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No. 6/20/97-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 27th July, 2000.

OFFICE MEMORANDUM

SUB: Treatment of backlog vacancies reserved for SCs & STs as a distinct group and non-applicability of 50 per cent ceiling thereon.

In continuation to this Department's OM of even number dated 5.9.1997, forwarding therewith a copy of Department of Personnel & Training's OM No. 36012/5/97-Estt. (Res) dated 29.8.97, the undersigned is directed to forward herewith a copy of Department of Personnel & Training's OM No. 36012/5/97-Estt(Res) Vol. 11 dated 20.7.2000 on the subject mentioned above. All Administrative Ministries/Departments are requested to bring these instructions to the notice of all PSEs 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 PSEs

Copy to:

1. Chief Executives of all PSEs
2. Department of Personnel & Training (Sh. J. Kumar, DS) North Block, New Delhi)
3. National Commission for SC and ST, Lok Nayak Bhawan, New Delhi.
4. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.

No. 36012/5/97-Estt.(Res.) Vol. 11
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Estt. (Reservation) Section

North Block, New Delhi-110001
 Dated the 20th July, 2000

OFFICE MEMORANDUM

Subject: Treatment of backlog vacancies reserved for SCs & STs as a distinct group and non-applicability of 50 per cent ceiling thereon.

The undersigned is directed to invite a reference to Department of Personnel & Training's O.M. No. 36012/5/97-Estt. (Res.) dated 29th August, 1997 wherein it was laid down that 50 per cent limit on reservation shall apply to current as well as backlog vacancies and that backlog of reserved vacancies shall not be treated as distinct group for the purpose of 50 per cent limit on reservation and to say that the matter has been reviewed. Consequently, article 16(4B) has been incorporated in the Constitution by the Constitution (Eighty-First Amendment) Act, 2000, which provides as under:

"Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year."

2. In pursuance of the provisions of Article 16(4B) of the Constitution, it has been decided that in partial modification of the instructions issued vide this Department's O.M. No. 36012/5/97-Estt. (Res.), dated the 29th August, 1997, the reserved vacancies for Scheduled Castes and Scheduled Tribes in all cases of direct recruitment and promotion, wherever applicable, which have remained unfilled in the earlier year(s) i.e. backlog and/or carried forward vacancies would be treated as a separate and distinct group and will not be considered together with the reserved

vacancies of the year in which they are being filled up for determining the ceiling of 50 per cent reservation on total number of vacancies of that year. In other words, the ceiling of 50 per cent on filling up of reserved vacancies would apply only on the reserved vacancies which arise in the current year and the backlog/carried forward reserved vacancies for SCS/ STs of earlier years would be treated as a separate and distinct group and would not be subject to any ceiling. However, backlog and/or carried forward reservation will automatically lapse in a cadre as soon as combined representation of a reserved category in direct recruitment as well as promotion is either equal to or more than the prescribed number of reserved posts in the relevant post-based rosters.

3. As the Ministries are aware, reservation with effect from 2.7.1997 is linked to post based rosters. The backlog of vacancies would, be determined with reference to the post based rosters keeping in view the instructions issued vide this Department's O.M. No. 36012/2/96-Bstt.(Res.) dated the 2nd July, 1997.

4. The Ministries/Departments etc. are requested to carry out a review for early assessment of the backlog vacancies in respect of SCS & STs both by way of direct recruitment and promotion and make concerted efforts to fill up backlog vacancies.

5. This order takes effect from the date of issue.

6. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.

7. Hindi version will follow

Sd/-
(J. Kumar)
Deputy Secretary to the Government of India
Tel. No. 3011797

To
1. All Ministries/Departments of the Government of India.

2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, C.C.O Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCS & STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikol-I, Bhikaji Cama Place, R.K. Puram, New Delhi.

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