

**Department of Personnel and Administrative Reforms O.M. No.1/9/74-
Estt.SCT,
dated the 29th April, 1975, to all Ministries/Departments, etc.**

Subject :—Reservation for Scheduled Castes and Scheduled Tribes in services—Single vacancy arising in a recruitment year.

Attention of the Ministry of Finance, etc. is invited to Ministry of Home Affairs O.M. No. 2/24/63-Estt.(D), dated the 4th December, 1963 read with O.M. No. 1/4/64-SCT(I), dated 2nd September, 1964, which provide *inter alia* that, if there be only one vacancy in any recruitment year, it should be treated as unreserved, irrespective of its falling at a reserved point. This provision results in a situation whereby in small cadres, where recruitment is occasional and generally not more than one vacancy arises at a time, the Scheduled Castes and Scheduled Tribes are unable to get any benefit out of the orders providing reservations for them.

2. The matter has been considered in the light of the judgement of the Supreme Court dated the 11th October, 1973 in the case of Arati Ray Choudhary vs Union of India (Railway Ministry) and others, and it has now been decided that in partial modification of the O.M., dated 4th December, 1963, and 2nd September, 1964, referred to in para 1 above, while in cases where only one vacancy occurs in the initial recruitment year and the corresponding roster point happens to be for a Scheduled Caste or Scheduled Tribe, it should be treated as unreserved and filled accordingly and the reservation carried forward to subsequent three recruitment years as hitherto, in the subsequent year(s), even if there is only one vacancy, it should be treated as "Reserved" against the carried-forward reservation from the initial recruitment year and a Scheduled Caste/Scheduled Tribe candidate, if available, should be appointed in that vacancy, although it may happen to be the only vacancy in that recruitment year(s). For instance, if a single vacancy arises in the initial recruitment year 1975, and it falls at a reserved point in the roster, it will be treated as 'unreserved' and filled accordingly in that year but the reservation would be carried-forward to subsequent recruitment year(s). In the first subsequent year, i.e., 1976, if again, a single vacancy occurs, then it should be treated as reserved against the reservation carried-forward from 1975, and a Scheduled Caste/Scheduled Tribe candidate, as the case may be, should be appointed against that vacancy, in spite of the fact that the vacancy happens to be the only vacancy in that recruitment year. In the event of a Scheduled Caste/Scheduled Tribe candidate not being available to fill the reserved vacancy in 1976, the reservation would be further carried-forward to 1977 and 1978, when also a single vacancy, if any, arising in those years should be treated as "reserved" against the carried-forward reservation, whereafter, the reservation will lapse.

3. In this Department's O.M. No. 16/5/74-Estt.(SCT), dated 11-6-1974, it was clarified that a recruitment year during which only a single vacancy arises and hence gets treated as unreserved need not be counted as an effective year towards the period for which the reserved vacancy is to be carried-forward. Since a single vacancy arising in a year will now also be treated as reserved in the manner indicated in para 2 above, the orders contained in this Department's O.M. dated 11-6-1974 are hereby cancelled. The year in which no vacancy arises will, however, continue to be ignored, as at present, for purposes of counting the effective years towards the period of carry-forward.

4. In this Department's O.M. No. 10/3/74-Estt. (SCT), dated 3rd February, 1975, it has been clarified that, although in the case of promotions by selection from Class III to Class II, within Class II and from Class II to the lowest rung or category in Class I there is no carry-forward of reservation from year to year, when a vacancy falling on a reserved point in the roster is treated as unreserved due to its being the only vacancy during the year of promotion, the reservation so due against the reserved point should be carried-forward to the subsequent three recruitment years. These orders would continue to apply to the promotions to the posts mentioned therein, and in conjunction with the instructions contained in para 2 of this O.M. the single vacancy occurring in the year, subsequent to the initial year of recruitment should be treated as reserved even though it may be a single vacancy in that year. In other words, the reservation carried-forward on account of there being only one vacancy during the initial year of promotion, should be adjusted by treating the vacancy arising in the subsequent year(s) as reserved, even though there might be only a single vacancy in that subsequent year(s).

5. The note below the roster in Annexure I and note (2) below the roster in Annexure II to Ministry of Home Affairs O.M. No. 1/11/69-Estt.(SCT), dated 22-4-70 and note (1) below the roster prescribed in Department of Personnel and Administrative Reforms O.M. No. 1/3/72-Estt.(SCT), dated 12-3-1973 be amended as follows—

"If there are only two vacancies to be filled in a particular year, not more than one may be treated as reserved. If there be only one vacancy, in a particular year which falls on a reserved point in the roster, it will be treated as unreserved in the first instance and filled accordingly but the reservation should be carried-forward to subsequent year(s). In the subsequent year(s) of recruitment, the reservation should be applied, by treating the vacancy arising in that year as reserved even though there might be only a single vacancy in that subsequent year(s)."

6. The instructions contained in this O.M. relate only to the reservations and "carry-forward" in respect of a single vacancy. In cases other than those relating to a single vacancy, instructions relating to reservation and "carry-forward" as contained in MHA OMs, dated 4-12-1963 and 2-9-1964 read with O.M. No. 27/25/68-Estt.(SCT), dated 25-3-1970 and O.M. No. 1/4/70-Estt.(SCT), dated 11-11-1971 will continue to apply.