

No. 6/13/96-DPE(SC/ST Cell)
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

*Block No. 14, CGO Complex,
Lodi Road, New Delhi-110003
Dated the 17th March, 1997.*

OFFICE MEMORANDUM

SUB: Seniority of SC/ST officers promoted earlier vis-a-vis general candidate promoted later.

The undersigned is directed to forward herewith a copy of Department of personnel & Trainings OMI No.20011/1/96-Est.(D) dated the 30th January, 1997 on the subject mentioned above and to request that all Ministries/Departments may kindly bring the contents of the OM under reference to the notice of all Public Sector Undertakings under their administrative control for information and compliance.

Sd/-
(C.C. Unnikrishnan)
Deputy Secretary to the Govt. of India
Tel. No. 4360624

To

All Administrative Ministries/Departments concerned with PSUs.

Copy to:

1. Chief Executives of all PSUs
2. Department of Personnel & Training with reference to their OM cited above
3. Secretary, National Commission for SC/ST, Lok Nayak Bhawan, New Delhi.
4. National Commission for OBC, New Delhi.
5. SO (Admn), DPE.

Sd/-
(C.C. Unnikrishnan)
Deputy Secretary to the Govt. of India
Tel. No. 4360624

No. 20011/1/96-Esstt.(D)
Government of India
Ministry of personnel, Public Grievances & Pensions
Department of Personnel & training

New Delhi, the 30th Jan., 1997

OFFICE MEMORANDUM

Sub: Seniority of SC/ST officers promoted earlier vis-a-vis general candidate promoted later.

According to the general principles 5(i) contained in MHA OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2 in DOPT OM No. 22011/7/86-Esstt. (D) dated 3.7.1986 read with DOPT OM No. 20011/6/90-Esstt. (D) dated 4.11.1992 (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enbloc be senior to those promoted through subsequent selection.

2. The Supreme Court has in the judgment dated 10.10.95 in the case of Union of India Vs. Virpal Singh Chauhan etc. (JT 1995 (7) SC. 231) held as follows:

"Even if a scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidates even though the general candidates is promoted later to that category."

3. Having regard to the above judgment of the Supreme Court, it has been decided to modify that existing policy of fixing seniority

on promotion on the lines mentioned in para 2 above. Accordingly, it has been decided to add the following provision to general principles 5(i) contained in MHA (now DOPT) OM No. 9/11/55-RPS dated 22.12.59 and para 2.2 of this Department's OM No. 22011/7/86-Esstt. (D) dated 3.7.1986:

"Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade."

4. These orders shall take effect from the date of issue of this Office Memorandum.

Sd/-
(K.K. Jha)
Director (E)

To
All Ministries/Departments etc. of the Govt. of India

Note: The above order has been modified by DOPT's OM dated 21.01.02