

3 No 86

Government of India
Ministry of Railways
(Railway Board)

No.2018-E(SCT)I/25/9

New Delhi, dated 11.11.2022

The General Manager (P)
West Central Railway
Jabalpur

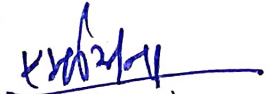
Sub: Reservation in promotions- Procedure to be followed prior to effecting reservations in the matter of promotions.

Ref: West Central Railway's letter No.WCR/P-HQ/RP/1350/Prom.Policy/SC/ST dated 12.10.22.

The matter as proposed has been examined. It is advised to refer to Board's earlier clarification issued vide letter of even number dated 22.06.2022. Further, DoP&T has directed to refer to O.M. No. 36012/16/2019-Estt.(Res.) dated 12.04.2022 and para 17 of Hon'ble Supreme Court's Order dated 28.01.2022 (O.A. No. 629 of 2022)(copy enclosed).

Since the Jarnail Singh batch of cases are pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases. W.C Railway is advised to take further action in the matter.

D.A:- As above


(M.K.Meena)

Joint Director Estt.(Res.)
Railway Board

Mail Id: maheshkr.meena69@gov.in

Tele No. 011-23047186

Copy to :- The General Managers (P), All Indian Railways & Production Units for information and further necessary action in continuation of Board's letters of even number dated 13.04.2022 , 02.05.2022, 22.06.2022 & para 17 of Hon'ble Supreme Court's Order dated 28.01.2022 (O.A. No. 629 of 2022).

Government of India
Ministry of Railways
(Railway Board)

RB No: 53/2022

No.2018-E(SCT)I/25/9

New Delhi, 13.04.2022

The General Managers (P),
All Indian Railways
& Production Units
(as per standard mailing list).

Sub: Reservation in Promotions – procedure to be followed prior to
effecting reservations in the matter of promotions.

A copy of Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)'s Office Memorandum No. 36012/16/2019-
Estt.(Res.) dated 12.04.2022 is enclosed herewith. The above provisions may be
brought to the notice of all concerned. Please ensure adherence and strict compliance
of the same.

2. Please acknowledge receipt.

DA:- As above.

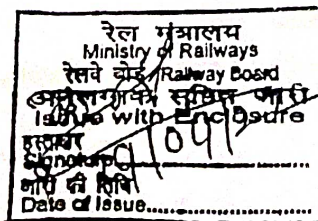
James Kujur
13/4/2022

(James Kujur)
Deputy Director, E(SCT.)I
Railway Board.
9717647323
jameskujur4@gmail.com

Copy to:

1. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi.
2. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi.
3. The Members of National Council, Departmental Council and Secretary, Staff Side,
National Council, 13-C, Ferozeshah Road, New Delhi.
4. The Secretary General, FROA, Room No. 256-A, Railway Board.
5. The Secretary, RBSS Group 'A' Officers' Association.
6. The Secretary, RBSS Group 'B' Officers' Association.
7. The Secretary General, IRPOF, Room No.268, Rail Bhawan, New Delhi.
8. The Secretary, Railway Board Class II Officers' Association.

Contd/-



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Vikas

9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Group D Employees Association.
11. The General Secretary, AIRPF Association Room No.256-D, Rail Bhawan.
12. General Secretary, All India SC/ST Railway Employees Association, Room No.7, Rail Bhawan, New Delhi.
13. The General Secretary, All India OBC Railway Employees Federation, Room No.48, GF, Rail Bhawan.
14. Chief Commissioner Railway Safety, Lucknow.
15. Chief Administrative Officer, MCF/Raebareli Project, Kishanganj, Delhi-7.
16. The Secretary, Railway Board Promotee Officers Association, Room No. 341-C, Rail Bhawan.
17. The GMs, N.F. Railway (Const.), CAO,SR(Const.) and CR(Const.).
18. The Director General & ex-officio General manager, R.D.S.O/Lucknow.
19. The General Manager, and FA&CAO/Metro Railway/Kolkata.
20. The CAO and FA&CAO/COFMOW/New Delhi.
21. The General Manager, and FA&CAO/CORE/ Allahabad.
22. The Director General, National Academy of Indian Railways, Vadodara
23. The Directors, IRISSET, Secunderabad/IRIMEE, Jamalpur/ IRIEEN, Nasik/IRICEN, Pune and CAMTECH, Gwalior.
24. The CAO(Const.), MTP (R), Mumbai & Chennai.
25. The Chairman & Managing Director/Managing Director, RITES/IRCON/CONCOR/KRCL/ IRFC/ RCIL/KMRCL/RVNL/DFCCIL/BCL/BSCL/BWEL/MRVC/IRCTC.
26. The Chairman, Railway Recruitment Board: Allahabad/ Ahmedabad/ Ajmer/Bangalore/ Bhopal/ Bilaspur / Bhubaneswar/ Kolkata/Chandigarh/ Chennai/Gorakhpur/ Guwahati/ Jammu & Shrinagar /Malda/ Mumbai/Muzaffarpur/Patna/Ranchi/ Secunderabad /Thiruvananthapuram.
27. The Chief Project Administrator (Telecom), IRCOT Consultancy, Shivaji Bridge, New Delhi.
28. The Director (Movement) Railways, Kolkata.
29. The General Secretary, IRCA, DRM Office Complex, State entry road, New Delhi.
30. Managing Director, Centre for Railway Information System,
31. Vice Chairman, Rail Land Development Authority.
32. Chief Admn Officer, Indian Railways Organisation for Alternative Fuels, 12th Floor, Core-I, SCOPE Minar, District Centre, Laxmi Nagar, New Delhi -110092.
33. Office of Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.
34. The Joint Director (Iron & Steel), 3 Koilaghat Street, Kolkata.
35. The Secretary, Railway Claims Tribunal, Chennai.
36. The Railway Liaison Officer, Jeevan Tara Building, Parliament Street, New Delhi.

G/Kujar
13/4/2022

Cont - ...

Copy to: PSs to MR, MOS(S) & MOS(G).

Copy to: PS/PPSS/PSs/PA to:

CRB & CEO,MF, M/Infra M(TRS), M(OBD), Secretary/Rly.Bd., DG/RPF, DG/RHS, Adv(MR), OSD(MR), OSD(Co-ord)/MR & Additiona PS/MR.

AM(Comm), AM(CE), AM(C&IS), AM(Elect.), AM (Budget), AM(E), AM(ME), AM(Plg.), AM(PU), AM(Tele), AM(Sig), AM(Store), AM(T), AM(TT), PED(Bridge), PED(Stn.Dev.Engg.), AM(Works), AM(F), AM(Staff), Adv(Infra), Adv.(IR), Adv.(Project), PED(Vig.), Adv (C), Adv.(T&MPP), Adv. (Health), PED(Safety), Adv.(Transformation), Adv.(F), Adv.(Project), Legal Adviser, PED (Signal).

EDE(N), EDCE(G), EDE(G), ED(A), EDF(E), EDE(Safety), EDE(RRB), EDE(GC), EDE, EDV(A), ED(PSU), EDE(Sports), EDE(E&R), EDE(IR), EDH(G), EDPC-I, EDPC-II, EDF(BC), ED(ERP), EDPG, Chairman/HRRC, JS, JS(G), JS (E), JS(C), DE(W), DE(MPP), DE(G), DE(GP), DE(LL), DME(C&IS), JDF(E), JDE(N), JDE(Rep), JDPG, DDF(E)-I,II&III, DDE(R)-II, DDE (LR)-I & II,&III, DD(Sec/E), DD(Sec/ABE), DD E(P&A)I & E(P&A)II, E(G), E(NG)I & II, E(Trg), E(MPP), A/C-III, ERB-I, ERB-II, ERB-III, ERB-IV, ERB-V & ERB-VI, E(Rep)I, E(Rep)-II & E(Rep)-III, E(Sports), E(W), Sec(E), FE-I,II&III, FE(Spl), E(RRB), PC-III, PC-IV, PC-V, PC-VI, PC-VII, E(SCT)II, E(GR) I & E(GR)-II, E(GC), E(GP), E (Welfare)-I,II&III, E(D&A), E(Co-op), PR, E(D&A), E(LR)-I,II&III, Code Revision Cell/ Branches of Railway Board.

g/hyju
13/4/2022

No.36012/16/2019-Estt. (Res.)
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel and Training
 North Block, New Delhi-110 001
 Date: 12th April 2022

Office Memorandum

Subject : Reservation in promotions – procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

The undersigned is directed to bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of **Jarnail Singh and Ors. V. Lachmi Narain Gupta and Ors.** (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters. Pursuant to this judgement, the Ld. Attorney General for India has rendered his considered opinion in the matter.

2. In the judgement dated 28.1.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are :

- (i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;
- (ii) Application of this data to each cadre separately; and
- (iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. All the Ministries/Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon.

4. For this purpose, all Ministries/Departments are also required to ensure the following:

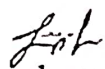
- (a) In terms of DoPT OM No.43011/153/2010-Estt (Res.) dated 4.1.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoPT OM No. 36012/2/96-Estt (Res.), dated 2.7.1997.
- (b) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.

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- (c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in paragraph 2 and sub-para (a) & (b) of this paragraph have been fully complied with.

5. Since the **Jarnail Singh** batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc. for adherence and strict compliance.


(Sandeep Saxena)

Deputy Secretary to the Govt. of India

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.
2. The Secretary, Department of Financial Services, New Delhi.
3. The Secretary, Department of Public Enterprises, New Delhi.
4. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, Union Public Service Commission
6. The Secretary, Staff Selection Commission
7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
8. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice President's Secretariat/ Prime Minister's Office/ Niti Ayog
9. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
10. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
11. National Commission for Backward Classes, Trikot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
12. The Director, ISTM.
13. NIC, DoPT with the request to upload the same on the website of the Department.

Government of India
Ministry of Railways
(Railway Board)

S.No. 7

4. The Member
5. The
6.

No.2018-E(SCT)1/25/9

New Delhi, dated 02.05.2022

The General Managers (P),
All Indian Railways
& Production Units.

Sub: Reservation in promotions- procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

Ref: Railway Board's letter no.2018-E(SCT)1/25/9 dated 13.04.2022

Kindly refer to Railway Board's letter of even no. dated 13.04.2022 enclosing therewith a copy of DoP&T OM No. 36012/16/ 2019-Estt.(Res.) dated 12.04.2022 .

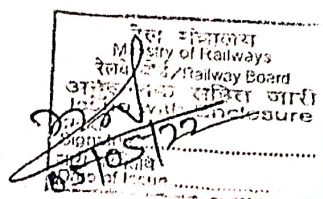
Attention is invited to Para 4(a) of DoP&T's abovesaid OM wherein Liaison Officer were advised to ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoP&T OM No.36012/2/96-Estt.(Res.), dated 2.7.1997. Since these instructions were issued on similar lines to Railways vide Railway Board's letter No.95-E(SCT)1/49/5(2) dated 21.08.1997 (RBE No. 114/97) , it is advised to follow the same in case of promotion in Railways/ Production Units etc.

James Kujur
21/5/2022
(James Kujur)
Deputy Director, E(SCT)I
Railway Board
9717647323
jameskujur4@gmail.com

Copy to:

1. Liaison Officers for SC, ST and OBC of All Indian Railways/ Production Units.
2. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi.
3. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi.

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Done
for
Vijay



4. The Members of National Council, Departmental Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi
5. The Secretary General, FROA, Room No. 256-A, Railway Board.
6. The Secretary, RBSS Group 'A' Officers' Association.
7. The Secretary, RBSS Group 'B' Officers' Association.
8. The Secretary General, IRPOF, Room No.268, Rail Bhawan, New Delhi.
9. The Secretary, Railway Board Class II Officers' Association.
10. The Secretary, Railway Board Ministerial Staff Association.
11. The Secretary, Railway Board Group D Employees Association.
12. The General Secretary, AIRPF Association Room No.256-D, Rail Bhawan.
13. General Secretary, All India SC/ST Railway Employees Association, Room No.7, Rail Bhawan, New Delhi.
14. The General Secretary, All India OBC Railway Employees Federation, Room No.48, GF, Rail Bhawan.
15. Chief Commissioner Railway Safety, Lucknow.
16. Chief Administrative Officer, MCF/Raebareli Project, Kishanganj, Delhi-7.
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27. The Chairman, Railway Recruitment Board: Allahabad/ Ahmedabad/ Ajmer/Bangalore/ Bhopal/ Bilaspur / Bhubaneswar/ Kolkata/Chandigarh/ Chennai/Gorakhpur/ Guwahati/ Jammu & Shrinagar /Malda/ Mumbai/Muzaffarpur/Patna/Ranchi/ Secunderabad /Thiruvananthapuram.
28. The Chief Project Administrator (Telecom), IRCOT Consultancy, Shivaji Bridge, New Delhi.
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31. Managing Director, Centre for Railway Information System,
32. Vice Chairman, Rail Land Development Authority.
33. Chief Admn Officer, Indian Railways Organisation for Alternative Fuels, 12th Floor, Core-I, SCOPE Minar, District Centre, Laxmi Nagar, New Delhi -110092.

Alkij
21/5/2022

34. Office of Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.
35. The Joint Director (Iron & Steel), 3 Koilaghat Street, Kolkata.
36. The Secretary, Railway Claims Tribunal, Chennai.
37. The Railway Liaison Officer, Jeevan Tara Building, Parliament Street, New Delhi.

Copy to: PSs to MR, MOS(S) & MOS(G).

Copy to: PS/PPSs/PSs/PA to:

CRB & CEO,MF, M/Infra M(TRS), M(OBD), Secretary/Rly.Bd., DG/RPF, DG/RHS, Adv(MR), OSD(MR), OSD(Co-ord)/MR & Additiona PS/MR.

AM(Comml), AM(CE), AM(C&IS), AM(Elect.), AM (Budget), AM(E), AM(ME), AM(Plg.), AM(PU), AM(Tele), AM(Sig), AM(Store), AM(T), AM(TT), PED(Bridge), PED(Stn,Dev,Engg.), AM(Works), AM(F), AM(Staff), Adv(Infra), Adv(IR), Adv.(Project), PED(Vig.), Adv (C), Adv.(T&MPP), Adv. (Health), PED(Safety), Adv.(Transformation), Adv.(F), Adv.(Project), Legal Adviser, PED (Signal).

EDE(N), EDCE(G), EDE(G), ED(A), EDF(E), EDE(Safety), EDE(RRB), EDE(GC), EDE, EDV(A), ED(PSU), EDE(Sports), EDE(E&R), EDE(IR), EDH(G), EDPC-I, EDPC-II, EDF(BC), ED(ERP), EDPG, Chairman/HRRC, JS, JS(G), JS (E), JS(C), DE(W), DE(MPP), DE(G), DE(GP), DE(LL), DME(C&IS), JDF(E), JDE(N), JDE(Rep), JDPG, DDF(E)-I,II&III, DDE(R)-II, DDE (LR)-I & II.&III, DD(Sec/E), DD(Sec/ABE), DD E(P&A)I & E(P&A)II, E(G), E(NG)I & II, E(Trg), E(MPP), A/C-III, ERB-I, ERB-II, ERB-III, ERB-IV, ERB-V & ERB-VI, E(Rep)I, E(Rep)-II & E(Rep)-III, E(Sports), E(W), Sec(E), FE-I,II&III, FE(Spl), E(RRB), PC-III, PC-IV, PC-V, PC-VI, PC-VII, E(SCT)II, E(GR) I & E(GR)-II, E(GC), E(GP), E (Welfare)-I,II&III, E(D&A), E(Co-op), PR, E(D&A), E(LR)-I,II&III, Code Revision Cell/ Branches of Railway Board.

Alkumar
25/2/22

Government of India
Ministry of Railways
(Railway Board)

No.2018-E(SCT)1/25/9

New Delhi, dated 22.06.2022

The General Managers (P),
All Indian Railways
& Production Units.
(As per standard mailing list)

Sub: Reservation in promotions- Procedure to be followed prior to effecting reservations in the matter of promotions.

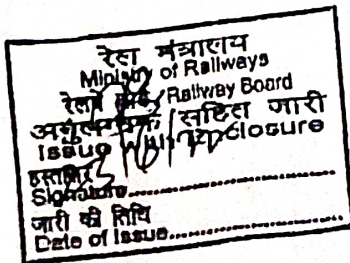
Ref: Railway Board's letter no.2018. -E(SCT)1/25/9 dated 13.04.22 & 02.05.22.

Clarifications are being sought from some of the Zonal Railways with reference to Board's instruction issued vide Letter no. No.2018-E(SCT)1/25/9 dated 13.04.2022 & 02.05.2022 in consonance with DOP&T orders No.36012/16/2019-Esttt. (Res.).

Attention is invited to Para 4(b) of Board's letter no. 95-E(SCT)I/49/5(2) dated 21.08.1997, wherein it has been mentioned that cadre for the purpose of roster shall mean a particular grade and shall comprise the number of the posts to be filled by a particular mode of recruitment in terms of the codal/manual provisions or Railway Board's instructions issued from time to time.

As regards RBE No.126/2010, it is mentioned that the same had been was held in abeyance vide Railway Board's letter no.2016-E(SCT)I/25/8 dated 30.09.2016 with immediate effect till further orders. Further in terms of Board's orders of even number dated 19.06.2018 (copy enclosed), it has been advised to carry out promotions in accordance with the directions of the Hon'ble Supreme Court orders dated 17.05.2018 and 5.06.2018 based on the existing seniority/select list.

Now fresh instructions had been issued vide Board's letter no.2018-E(SCT)I/25/9 dated 13.04.2022 & 02.05.2022 in consonance with DOP&T O.M. No.36012/16/2019-Estt.(Res.) dated 12.04.2022, wherein it has been advised to follow instructions/guidelines, laid down in Board's letter No.95-E(SCT)I/49/5(2) dated 21.08.1997 w.r.t maintenance of roster. In this regard attention is invited to para 10 of Annexure-1, wherein it had been mentioned that while operating the roster, persons belonging to communities for whom reservation has been made, but who are appointed on merit and not owing to reservation, should not be shown against reserved points. They will occupy the unreserved points.



o/c

22/6/2022

Further it is reiterated that as the Jarnail Singh batch of cases are still pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

This disposes of SWR's Letter No.SWR/P.171/SCTOBC/RB53/2022/Res.Pro. dated 13.05.2022 & 14.06.2022.

DA: As above.

(Signature)
22/6/2022

(James Kujur)
Deputy Director, Estt.(SCT)I
Railway Board
Mail Id: kujur.james@gov.in
Tele No. 011-23047232

Copy to:

1. Liaison Officers for SC, ST and OBC of All Indian Railways/ Production Units.
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3. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi.
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27. The Chairman, Railway Recruitment Board: Allahabad/ Ahmedabad/ Ajmer/Bangalore/ Bhopal/ Bilaspur / Bhubaneswar/ Kolkata/Chandigarh/ Chennai/Gorakhpur/ Guwahati/ Jammu & Shrinagar /Malda/ Mumbai/Muzaffarpur/Patna/Ranchi/ Secunderabad /Thiruvananthapuram.
28. The Chief Project Administrator (Telecom), IRCOT Consultancy, Shivaji Bridge, New Delhi.
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36. The Secretary, Railway Claims Tribunal, Chennai.
37. The Railway Liaison Officer, Jeevan Tara Building, Parliament Street, New Delhi.

Copy to: PSs to MR, MOSR(D) & MOSR(D)
 Copy to: Advisor/MR, OSD/MR, OSD/Co-ord/MR, Additional PS/MR.
 Copy to: PS/PPSS/PSs/PA to:

CRB & CEO,MF, M/Infra M(TRS), M(OBD), Secretary/Rly.Bd., DG/RPF, DG/RHS, Adv(MR), OSD(MR), OSD(Co-ord)/MR & Additiona PS/MR.

AM(Comml), AM(CE), AM(C&IS), AM(Elect.), AM (Budget), AM(E), AM(ME), AM(Plg.), AM(PU), AM(Tele), AM(Sig), AM(Store), AM(T), AM(TT), PED(Bridge), PED(Stn.Dev.Engg.), AM(Works), AM(F), AM(Staff), Adv(Infra), Adv.(IR), Adv.(Project), PED(Vig.), Adv (C), Adv.(T&MPP), Adv. (Health), PED(Safety), Adv.(Transformation), Adv.(F), Adv.(Project), Legal Adviser, PED (Signal).

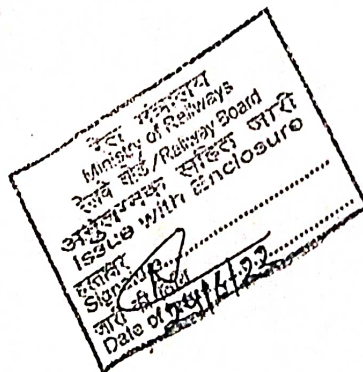
EDE(N), EDCE(G), EDE(G), ED(A), EDF(E), EDE(Safety), EDE(RRB), EDE(GC), EDE, EDV(A), ED(PSU), EDE(Sports), EDE(E&R), EDE(IR), EDH(G), EDPC-I, EDPC-II, EDF(BC), ED(ERP), EDPG, Chairman/HRRC, JS, JS(G), JS (E), JS(C),

9/6/22
22/6/2022

DE(W), DE(MPP), DE(G), DE(GP), DE(LL), DME(C&IS), JDF(E), JDE(N),
JDE(Rep), JDPG, DDF(E)-I,II&III, DDE(R)-II, DDE (LR)-I & II,&III, DD(Sec/E),
DD(Sec/ABE), DD E(P&A)I & E(P&A)II, E(G), E(NG)I & II, E(Trg), E(MPP),
A/C-III, ERB-I, ERB-II, ERB-III, ERB-IV, ERB-V & ERB-VI, E(Rep)I, E(Rep)-II
& E(Rep)-III, E(Sports), E(W), Sec(E), FE-I,II&III, FE(Spl), E(RRB), PC-III, PC-
IV, PC-V, PC-VI, PC-VII, E(SCT)II, E(GR) I & E(GR)-II, E(GC), E(GP), E
(Welfare)-I,II&III, E(D&A), E(Co-op), PR, E(D&A), E(LR)-I,II&III, Code Revision
Cell/ Branches of Railway Board.

22/6/2022

o/c



भारत सरकार (GOVERNMENT OF INDIA)

रेल मंत्रालय (MINISTRY OF RAILWAYS)

रेलवे बोर्ड (RAILWAY BOARD)

No.2018-E(SCT)/25/ 9(Pt.)

New Delhi, dated 13.09.2022

OFFICE MEMORANDUM

Sub: Reservation in promotions- Procedure to be followed prior to effecting reservations in the matter of promotions.

The undersigned is directed to refer to Department of Personnel & Training (DoP&T)'s Office Memorandum No.36012/16/2019- Estt.(Res.) dated 12.04.2022 on the above mentioned subject and to say that the following clarifications may kindly be furnished for better appreciation of the case:-

- whether persons belonging to reserved communities, who are promoted on own merit (against Unreserved vacancies) in the earlier panels and thus, shown against unreserved points in the roster, are also to be taken into account for the purpose of determining the adequacy of representation or otherwise.
- Whether SC/ST candidate, who are promoted against un-reserved points in excess of reservation (either by Selection, Non Selection or owing to own seniority) will be adjusted against reserved vacancies arising in future or not?

Early reply is solicited as preparation of roster and subsequent promotions in all cadres is pending at various Zonal Railways.

Secretary
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training (DoP&T)
(Kind Attention : Shri Sandeep Saxena, Deputy Secretary, Estt.(Res.))
North Block, New Delhi.

M.K.Meena
M.K.Meena)
Joint Director, Estt.(Res.)
Railway Board
Mail Id: maheshkr.meena69@gov.in
Tele No. 011-23047186

Ref. As above.
DoPT OM dt. 12.04.2022 and Hon'ble Supreme Court Order dt. 28.1.2021
(CAN. 629 of 2021) para 17 of the Order are enclosed for perusal

No.36012/16/2019-Esttt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
North Block, New Delhi-110 001
Date: 12th April 2022

Office Memorandum

Subject : Reservation in promotions – procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

The undersigned is directed to bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of **Jarnail Singh and Ors. V. Lachmi Narain Gupta and Ors.** (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters. Pursuant to this judgement, the Ld. Attorney General for India has rendered his considered opinion in the matter.

2. In the judgement dated 28.1.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are :

- (i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;
- (ii) Application of this data to each cadre separately; and
- (iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. All the Ministries/Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon.

4. For this purpose, all Ministries/Departments are also required to ensure the following:

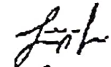
- (a) In terms of DoPT OM No.43011/153/2010-Estt (Res.) dated 4.1.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoPT OM No. 36012/2/96-Estt (Res.), dated 2.7.1997.
- (b) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.

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(c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in paragraph 2 and sub-para (a) & (b) of this paragraph have been fully complied with.

5. Since the **Jarnail Singh** batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc. for adherence and strict compliance.


(Sandeep Saxena)

Deputy Secretary to the Govt. of India

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.
2. The Secretary, Department of Financial Services, New Delhi.
3. The Secretary, Department of Public Enterprises, New Delhi.
4. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, Union Public Service Commission
6. The Secretary, Staff Selection Commission
7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
8. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice President's Secretariat/ Prime Minister's Office/ Niti Ayog
9. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
10. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
11. National Commission for Backward Classes, Trikot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
12. The Director, ISTM.
13. NIC, DoPT with the request to upload the same on the website of the Department.

have the liberty to evaluate the representation of SCs and STs in public employment. Laying down of criteria for determining the inadequacy of representation would result in curtailing the discretion given to the State Governments. In addition, the prevailing local conditions, which may require to be factored in, might not be uniform. Moreover, in **M. Nagaraj** (supra), this Court made it clear that the validity of law made by the State Governments providing reservation in promotions shall be decided on a case-to-case basis for the purpose of establishing whether the inadequacy of representation is supported by quantifiable data. Therefore, we are of the opinion that no yardstick can be laid down by this Court for determining the adequacy of representation of SCs and STs in promotional posts for the purpose of providing reservation.

2) UNIT FOR COLLECTING QUANTIFIABLE DATA

17. Seniority of Superintending Engineers in the Irrigation Department of the State of Punjab was the subject matter of a writ petition filed under Article 32 of the Constitution of India in **R.K. Sabharwal & Ors. v. State of Punjab & Ors.**¹². The relevant instructions issued by the State of

Punjab provided for 14 per cent reservation for SCs. Two points came up for consideration before this Court in the said judgment, the first being that in case more than 14 per cent of the Scheduled Caste candidates are appointed/promoted in a cadre on their own merit/seniority, then the purpose of reservation having been achieved in the said cadre, the Government instructions providing reservations would become inoperative. The second point on which arguments were heard is that roster cannot operate once the posts earmarked for the SCs, STs and Backward Classes are filled. Any post falling vacant in a cadre, thereafter, is to be filled from the category - reserved or general - due to retirement etc. of whose member the post fell vacant. The first point raised by general category candidates was rejected by this Court by holding that reserved category candidates can compete for non-reserved posts and in the event of their appointment to the said posts, their number cannot be added and taken into consideration for working out the percentage of reservation. This Court was of the opinion that Article 16(4) of the Constitution of India enables the State Government to make

provision for reservation in favour of any Backward Class of citizens which, in the opinion of the State is not adequately represented in the services. The percentage of posts reserved for Backward Classes, as prescribed by the State, has to be strictly followed and cannot be varied or changed simply because some members of the Backward Class have already been appointed/promoted against the general seats.

18. The second point relates to the implementation of the roster in the form of "running account" year to year. Roster points were fixed in a lot of 100 posts. This Court held that once 14 per cent posts earmarked in the roster are filled up, the result envisaged by the instructions is achieved. Thereafter, there is no justification for operating the roster. This Court observed that the "running account" is to operate only till the quota provided by the instructions is reached and not thereafter. The vacancies arising in the cadre, after the initial posts are filled, will have to be filled from amongst the category to which the post belonged in the roster.

19. In *M. Nagaraj* (supra), this Court observed that the appropriate Government has to apply cadre strength as a unit in the operation of the roster in order to ascertain