

No. 36020/2/2007-Estt(Res)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, Dated the 7th December, 2009

OFFICE MEMORANDUM

Subject :- Revision of the proforma for sending dereservation proposals.

The undersigned is directed to invite attention to this Department's O.M. No. 36011/20/79-Estt(SCT) dated 2.11.1979 whereby proformae for sending proposals for dereservation of reserved vacancies were prescribed. In view of the fact that a number of developments like creation of separate National Commissions for the Scheduled Castes and the Scheduled Tribes, replacement of vacancy based rosters by post based rosters, ban on exchange of reservation between SCs and STs have taken place, it has become necessary to modify the said proformae.

2. There is a general ban on dereservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for dereservation of the vacancy giving following information:

- (i) Designation of the post;
- (ii) Pay scale of the post;
- (iii) Name of the service to which the post belongs;
- (iv) Duties and responsibilities attached to the post;
- (v) Educational and other qualifications prescribed for the post;
- (vi) Efforts made to fill up the post;
- (vii) Reasons why it cannot be allowed to remain vacant;
- (viii) Justification for dereservation; and
- (ix) Any other relevant information.

3. The administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for SCs, the National Commission for Scheduled Tribes in respect of vacancy reserved for STs and the National Commission for Backward Classes in respect of vacancy reserved for OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for taking a final decision. If dereservation of the vacancy is approved, it can be filled as an unreserved vacancy.

4. In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved and filled by the candidates of other communities. The power to accord approval to dereservation of the reserved vacancies in such cases is delegated to the administrative Ministries and Departments subject to the following conditions:

- (i) no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;
- (ii) the proposal for dereservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;
- (iii) the proposal for dereservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry / Department (proper) concerned; and
- (iv) in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.

5. Before taking a decision to dereserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure** and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for STs. After sending the proposal, the Ministry / Department shall wait for a period of atleast two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from this Department or the concerned Commission within two weeks, the administrative Ministry / Department may presume that this Department or the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding dereservation of the vacancy. In case the Ministry / Department receives comments from this Department or the concerned Commission within two weeks, the comments so received shall be considered while taking a decision in the matter.

6. Following points should be kept in view while sending the copy of the proposal to the Commissions / Department of Personnel & Training:

- (i) 'cadre strength' with reference to reservation means the number of posts in the grade which are to be filled by a particular mode of recruitment in terms of the recruitment rules. If in a grade having 200 posts, 40 per cent posts are filled by promotion by selection, cadre strength for promotion by selection in that grade will be 80;
- (ii) 'backlog reserved vacancy' means a vacancy which was earmarked reserved in a previous recruitment year and an effort was made to fill up the same but could not be filled and is still vacant; and

- (iii) the proposal / proforma duly filled in should be signed by an officer of the rank of Under Secretary or above in the administrative Ministry / Department.

7. The Attached / Subordinate Offices etc. should not send the proposal direct to the Department of Personnel and Training or to the concerned National Commission. They should send the proposal to the administrative Ministry/ Department who will examine the proposal and send it to the Department of Personnel and Training and to the concerned National Commission.

8. All the Ministries / Departments etc. are requested to bring these instructions to the notice of all concerned.

9. Hindi version will follow.



(K.G.Verma)

Director

Tel. No.23092158

To

1. Secretaries of all the Ministries/Departments.
2. Liaison Officers for SCs / STs in all the Ministries / Departments.
3. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
4. Department of Economic Affairs, New Delhi.
5. Department of Financial Services, New Delhi.
6. Department of Public Enterprises, New Delhi.
7. Railway Board.
8. 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/Staff Selection Commission
9. Information Centre, DOPT, New Delhi

Reference No.
Name of the Ministry / Department

Dated.....

**PROPOSAL FOR DERESERVATION OF VACANCIES RESERVED FOR
SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY
PROMOTION.**

1. Name of the Office/Organisation to which the post (s) relate	
<p>2. Particulars of the post in which vacancies are proposed to be dereserved</p> <p>(a) Name of the post</p> <p>(b) Group (Class)</p> <p>(c) Scale of Pay</p>	
<p>3. Information about posts in the promotion quota</p> <p>(a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc.</p> <p>(b) No. of posts already filled by the given mode of promotion</p> <p>(c) Number of backlog reserved vacancies in respect of the given mode of promotion</p> <p>(d) Number of current vacancies to be filled by the given mode of promotion</p> <p>(e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion</p> <p>(f) Total number of posts in the given mode of promotion (b+e)</p>	<p>SCs..... STs.....Total.....</p>

<p>4. No. of posts already held by the candidates appointed by reservation in the cadre</p>	<p>SCs..... STs.....</p>
<p>5. If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls</p>	<p>Cycle No.....Point No.....</p>
<p>6. Number of vacancies earmarked reserved</p> <p>(a) Out of the current vacancies</p> <p>(b) Backlog reserved vacancies</p> <p>(c) Total reserved vacancies (a+b)</p>	<p>SCs..... STs.....</p> <p>SCs..... STs.....</p> <p>SCs..... STs.....</p>
<p>7. Number of vacancies proposed to be dereserved</p>	<p>SCs..... STs.....</p>
<p>8. <u>If promotion is by non-selection</u></p> <p>(a) Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion</p> <p>(b) Total number of SC/ST candidates in the feeder grade</p> <p>(c) No. of eligible SC/ST candidates in the feeder grade</p> <p>(d) Number of SC/ST candidates considered fit for promotion</p> <p>(e) Number of SC/ST candidates considered not fit for promotion</p>	<p>SCs..... STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p>

<p>(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion</p>	<p>SCs.....STs.....</p>
<p>9. <u>If promotion is by selection</u></p> <p>(a) Size of the normal zone of consideration</p> <p>(b) Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies)</p> <p>(c) Number of eligible SC/ST candidates in the extended zone of consideration</p> <p>(d) Number of SC/ST candidates found fit for promotion</p> <p>(e) Number of SC/ST candidates considered not fit for promotion</p> <p>(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior-most SC/ST candidate will become eligible for promotion and his place in the seniority list</p>	<p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p>

<p>10. If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination</p>	<p>SCs.....STs.....</p>
<p>11. Whether other category candidates are available in the Select List for appointment to the vacancies sought to be dereserved</p>	
<p>12(a) Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC</p> <p>(b) If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned</p> <p>(c) Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted / reported to the Minister / Minister of State / Deputy Minister / Secretary / Head of the Department, as the case may be</p>	
<p>13. Where interviews are prescribed, whether SC/ST candidates were interviewed on a day or sitting of the Selection Committee other than the day / sitting on / in which general candidates were interviewed</p>	
<p>14(a) If ex-post-facto approval is sought to the dereservation of vacancies, the reasons why proposal for prior dereservation was not made, and what steps have been taken to prevent its recurrence</p>	

<p>(b)The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior dereservation</p>	
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It is certified

- (1) that the proposal for dereservation is agreed to at the level of Joint Secretary to the Government of India in the administrative Ministry / Department.
- (2) that the proposal has been seen and concurred in by the Liaison Officer of the Ministry / Department.
- (3) that copies of this proposal are simultaneously being sent to the National Commission for Scheduled Castes / National Commission for Scheduled Tribes and the Department of Personnel & Training.

Signature.....

Name of the Signing Officer.....

Designation.....

Tele. No.....

To

- (1) Department of Personnel & Training, New Delhi.
- (2) National Commission for Scheduled Castes / National Commission for Scheduled Tribes.