judicature at Madras in the matter of UOI v/s. S. Kalugasalamoorthy [WP No.15926/2007] has upheld the decision of the Central Administrative Tribunal.

3. The matter has been examined in the light of the above referred judgments and it has been decided to withdraw O.M. No. 36028/17/2001-Estt. (Res.) dated 31.1.2005 referred to above. It is clarified that SC/ST candidates appointed by promotion on their own merit and seniority and not owing to reservation or relaxation of qualifications will be adjusted against unreserved points of reservation roster, irrespective of the fact whether the promotion is made by selection method or non-selection method. These

orders will take effect from 27/09/97 the date on which the reservation was introduced.

4 These instructions may be brought to the notice of all concerned.



(K. G. Verma)

Director

Tele: 23092158.

To

1. All Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
3. Department of Financial Services (Banking Division), New Delhi.
4. Department of Economic Affairs, North Block, New Delhi.
5. Department of Public Enterprises, New Delhi.
6. Ministry of Railways, New Delhi, Raj Bhawan, New Delhi.
7. Public Service Commission, Supreme Court of India, Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Planning Commission.
8. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
9. National Commission for SCs, Lok Nayak Bhavan, New Delhi.
10. National Commission for STs, Lok Nayak Bhavan, New Delhi.
12. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
13. Office of the Comptroller and Auditor General of India, Bahadurshah Zafar Marg, New Delhi-110002.
14. CBI, LBSNAA, ISTM, PESB, Central Sectt. Library, MHA Library.
15. Information and Facilitation Centre, DOPT, North Block, New Delhi.
16. NIC (Computer Cell) - with the request to upload on this Department's website.