

HOW TO MAINTAIN ROSTERS UNDER THE POST BASED SYSTEM - GUIDELINES (contd.)

- (iv) Since reservation does not apply to transfer on deputation/transfer, where the recruitment rules prescribe a percentage of posts to be filled by this methods, such posts shall be excluded while preparing the roster.
- (v) In small cadres of up to 13 posts, the method prescribed for preparation of rosters does not permit reservation to be made for all the three categories. In such cases, the administrative Ministries/Department may consider grouping of posts in different cadres as prescribed in MHA OM No. 4221/49-NGS dated 28-01-1952 and subsequent orders reproduced at pages 70 to 74 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes (8th Edition) and prepare common rosters for such groups. In the event it is not possible to resort to such grouping the rotational rosters for cadre strength up to 13 posts may be followed.
- (vi) At the stage of initial operation of roster with effect from 02-07-97, it will be necessary to adjust the existing appointments in the roster. This will also help in identifying the excesses/shortages, if any, in respective categories in the cadre. This may be done starting from the earliest appointment and making an appropriate remark utilised by SC/ST/OBC/GEN, as the case may be against each point in the rosters as explained in the explanatory notes reproduced below. In making these adjustments, appointments of candidates belonging to SC/ST/OBCs which were made on merit (and not due to reservation) are not be counted towards reservation. In other words, they are to be treated as general category appointments. SC/ST candidates appointed on their own merit (by Direct Recruitment or Promotion) and adjusted against unreserved points will retain their status of SC/ST/OBC and will be eligible to get unreserved benefit of reservation in future or further promotions, if any. 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/promoted on their own merit without violating any relaxation/concession or against unreserved points/vacancies.
- (vii) Excess, if any, would be adjusted through future appointments and the existing appointments would not be disturbed.

The principles of operating these rosters as explained in the detailed instructions have been reproduced below:

Principals

- (i) As hitherto, those rosters are only an aid to determine the entitlement of different categories with regard to the quota prescribed for them. They are not to determine seniority.
- (ii) The model rosters have been drawn up keeping in mind two fundamental principles i.e. the reservation for the entitled categories is to be kept with in the prescribed percentage of reservation and the reservation should in no case exceed 50% of the cadre.
- (iii) There should be separate rosters for direct recruitment and for promotion where reservation in promotion applies.
- (iv) The number of points in each roster shall be equal to the number of posts in a cadre.
- (v) While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to

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be filled by a particular mode of recruitment in terms of the applicable recruitment rules. To illustrate in a cadre comprising 200 posts, where the recruitment rules prescribe a ratio of 50:50 for direct recruitment and promotions the roster for direct recruitment shall have 100 points and that for promotion also shall have 100 points—thus making a total of 200.

- (vi) As indicated in the model roster, the method for making a roster is to multiply each post by the prescribed percentage of reservation for the different reserved categories. The point at which the multiple for a community obtains a complete number or oversteps the number is to be reserved for that community while taking care to evenly space out the different reserved categories. Thus, at point no 15, in the roster at Annexure - II both OBC and SC gets entitled. However, since earlier reserved point has gone to OBC, point no 15 has been reserved for SC and point no.16 for OBC.
- (vii) Since reservation does not apply to transfer/transfer on deputation, where rules prescribed a percentage of posts to be filled by this method, the corresponding proportion of posts should be excluded while drawing up rosters.
- (viii) It would be noted that at the end of the roster "squeezing" has been done for the reserved categories to reach the number of posts to be reserved for them without violating the 50% limits laid down by the Courts. While drawing up rosters, the cadre controlling authorities should similarly "Squeeze" the last point of the roster. Such squeezing may not, however be done where it would violate the rule of 50%.
- (ix) Whenever there is any increase or decrease in the cadre strength the roster shall be correspondingly expanded or contracted. The same will also apply whenever there is a change in recruitment rules, which affects the proportion of posts to be filled by a particular mode of recruitment.
- (x) The roster is to be operated on the principle of replacement and not as a "running account" as hitherto. In other words the points, at which reservation for different categories applies are fixed as per the roster and vacancies caused by retirement etc. of persons occupying those points shall be filled by appointment of persons of the respective categories.
- (xi) While operating the roster, person 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.
- (xii) In case of all cadres (up to 13 posts) all the posts shall be earmarked on the same pattern as in the model post based rosters. Initial recruitment against these posts shall be by the category for which the post is earmarked. Replacement of incumbents of posts shall be by rotation as shown horizontal against the cadre strength as applicable. While operating the relevant roster, care will have to be taken to ensure that on no occasion the percentage of reserved category candidates exceed 50%. If such a situation occurs at any time, the relevant reserved point occurring, as a result of rotation will be skipped.

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- (i) At the point of initial operation of the roster, it will be necessary to determine the actual representation of the incumbents belonging to different categories in a cadre vis-à-vis the points earmarked for each category viz. SC/ST/OBC and General in the roster. This may be done by plotting the appointments made against each point of roster starting with the earliest appointee. Thus, if the earlier appointee in the cadre happens to be a candidate belonging to the Scheduled Castes, against point no. 1 of the roster, the remark "utilized by SC" shall be entered. If the next appointee is a general category candidate, the remark "utilized by general category" shall be made against point no. 2 and so on and so forth till all appointments are adjusted in the respective rosters. In making adjustments, SC/ST/OBC candidates on merit, shall be treated as general category candidates.
- (ii) After completing the adjustment as indicated above, a tally should be made to determine the actual percentages of representation of appointees belonging to the different categories in the cadre. If there is an excess representation of any of the reserved categories, or if the total representation of the reserved categories exceeds 50%, it shall be adjusted in the future recruitment. Vacancies arising from retirement etc. of candidates belonging to such categories shall be filled by appointment of candidates belonging to the categories to which the relevant roster points, against which the excess occur, belong.
- (iii) Since recruitment is generally vacancy based, it may happen that the actual number of promotees and direct recruits in the cadre does not correspond to the number of points earmarked in the respective reservation roster. For the purpose of calculations of representation of reserved category in a cadre, total of promotees and direct recruits may be taken. Rectification of the representation as per prescribed percentage by the prescribed mode of recruitment at the earliest possible should, however, be the goal.

**GOVT. OF INDIA, DEPARTMENT OF PERSONNEL &
TRAINING OM NO. 36012/2/96-Estt (Res), DATED
2ND JULY, 1997 ON THE SUBJECT OF POST-
BASED RESERVATION ROSTERS**

Subject:—Reservation roster—post based—Implementation of the Supreme Court Judgment in the case of R.K. Sabharwal v State of Punjab.

The undersigned is directed to say that under the existing instructions, vacancy-based rosters have been prescribed in order to implement the Government's policy relating to reservation of jobs for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. The application of reservation on the basis of these rosters was called into question before Courts. The Constitution Bench of the Supreme Court, in the case of *R.K. Sabharwal v. State of Punjab* as well as *J.C. Mallick v. Ministry of Railways* has held that the reservation of jobs for the backward classes SC/ST/OBC should apply to posts and not to vacancies. The Court further held that the vacancy-based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre, reaches the prescribed percentages of reservation. Thereafter, the rosters cannot operate and vacancies released by retirement, resignation, promotion, etc., of the persons belonging to the general and the reserved categories are to be filled by appointment of persons from the respective category so that the prescribed percentage of reservation is maintained.

2. The Court also held that persons belonging to the reserved categories, who are appointed on the basis of merit — and not on account of reservation — are not to be counted towards the quota meant for reservation.

3. With a view to bringing the policy of reservation in line with the law laid down by the Supreme Court, it has been decided that the existing 200-point, 40-point and 120-point vacancy-based rosters shall be replaced by post-based rosters. All Ministries/Departments and concerned authorities are requested to prepare the respective rosters based on the principles elaborated in the Explanatory Notes given in Annexure - I to this OM and illustrated in the Model Rosters annexed to this OM as Annexures - II, III and IV. Similarly, the concerned authorities may prepare rosters to replace the existing 100-point rosters in respect of local recruitment to Groups 'C' and 'D' posts on the basis of the same principles.

4. The principles for preparing the rosters elaborated upon in the Explanatory Notes are briefly recapitulated below:—

- (a) Since reservation for OBCs does not apply in promotions, there shall be separate rosters for direct recruitment and for promotions.
- (b) The number of points in the roster shall be equal to the number of posts in the cadre. In case there is any increase or decrease in the cadre strength in future, the rosters shall be expanded/contracted correspondingly;
- (c) Cadre, for the purpose of a roster, shall mean a particular grade and shall comprise the number of posts to be filled by a particular mode of recruitment in terms of the applicable Recruitment Rules. Thus, in a cadre of, say, 200 posts, where the Recruitment Rules prescribe a ratio of 50:50 for direct recruitment and promotion, two rosters — one for direct recruitment and one for promotion (when reservation in promotion applies) — each comprising 100 points shall be drawn up on the lines of the respective model rosters;
- (d) Since reservation does not apply to transfer on deputation/transfer, where the Recruitment Rules prescribe a percentage of posts to be filled by this method, such posts shall be excluded while preparing the rosters;
- (e) In small cadres of up to 13 posts, the method prescribed for preparation of rosters does not permit reservation to be made for all the three categories. In such cases, the administrative Ministries/Departments may consider grouping of posts in different cadres as prescribed in this Department's O.M. No. 42/21/49-NGS, dated 28-1-1952 and subsequent orders reproduced at pages 70 to 74 of the Brochure on *Reservation for Scheduled Castes and Scheduled Tribes (Eighth Edition)* and prepare common rosters for such groups. In the event it is not possible to resort to such grouping, the enclosed rosters (Appendices to Annexures-II, III, and V) for cadre strength up to 13 posts may be followed. The principles of operating these rosters are explained in the Explanatory Notes.

5. At the stage of initial operation of a roster, it will be necessary to adjust the existing appointments in the roster. This will also help in identifying the excesses/shortages, if any, in the respective categories in the cadre. This may be done starting from the earliest appointment and making an appropriate remark—"utilized by SC/ST/OBC/Gen.", as the case may be, against each point in the rosters as explained in the explanatory notes appended to the model rosters. In making these adjustments, appointments of candidates belonging to SCs/STs/OBCs which were made on merit (and not due to reservation) are not to be counted towards reservation so far as direct recruitment is concerned. In other words, they are to be treated as general category appointments.

6. Excess, if any, would be adjusted through future appointments and the existing appointments would not be disturbed.

7. All Ministries/Departments are requested to initiate immediate action to prepare rosters and operate them according to these guidelines.

8. The existing orders on the subject are deemed to have been amended to the extent herein.

9. These orders shall take effect from the date of their issue. However, where selections have already been finalized, they need not be disturbed and the necessary adjustments in such cases may be made in future. In other cases, recruitment may be withheld till the revised rosters are brought into operation and recruitment effected in accordance with these instructions.

ANNEXURE-I

O.M. No. 36012/2/96-Estt. (Res.), dated 2-7-1997

EXPLANATORY NOTES.—

Principles for making and operating post-based rosters

1. As hitherto, these rosters are only an aid to determine the entitlement of different categories with regard to the quota reserved for them. They are not to determine seniority.
2. The model rosters have been drawn up keeping in mind two fundamental principles—the reservation for the entitled categories is to be kept within the prescribed percentage of reservation and the total reservation should in no case exceed 50% of the cadre.
3. There should be separate rosters for direct recruitment and for promotions where reservation in promotion applies.
4. The number of points in each roster shall be equal to the number of posts in a cadre.
5. While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules. To illustrate, in a cadre comprising 200 posts, where the recruitment rules prescribe a ratio of 50:50 for direct recruitment and promotions, the roster for direct recruitment shall have 100 points and that for promotion shall have 100 points—thus making a total of 200.
6. As indicated in the model roster, the method for making a roster is to multiply each post by the prescribed percentages of reservation for the different reserved categories. The point at which the multiple for a community obtains a complete number or oversteps the number is to be reserved for that community—while taking care to evenly space out the different reserved categories. Thus, at point No. 15, in the roster at Annexure-II, both OBC and SC get entitled. However, since earlier reserved point has gone to OBC, point No. 15 has been reserved for SC and point No. 16 for OBC.

DOUBTS & CLARIFICATION IN RESPECT OF MAINTENANCE OF POST-BASED REVISED RESERVATION ROSTERS(REF. D.O.P&T, O.M. No.36012/2/96-Estt.(RES.) DATED 2.7.1997.

DOUBT 1 : Whether the new revised roster will be effective from the panel year 1998 i.e. 1.1.1998 and whether the concept of panel year and cut off date(1st October of the panel year) will continue to be applicable?

CLARIFICATION: GOVERNMENT ORDERS ON POST BASED ROSTER ARE EFFECTIVE FROM July 2, 1997. Recruitments/promotions made on or after July 2, 1997 have to be based on post based rosters. The existing concept of panel year and cut of date will continue to be applicable.

DOUBT 2.: Whether combined roster for Senior AO/AO /AAO:SO/ Senior Auditor: Auditor/ Senior Accountant: Accountant cadres taking into account the combined strength of higher and lower cadres are to be maintained or separate roster for higher and lower cadres are to be maintained?

CLARIFICATION : As the posts of Senior AO/ AAO/ Senior Auditor/Senior Accountant are promotional post for AO/SO/Auditor/Accountant respectively, separate roster are to be maintained for lower and higher posts. For preparing the roster the total strength borne on each lower and higher cadre will be taken into account. The rosters may have to be expanded/ contracted depending upon the increase/ decrease in the strength.

DOUBT 3 (a).: How the excess persons over sanctioned strength (due to deputation, transfer in etc.) in a cadre are to be shown in the roster?

CLARIFICATION :Roster is to be prepared taking into account the total strength of the cadre but while working out representation of SC/ST/OBC shortfall /Excess such employees are excluded.

DOUBT 3 (b).: Whether the reserved category persons working above the sanctioned strength will also count towards determining the representation of those reserved categories?

CLARIFICATION : Yes.

DOUBT 3 (C).: How the excess of SC/ST over their required percentages in a cadre is to be shown in the roster at the time of its initial operation?

CLARIFICATION: Roster is to be prepared as per 3 (a) above and the incumbents are to be plotted against each point of the roster as explained in Annexure-I of D.O.P & T. O.M. Dates 2.7.97. The excess representation of SC/ST, if any would be adjusted in future appointments as per Para 2 of caption Initial Operation of Annexure -I of the O.M.

Changes in Reservation Policy

DOUBT 3 (d) : Whether in a cadre where number of reserved category candidates are less than their required percentages, only reserved category candidates should be filled till such time their prescribed percentage are reached?

CLARIFICATION: While filling up the reserved category posts as per their percentages, the reservation should be achieved at the earliest so that replacement procedure becomes operational.

DOUBT 4 : Whether existing quantum of reservation as per regional percentages would continue or it is to be revised as 15% for SC, 7.5% for ST and 27% for OBCs as shown in Annexure-II of DOP & T, O.M dated 2.7.1997?

CLARIFICATION: In the cases of direct recruitment the existing quantum of reservation as per regional percentages applicable to different States/Union Territories and shown in Annexure-II of DOP&T, O.M. NO. 36012/22/93-Estt.(SCT) dated 29.12.93 would continue to be applicable.

DOUBTS 5(a) : Reserved category candidates appointed through direct recruitment on the basis of their own merit are not to be counted against reserved points. Does it apply to promotion case also?

CARIFICATION: Yes.

DOUBTS 5(b) : Whether reserved category candidates recruited on the basis of their own merit and treated as unreserved will be allowed the benefits of reservation in promotion to next higher post?

CLARIFICARTION: Treating a reserve category candidate as unreserved does not take away his/her status as belonging to reserved category. In future promotion such candidates would retain his /her caste status and will be allowed the benefits of reservation accordingly.

DOUBTS 5(c) : Whether a senior -most official in a cadre belonging to reserved category considered fit for promotion on seniority-cum fitness basis will be promoted to higher post despite excess representation of such reserved category in that higher post? Also whether he would be shown against unreserved point in the roster?

CLARIFICARTION: Yes, Should be shown against unreserved point in the roster. D.O.P.T issued clarification vide O.M. No. 36028/17/2001-Estt.(Res)Dated 11.7.2002.

DOUBTS 5(d) : Whether 50%limit on reservation would apply in the case of reserved category candidates who are selected on their won merit in recruitment/promotion?

CLARIFICATION: In direct recruitment & promotion 50% limit on reservation will be computed by excluding such cases.

DOUBT 6.: Whether separate roster for selection and non-selection posts are to maintained?

CLARIFICATION:.. Yes, separate roster for selection and non selection posts are to be maintained.

DOUBT 7 (a). : How the total representation of reserved categories in a cadre is to be determined, when the percentage of reservation in promotion and in direct recruitment are different?

CLARIFICATION : Representation of each reserved category is first to be determined separately as per the prescribed percentages of reservation applicable to different methods of appointment i.e. promotion and direct recruitment and then the total representation of respective reserved category in the cadre is to be worked out.

DOUBT 7 (b). : How the excess persons working against promotion quota in a cadre having both methods of appointment i.e., promotion and direct recruitment are to be adjusted in the roster at the initial stage and thereafter? Whether promotion is to be stopped till the prescribed quota is reached?

CLARIFICATION: Under the existing vacancy-based Recruitment Rules, number of posts in a particular quota is not specified and as such there is no question of adjustment of excess of less number of persons in a particular quota. Separate roster are to be prepared for different method of appointment taking into account the strength of incumbents coming under a particular method of appointment. Promotions will continue to be made on the basis of available vacancies and their allocation as per Recruitment Rules.

DOUBT 7 (c). : How the excess' or less representation of reserved category (or categories) in separate methods of appointment in a cadre are to be adjusted?

CLARIFICATION: The representation of respective reserved categories should not exceed the prescribed percentages, as worked out in Sl. No.7 (a) taking into account their combined representation in direct recruitment as well as promotion. Adjustments of representation of reserved categories between different methods of appointment in a cadre may be effected accordingly.

DOUBT 7 (d). : Whether present 20-point roster maintained for equitable distribution of direct recruits and promotes would continue?

CLARIFICATION: Yes, it would continue.

DOUBT 8. : How the backlog of SC/ST/OBCs is to be cleared through, future recruitments in view of the total reservation limit being 50% of the posts?

CLARIFICATION: Backlog' of SC/ST/OBCs is to be determined' afresh as per the revised post based rosters. Vacancies against reserved points will continue to be filled keeping in view the limit of 50% reservation of the cadre strength.

Changes in Reservation Policy

DOUBT 9 (a) : Whether the existing practice of dereservation would continue in the case of non-availability of eligible reserved category candidates or the reserved points in the roster are to be kept unfilled till eligible candidates of reserved category become available?

CLARIFICATION : Yes, the practice of dereservation would continue in promotion but in direct recruitments.

DOUBT 9 (b) : Whether the carried-forward reserved vacancies would be considered in fresh panels or would lapse due to implementation of post-based revised roster?

CLARIFICATION: The reserved vacancies are to be determined afresh on the basis of post-based revised rosters and are to be carried forward for future adjustments.

DOUBT 9 (c) : Whether the existing practice of exchange between SC and ST would continue?

CLARIFICATION: Yes, till prescribed percentage of reservation is achieved.

DOUBT 9 (d) : Whether restriction of not more than 50% of vacancies to be filled in a recruitment year by reserved categories would continue to be applicable?

CLARIFICATION: No. According to the Constitutional amendment, 81st provides to fill up the backlog and allowed more than 50% vacancies can be filled up in a year.

DOUBT 9 (e) : Whether provisions contained in DOP & T, O.M. No. 14017/30/89 -Estt. (RR) dated 10.7.90 regarding temporary diversion of dereserved vacancies falling in promotion quota to direct recruitment "quota in the case of non-availability of eligible SC/ST persons in the feeder cadre would continue to be applicable?

CLARIFICATION : Yes.

DOUBT 10. : Whether the instruction contained in DOP&T, OM dated 2.7.1997 regarding grouping of posts of small cadres up to 13 posts are applicable to promotional cadres having strength of less than 13 posts?

CLARIFICATION : Grouping of isolated individual posts and small Cadres for the purpose of reservation orders is permissible only in the cases of direct recruitment and not in the posts filled by promotion. However notwithstanding the instructions on grouping of posts, it would be advisable to maintain separate roster for each small cadre to maintain separate rosters.

Appendix B

DOUBT 11 (a) : How the cases of appointment to peon's post by transfer of Chowkidar/Farash/Waterman/Safaiwala are to be treated in the roster?

CLARIFICATION : Since reservation is not applicable to appointment by transfer, the cadre strength Of Peon for the purpose of maintenance of roster would exclude the number of posts filled by such transfer.

DOUBT 11 (b) : Whether a combined roster for various Group 'D' posts may be maintained since maintenance of separate roster for the post of Safaiwala may leave a large number of general category posts vacant?

CLARIFICATION : Separate roster are to be maintained for each Group 'D' post In the case of appointment to the post of Safaiwala since persons belonging to reserved categories but selected on their own merit are not to be treated as belonging to reserved categories, the posts meant for General category will not remain vacant.

DOUBT 12: How the vacancies in a cadre earmarked for deputation/promotions/ compassionate appointment/ sports quota appointments, where categories to which persons would belong are not known, would be filled by appointments of persons or respective categories?

CLARIFICATION: Appointments to a cadre from whatever source are to be made against available vacancies and utilize the point of respective category person belongs.

DOUBT 13: Whether the existing system of determining the seniority of promotes vis-à-vis direct recruits in the cadres of Auditor/ Accountant/ clerk with the help of a 20- point roster would continue?

CLARIFICATION : Yes.

DOUBTS 14(a): Whether the UPSC/Staff Selection Commission/Other Authority with whom the requisition has already been placed on the basis of existing vacancy based reservation roster should be asked not to sponsor candidates in view of the revised instruction?

CLARIFICATION: The Candidates sponsored by SSC against the requisition sent earlier may be appointed but adjusted against the revised roster.

DOUBTS 14(B): Whether the appointments to be made against the dossiers received from UPSC/SSC on the basis of earlier indents are to be taken to existing roster which will be closed on 31-12-1997?

CLARIFICATION: Yes.

DOUBT 15: Whether leave reserve not exceeding 10% of the sanctioned strength of each cadre is to be taken into account while determining reservation for each category in that cadre?

CLARIFICATION: Yes, as clarified at Sl. Nos. 2 and 3(a).

DOUBT 16: Whether the caste status of existing staff should be called to ascertain the representation of OBC category in each cadre?

CLARIFICATION: Reservation for OBCs is not applicable to posts filled by promotion. In the cadres having element of direct recruitment, Present staff belonging to OBCs but recruited prior to 8.9.1993(date of effect of reservation for OBC) are to be treated as general category candidates, staff recruited on or after 8.9.1993 against reservation for OBCs are only to be counted against representation of OBCs in a cadre.

DOUBT 17: Whether the instruction on post-based reservation rosters are also applicable in the cases of promotion from Group 'C' to Group 'B' posts and within Group 'B' posts?

CLARIFICATION: Yes, the instructions are applicable to recruitment's/promotions made in all the Groups.

DOUBT 18: Is fraction of reservation less than 0.5 to be ignored and 0.5 or more to be taken as 1?

Appendix B

CLARIFICATION: While preparing a roster, the squeezing of last reserved points may be done as clarified in Para 8 of Annexure-I of DOP&T, O.M dated 2-7-1997.

DOUBT 19: Carry forward provision and exchange of vacancies between SC and ST provision stand with New Post-based Roster System?

CLARIFICATION: This provision stands with the New Post-based Roster provided that at the time of exchange of vacancies there should not be excess or surplus of SC/ST i.e. if the ST vacancies are to be exchanged with SC there should not be excess/surplus of SC category in the Cadre and Vice-Versa. In case there is a shortfall of SC category the unfilled vacancies of ST category may be exchanged with SC category and Vice-Versa. To achieve prescribed reservation in promotion there is need to amend Recruitment Rules where method of filling vacancies in promotion is 100% by promotion.

DOUBT 20: Cut-off date for calculation of shortfall in OBC category Whether to calculate shortfall of OBC from the effective date of reservation i.e. 8-9-1993 or on the total strength as on 2-7-1977?

CLARIFICATION: The DOP&T has not come up with separate O.M. on this point. If vacancy based rosters would have continued than OBC reservation attracts on current recruitments only w.e.f. 8.9.1993 and onwards. In many organizations there has not been any recruitment after 8-9-1993. The shortfall if any as on 2-7-1997 of SC/ST/OBC will have to be taken care of by replacement system i.e. on exit of the employees who occupied the reserved points. In case the cadre strength expands, the shortfall/excess if any, will have to be taken care of in subsequent recruitment.

DOUBT 21: Whether it will be in order to reserve more than 50% vacancies for SC/ST/OBC (current as well as backlog) under the Post based Roster?

CLARIFICATION: Yes, as 81st Constitutional Amendment has been made, which allows to hold special recruitment for SC/ST/OBC as well as to fill up old backlog vacancies along with current vacancies but backlog have to be as per post based rosters and cadre strength.

DOUBTS 22: Whether the 77th Constitution Amendment provides reservation in promotion for SC/ST in promotion within group A posts (within Class I)?

Changes in Reservation Policy

CLARIFICATION: Yes, the 77th Constitutional Amendment provides reservation for SC/ST in promotions within Class I (Group A) cadres. Such reservation has provided vide the DOPT O.M.No. 27/2/71-Estt. (SCT) dated 27.11.72 but government departments had avoided, so far, its implementation.

DOUBT 23: Interchange of vacancies & waiting period. Whether the interchange of vacancies can be made in the same year according to excess/shortfall position of Post based Roster or to wait for 3 years?

CLARIFICATION: Unfilled reserved vacancies of SC and ST will have to be carried forward for 3 subsequent recruitment/promotion years. In the 4th year the unfilled vacancies of SC and ST will have to be interchanged between SC and ST. In case of promotion by selection from Class II to Class I and Class III to Class I where the carry forward provision do not apply to interchange of vacancies between SC and ST can be made in the same year provided representation of SC or ST percentage of reservation should not be increased from the prescribed limit.

DOUBT 24: Lapsing of vacancies. Under the Vacancy based Roster the unfilled vacancies were to be carried forward for 3 years and in the 4th year still not filled in the vacancies used to lapse. Whether this provision stands with the New Post-based Roster?

CLARIFICATION: The question of lapsing of unfilled reserved vacancies shall not arise since the treatment is always based on surplus or shortfall.

DOUBT 25: Reservation for Physically Handicapped. In the vacancy-based roster point nos.33, 67 and 100 were reserved for physically handicapped persons. In the post-based roster which points are to be reserved for PH?

CLARIFICATION: After the introduction of reservation for OBCs and limiting 50% reservation to the cadre strength for all category the manner in which the physically Handicapped person so selected are to be adjusted again the physically handicapped quota have to be placed in the appropriate category i.e. if he belongs to SC category he will be placed in that quota and will utilize an SC roster point and similarly. If he belongs to general category he will be placed in that category and will utilize general category roster point. Similarly if he belongs to OBC or ST category he will utilize an OBC or a ST roster point.

Appendix B

DOUBT 26: The model roster for cadre strength up to 13 in case the strength exceeds 13 posts, which roster will apply whether 100 points or 200 points?

CLARIFICATION: The model roster for cadre strength up to 13 and if its exceeds 13 posts the roster applicable for cadre strength up to 13 posts will have to be expanded up to the cadre strength increased or decreased accordingly.

DOUBT 27: Does the returns in respect of SC/ST as per Appendix VII & VIII require some modifications as of now rosters are to be maintained on cadre strength basis?

CLARIFICATION: There is no change in formats in respect of SC/ST Annual Returns.

DOUBT 28: A SC/ST/OBC candidate appointed on merit and adjusted against unreserved point if exits from the roster, whether the replacement for the post from unreserved category or from reserved category?

CLARIFICATION: Replacement for the exit point should be from unreserved category.

DOUBT 29: PTS are upgraded as FTS, whether this system to be called as recruitment or promotion and reservation for OBC is applicable?

CLARIFICATION: Filling of PTS vacancies, if reservation was provided and roster was followed no need to provide further reservation while upgrading PTS as FTS. It is a promotion but along with PTS other candidates from Employment Exchange or through open advertisement of vacancies, considered for regular appointment than it would be treated as recruitment and accordingly roster as well as reservation to be followed.