

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

UNSTARRED QUESTION NO:4840
ANSWERED ON:27.04.2005
RETROSPECTIVE ADOPTION OF POST BASED ROSTER POLICY
Paswan Shri Virchandra

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

referring to the reply given to USQ No. 3112 dated March 23, 2005 and state:

- (a) the reasons for following post based roster policy retrospectively with effect from 1.7.87 against the vacancies of regular Under Secretaries in CSS for 1987 and onwards whereas this policy was effective from the date of issue of orders i.e. 2.7.1997;
- (b) the names and details of excess representation of SCs in the grade of regular Under Secretaries of CSS of select lists as on 1.7.87 till date;
- (c) the details of representation of all categories including names in the grade of regular Under Secretaries as on 1st July 1985 till date;
- (d) whether the shortfall in representation of ST officers is filled up by the officers belonging to General Category/Scheduled Castes or otherwise; and
- (e) if so, the year-wise details thereof?

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): 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. 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, the common seniority list of Section Officers was issued in December, 1997. Thereafter, the proposal for finalisation of Select Lists of Grade I (Under Secretary) for the years 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 List of Grade I (Under Secretary) of CSS.

(b) & (c): Upto the Grade I Select List for the year 1986, reservations for the SC/ST have been determined on the basis of vacancy based roster and the unfilled vacancies reserved for STs were being exchanged for SCs and vice versa as per the Government's instructions. However, in the case of R.K. Sabharwal, the Supreme Court held that after the representations of persons belonging to reserved categories reaches the prescribed percentages of reservation, the 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 prescribed percentage of reservation is maintained. At the initial constitution of the post based rosters for Select List 1987, it was found that the representation of Under Secretaries belonging to SC category was in excess of the prescribed quota. As such, 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 the relevant roster point belonged. Since the SC Officers in position were already in excess of the prescribed quota, no post was reserved for the SC in the Grade I Select Lists for the years 1987, 1988, 1989 & 1990. In Select Lists of Grade I for the years 1991 to 1996, 100 SC officers have been included against the posts reserved for that category.

(d) & (e) As per the DOP&T instructions dated 2.7.1997 issued in pursuance of Hon'ble Supreme Court's judgement in the case of R.K. Sabharwal vs. State of Punjab, the vacancies released by retirement/ resignation/promotion etc. of the persons belonging to 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. While the officers of General category and the Scheduled Castes were adequately available, there was a shortfall in the representation of ST Officers as adequate number of ST Officers 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.