

GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS  
(DEPARTMENT OF PERSONNEL AND TRAINING)

**LOK SABHA**  
**UNSTARRED QUESTION NO. 3542**  
(TO BE ANSWERED ON 02.01.2019)

**PROMOTIONAL BENEFITS TO SC/ST EMPLOYEES**

**3542. DR. UDIT RAJ:**

Will the **PRIME MINISTER** be pleased to state:

- (a) whether the Government is aware that the decisions of the Constitution Bench of Hon'ble Supreme Court are treated as "Law of the land" and implemented all over India;
- (b) if so, whether DoPT has issued any general OM for withdrawal of its OM dated 22.7.1997 which has been declared illegal by the Constitution Bench of Hon'ble Supreme Court in a judgement dated 15.7.2014 in Civil Appeal No. 6046-6046 of 2004 titled as "Rohtas Bhankhar & others V/s. Union of India" and if so, the details thereof;
- (c) whether the Government has restored promotional benefits to all SC/ST employees who were adversely affected by the said OM dated 22.7.1997;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE  
(DR. JITENDRA SINGH)**

(a): Yes Madam.

(b) to (e): The Hon'ble Supreme Court in Civil Appeal Nos. 6046-6047 of 2004 titled Rohtas Bhankhar & Others Vs Union of India and another dated 15.7.2014, *inter-alia*, directed that the DOP&T Office Memorandum (OM) of 1997 was illegal. At the time of pronouncement of this judgment, the DOPT OM No.36012/23/96-Estt (Res.)(Vol.II) dated 3.10.2000 for providing lower qualifying marks/lesser standard of evaluation to SC/ST employees were already in place. Thus the OM dated 3.10.2000 had already restored the benefits of relaxation in matters of promotion for candidates belonging to Scheduled Castes/Scheduled Tribes.

Since the aforementioned judgment of 15.7.2014 was specific to the 1996 Section Officers/Stenographers (Grade B/Grade I) Limited Departmental Competitive Examination, it was decided to extend benefits, including consequential benefits, to all appellants and also to similarly placed Scheduled Castes/ Scheduled Tribes candidates, who appeared in the 1996 examination. Accordingly, in July/September 2015, thirty two of those eligible officers were provisionally interpolated with reference to their immediate junior officers in Under Secretary Select Lists for the years 2006 and 2007 and were also allowed admissible pay benefits as per rules.

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