

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:4527
ANSWERED ON:18.12.2002
PROMOTION OF UNDER SECRETARIES
HOLKHOMANG HAOKIP;RAMDAS ATHAWALE

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether it is a fact that third proviso of sub rule 2 of Rule 12 of Recruitment Rules of Central Secretariat Service, 1962 was deleted by the Government in 1999 by an amendment;
- (b) if so, the reasons therefor;
- (c) whether it is also a fact that these amendments have been applied retrospectively even for the panels of regular Under Secretaries from 1987 onwards thereby depriving the Direct Recruit SC/ST Officers of the Central Secretariat Service from getting promotion to the Grade I of CSS; and
- (d) if so, the reasons therefor?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF SMALL SCALE INDUSTRIES, MINISTER OF STATE IN THE MINIS PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS, MINISTER OF STATE IN THE MINISTRY OF PLANNING AND M OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY AND SPACE. (SMT.VASUNDHARA RAJE)

(a) to (d): A statement is annexed.

ANNEXE

STATEMENT REFERRED TO IN THE REPLY TO PARTS (a), (b), (c) AND (d) OF THE LOK SABHA UNSTARRED QUESTIO 4527 FOR ANSWER ON 18.12.2002

(a) to (d): Under the provisions of the Article 309 of the Constitution, the amendment to third proviso to Rule 12 (2) of the Central Secretariat Service (CSS) Rules, 1962, was carried out vide notification dated 8.3.1999. This amendment, which was effective from the date of publication, was made broadly on the following grounds:

(i) The Supreme Court in the case of S. Vinod Kumar Vs. UOI held that the provision for lower qualifying marks/lesser level of evaluation in the matter of promotion in favour of candidates belonging to Scheduled Castes and Scheduled Tribes was not permissible under Article 16(4) of the Constitution. In pursuance of this judgement, this Department issued O.M. dated 22.7.97, rescinding the earlier instruction, clarifying that there shall be no separate standard of evaluation for SC/ST officers for promotion and assessment of all the candidates for this purpose would be with reference to uniform standards;

(ii) Lower qualifying service as distinct from lower qualifying marks/lesser standards of evaluation in the matter of promotion has not been provided under the general policy on reservation;

(iii) It was considered necessary in as much as seniority could not be substituted for eligibility and therefore a person should gain the uniform minimum experience in the feeder grade to be eligible for promotion to shoulder higher responsibility.

The Select Lists of Under Secretaries for the years 1987 to 1994 were issued between May, 2000 and August, 2002 in consonance with the aforesaid amendment dated 08.03.1999 as the same was in operation at the time of issue of these Select Lists.