

AGENDA NOTE

Subject : Comments of NCST required by DoPT on draft O.M. to revise the proforma for sending proposal for de-reservation of vacancies reserved for SCs and STs.

I. Proposal in brief .

1. The Department of Personnel and Training has sent a proposal for seeking comments of NCST on issue of a draft O.M. in the matter of revised proforma for sending proposal for de-reservation of vacancies reserved for Scheduled Caste and Scheduled Tribes. In this regard, the DoPT have reiterated that a ban on de-reservation of reserved vacancies of SCs, STs and OBCs in case of posts filled by direct recruitment exists. However, in case of promotion as provided in DoPT OM No. 36012/17/2002-Estt(Res.) dated 06.11.2003, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies do not become available, such vacancies may be de-reserved and filled by candidates of other communities.

2. After introduction of the post – based reservation, there have been some modifications in the instructions about implementation of reservation. Some of the important modifications are:

- a) Reservation is now with reference to posts and not vacancies.

- b) No. of points in a roster in a cadre shall now be equal to the number of posts in the cadre.
- c) Exchange of reservation between SCs and STs is not permitted.
- d) In cadres having more than 13 posts, reservation does not lapse. It is only in cadres having 13 or less number of posts where 14 point L-shaped roster is followed, reserved post is forwarded for three subsequent years.
- e) SC/ST candidates promoted on their own merit are not adjusted against quota reserved for them.

Keeping in view the changes that have taken place, DoPT have proposed to revise the proforma for sending proposals for de-reservation of reserved vacancies of SC and ST to the NCSC / NCST and DoPT. The DoPT has, therefore, sought comments of the Commission on the proposed OM.

II. Past Recommendations of the Commission.

3. The Commission had made following recommendations on dereservation in its first Report for 2004-05 & 2005-06:

- i) On the line of the ban imposed on dereservation of reserved posts to be filled by direct recruitment, a ban should also be imposed on dereservation of reserved posts to be filled by promotion in view of

the implementation of the post – based roster, with a view to protect the interest of ST candidates in promotion.

- ii) The DoPT should issue necessary instructions to all the cadre controlling authorities to amend their Recruitment Rules to suitably provide for the element of direct recruitment also so that the unfilled points reserved for STs are temporarily diverted from promotion to direct recruitment quota and the situation of dereservation of the reserved point is avoided.

III. Proposed recommendations of the Commission on the draft OM.

4. The Commission may like to consider:

- i) Paragraph no. 2 of the draft OM.

The Committee of Secretaries may also include Secretary, Ministry of Tribal Affairs.

- ii) Paragraph no. 5 of the draft OM.

It is mentioned that after sending the proposal, the concerned Ministry/Department shall wait for a period of at-least two weeks for comments of DoPT and NCST. In the event of any subsequent clarification(s)/detail(s) are sought by the Commission on the proposal, the time limit of 2 weeks for furnishing response of the Commission will be reckoned from the date of furnishing of such clarification(s)/detail(s).

- iii) Only in rare and exceptional cases, proposals for de-reservation of promotion vacancies, may be put up (as in case of direct recruitment), if temporary diversion of vacancies in favour of direct recruitment is not feasible.
- iv) The proposal for de-reservation of post to be filled by promotion, to be sent in the prescribed proforma as mentioned in para 5 of draft OM should also, inter-alia, include following documents:
 - (a) Recruitment Rules of the post for which de-reservation has been sought.
 - (b) Post Based Rosters and updated seniority list of the officers holding the posts for which de-reservation is proposed.
 - (c) Recruitment Rules of the feeder post.
 - (d) Post Based Roster and updated seniority list of the feeder post.
 - (e) Reasons for non-availability of ST Officers in feeder post.
 - (f) Efforts made by the department in the past to fill the vacancies reserved for ST in the feeder post as well as the post proposed for de-reservation and for temporary diversion of promotion vacancies to direct recruitment quota. HRD policy, if formulated, in this regard should also be quoted with extract thereof and status of its implementation.