

**Department of Personnel O.M. No.27/2/71-Estt.(SCT),
dated the 28th October, 1972, to all Ministries/Departments, etc.**

Subject :—Creation of new All India and Central Services—Question regarding reservation for Scheduled Castes and Scheduled Tribes in appointments at the initial constitution of

As the Ministry of Finance etc. are aware, reservation has been provided for Scheduled Castes and Scheduled Tribes in vacancies in posts filled by direct recruitment and in vacancies in posts filled by promotion to the extent prescribed in the Ministry of Home Affairs O.M. No. 1/12/67-Est(C) dated 11-7-1968 read with O.M. No. 27/25/68-Est(SCT) dated 25-3-1970. There is, however, no reservation for members of these communities in vacancies in posts filled by deputation or transfer method vide Ministry of Home Affairs O.M. No. 16/2/67-Est(C) dated 27-9-1967. When new services are constituted, vacancies at the initial constitution are generally filled by departmental candidates and not by making direct recruitment. The question whether the orders regarding reservation for Scheduled Castes and Scheduled Tribes would apply to the appointments at the initial constitution of the Service has been considered. Appointments at the initial constitution of a Service are made in accordance with the rules of the Service concerned. If according to the relevant Service Rules of a newly constituted Service, appointments at the initial constitution of the Service are to be made only from out of the departmental candidates who might have been holding posts which are now incorporated in the new Service, reservation for Scheduled Castes and Scheduled Tribes would not apply to such appointments. However, where such initial constitution of a Service also makes a provision for recruitment from outside sources, i.e. other than the incumbents of the service which is reconstituted or of the posts which are encaded in one form or another in the new service, the recruitment from outside sources would be akin to direct recruitment and would, therefore, attract the orders providing for reservation for Scheduled Castes and Scheduled Tribes in respect of such recruitment. It has accordingly been decided that each case of initial constitution of a service should be considered separately on its merits with a view to determining whether the reservation for Scheduled Castes and Scheduled Tribes would apply where any of the posts included at the initial constitution stage are proposed to be filled up from outside sources. Ministry of Finance etc. are therefore requested that whenever they propose to constitute a new All India or Central Service under their control, the question of applicability of the orders regarding reservations for Scheduled Castes and Scheduled Tribes at the initial constitution of that service should be considered in consultation with this Department.
