

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

UNSTARRED QUESTION NO:5983  
ANSWERED ON:04.05.2005  
VACANCY BASED ROSTER RESERVATION  
Munshiram Shri ;Paswan Shri Virchandra

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

- (a) whether vacancy based roster for SCs/STs was in force in promotion upto 2.7.1997 i.e. before issue of Government orders dated 2.7.1997 and after issue of these orders post based roster for SCs/STs is effective from 2.7.1997;
- (b) if so, the reasons therefor;
- (c) whether as per judgement of the Hon`ble Supreme Court vacancy based roster can operate only till such time as the representation of persons belonging to the reserved categories in a cadre reaches the prescribed percentage of reservation;
- (d) if so, the details thereof;
- (e) whether a large number of Section Officers of CSS were promoted/regualised as Under Secretaries on regular basis in CSS against vacancies of Under Secretaries for select lists of 1987 to 1990 by following post based roster instead of vacancy based roster w.e.f. 1.7.1987;
- (f) if so, whether these Under Secretaries have gained all due benefits like seniority, option for fixation of pay, counting of approved service in next promotion from 1st July of each select lists of 1987 to 1990;
- (g) if not, the reasons therefor;
- (h) whether the directions of the Hon`ble Supreme Court were followed for providing adequate representation of SC/ST in these regular select lists of Under Secretary from 1987 to 1990 with a view to enable them to reach the prescribed percentage of reservation;
- (i) if so, the details thereof;
- (j) if not, the reasons therefor; and
- (k) the names of Under Secretaries belonging to SCs/STs as on 1st July of 1987?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS.(SHRI SURESH PACHOURI)

(a) & (b): In pursuance of Hon`ble Supreme Court's judgement in the case of R.K. Sabharwal Vs. State of Punjab, post based rosters have been introduced in place of vacancy based rosters vide DOP&T instructions dated 2.7.1997. These instructions have been made effective from the date of issue. It was laid down in these instructions that where selections have already been finalized, they need not be disturbed and in other cases, recruitment may be withheld till the revised rosters are brought into operation and recruitment effected in accordance with these instructions.

(c) & (d): As per the judgement of Hon`ble Supreme Court, the vacancy based rosters can operate only till such time as the representation of persons belonging to 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 reserved categories are to be filled by appointment of persons from the respective category so that the prescribed percentage of reservation is maintained.

(e): Due to protracted litigation over the issue of inter se seniority between the Direct Recruit (DR) and Promotee Section Officers, the Select List of Grade I (Under Secretary) of CSS for the year 1987 and onwards could not be prepared in time. Finally, in pursuance of Hon`ble Supreme Court's judgement on the issue, the Common Seniority List of Section Officers was issued in December, 1997. Thereafter, the proposal for finalisation of Grade I Select Lists for the year 1987 and 1988 was sent to UPSC. Since by that time, the post based rosters had come into effect, the reservations for SC/ST were determined on the basis of post based rosters as per instructions contained in DOP&T O.M. dated 2.7.1997. The same procedure was adopted for the subsequent Select Lists of Grade I (Under Secretary) of CSS.

(f) & (g): The appointment of the persons included in the Grade I (Under Secretary) Select Lists of 1987 to 1990 were deemed to have been made with effect from 1st July of the respective Select List year for the purpose of approved service, fixing their pay on notional basis etc.

(h) to (k): Upto the Select List of Grade I (Under Secretary) of CSS for the year 1986, reservation for SC/ST Officers was being provided on the basis of vacancy based roster. For the Grade I Select List of year 1987 and onwards, reservation for SC/ST officers has been provided on the basis of post-based roster as per the Government's instructions dated 2.7.1997, issued in pursuance of the judgement of Hon'ble Supreme Court in the case of R.K. Sabharwal Vs. State of Punjab. As on 1.7.1987, the number of SC Officers in Grade I (Under Secretary) of CSS was in excess of their prescribed quota. In accordance with the instructions dated 2.7.1997, to operate the roster following the principle of replacement, the vacancies were filled by appointment of persons belonging to the category to which relevant roster point belonged. Since adequate number of SC Officers were already available, no post was reserved for SC in the Grade I Select Lists for the years 1987, 1988, 1989 & 1990. However, there was a shortfall in the representation of ST Officers as adequate number of ST Officer in the feeder grade were not available for promotion even in the extended zone of consideration. The unfilled ST vacancies have to be filled from amongst ST Officers in future Select Lists.