

**GOVERNMENT OF INDIA  
URBAN DEVELOPMENT AND POVERTY ALLEVIATION  
LOK SABHA**

UNSTARRED QUESTION NO:3535  
ANSWERED ON:12.12.2000  
VACANCY BASED ROSTERS  
HEMA GAMANG

**Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:**

(a): whether the Supreme Court in case of R.K. Sabharwal Vs. State of Punjab as well as J.C. Mallick Vs. Ministry of Railways has held that 'the 'Vacancy Based Roster's can operate only till such time the representation of persons belonging to the reserved categories reaches the prescribed percentage of reservation';

(b): if so, the services i.e. Class I, II, III and IV under the Ministry and Public Sector Undertakings/Autonomous/Attached/Subordinate Organizations thereunder where the representation of persons belonging to the SC/ST categories has reached the prescribed percentage of reservation and because of which 'Post Based Rosters' have been introduced in place of 'Vacancy Based Rosters';

(c): whether the Government propose to introduce 'Post Based Rosters' in place of 'Vacancy Based Rosters' in the above services where representation had not reached the prescribed percentage of reservation; and

(d): if so, the details thereof?

**Answer**

MINISTER OF URBAN DEVELOPMENT & POVERTY ALLEVIATION ( SHRI JAGMOHAN )

(a),(c)&(d): As per the Supreme court judgement in the R.K. Sabharwal case, reservation has to be with reference to posts and not vacancies. A post based roster is a mechanism to ensure that the reserved categories get their due share of posts upto the prescribed percentages of reservation in line with the principles enunciated in the aforesaid Supreme Court judgement. Learned Attorney General has also opined that the post based rosters are consistent with the judgement of the Supreme court in the aforesaid case and the Government could not have continued the old vacancy based rosters.

(b): Post based rosters are being followed in all the categories in all the organizations/offices under this Ministry, except Building Materials and Technology Promotion Council (BMTPC), National Cooperative Housing Federation of India (NCHF) and the Rajghat Samadhi committee, as per the guide lines contained in the Department of Personnel & Training O.M.No. 36012/2/96-Estt.(Res), dated 2.7.97.

In BMTPC, NCHF and Rajghat Samadhi Committee, no rosters are being maintained as they have very small number of employees.