

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

UNSTARRED QUESTION NO:2128
ANSWERED ON:18.12.2013
POST BASED ROSTER
Patil Shri A.T. Nana

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

- (a) whether the Government has issued the guidelines regarding implementation of post based roster under OM dated 2.7.1997 as per directives of the Supreme Court in the case of R.K. Sabharwal vs. State of Punjab;
- (b) if so, whether these directives of the Supreme Court in the said case are not applicable to the services and posts under different States;
- (c) if so, whether the said OM has been issued to all the State Governments and if so, the details thereof;
- (d) whether review of implementation of this OM by the States is taken by his Ministry every year;
- (e) if so, whether the Ministry has received representations mentioning violation of this OM by Maharashtra, Uttar Pradesh and Rajasthan; and
- (f) if so, the action being taken by the Government to implement the Supreme Court direction in the case of R.K. Sabharwal vs. State of Punjab in the above States?

Answer

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a): Yes, Madam.

(b): The directives of the Hon'ble Supreme Court in the R.K.Sabharwal case are applicable to the Central Government as well as to the State Governments.

(c): No, Madam. The services under the State come under the list-II i.e. 'State List' of the Constitution and it is for the respective State Governments to issue necessary orders/instructions to comply with the directives of Hon'ble Supreme Court. Hence, any violation of the directives of the Supreme Court in service matters is also the concern of the respective State Governments.

(d): Does not arise, in view of reply given in respect of (c) above.

(e) & (f): Representations if any, received from time to time against non- implementation of the Post based roster by State Governments are forwarded to them for appropriate action.