

Title: Need to withdraw order issued by Department of Personnel and Training adversely affecting interests of SC/ST people seeking entry and promotion in Government jobs.-Laid

PROF JOGENDRA KAWADE (CHIMUR) : By misinterpreting the Supreme Court's ruling, the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension issued Office Memoranda against the welfare and interest of SC/ST communities vide its O.M. dated 30.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97 to all Ministries directing them (i) that general candidates promoted later regains his seniority over SC/ST candidates promoted earlier; (ii) changing roster for SC/ST to stop recruitment where less vacancies are available; (iii) withdrawal of relaxation/concession in qualifying marks/evaluation for SC/ST; (iv) to stop reservation for SC/ST in promotions; and (v) to stop filling up backlog vacancies by special recruitment.

On the one hand, the Government of India is committed to continue the reservation benefits to SC/ST but on the other hand there is move to stop SC/ST people to enter in Government Services and to stop their promotions. The Advocate who appeared on behalf of the Union of India had not pleaded the cases in right spirit in light of the 77th Amendment Act, 1995 and Article 16(4A) of the Constitution of India which provides the State for making any provision for the reservation in promotion for any class or classes of posts in favour of SCs/STs which in the opinion of the State, is not adequately represented in the services under the State. I am surprised to note that the Department of Personnel and Training has not so far issued O.M. on the Supreme Court verdicts given in favour of SC/ST communities in the cases of Jagdish Lal and others v/s. State of Haryana (28.5.1997), Ashok Kumar Gupta Vs. State of U.P. (1997) and Post Graduate Institute of Medical Education and Research vs. K.L. Narsimhan. In the light of the submission, I demand for immediate withdrawal of O.M. dated 30.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97 issued by Department of Personnel and Training.