

**Department of Personnel and Training O.M. No.36011/28/83-Estt.(SCT),
dated the 12th March, 1984, to all Ministries/Departments, etc.**

Subject :—Reservation in confirmation for SC/ST—further clarification regarding—

The undersigned is directed to refer to the subject mentioned above and to draw attention to para 4.3 of Chapter 4 of the Brochure on Reservation for SC/ST, Sixth Edition, 1982, reproduced below :

- (i) A common roster should be maintained for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely.
- (ii) A separate roster should be maintained for purely temporary appointments of 45 days' or more but which have no chance whatever of becoming permanent or continuing indefinitely.
- (iii) A temporary post included in the roster at the time of initial appointment when converted into a permanent post later will not after such conversion, be shown again in that roster but will be treated as reserved or unreserved according to the point at which it fell when it was initially filled.
- (iv) Permanent vacancies which occur due to death, retirement, resignation or for any other reason and which are also physical vacancies will be shown in the roster at (i) above and reservation determined accordingly."

2. It was further provided through Office Memorandum No. 36011/12/82-Estt (SCT) dated 25-6-1982 (copy enclosed) that permanent vacancies which occur due to death, retirement, resignation or for any other reason and which are also physical vacancies will be reflected in a separate 40 or 100 point roster, as the case may be and reservation determined accordingly.

3. According to para 4.3 (iii), a temporary post included in the roster at the time of initial appointment when converted into a permanent post later will not, after such conversion, be shown again in that roster but will be treated as reserved or unreserved according to the point at which it fell when it was initially filled. References have been received in this Deptt. pointing out that to follow separate procedure for confirmation on the basis of nature of vacancies occurring at the time of confirmation creates lot of complications and difficulties for the appointing authorities in as much as at the time of confirmation, it has to be ascertained whether a vacancy for confirmation is a physical vacancy or has occurred due to conversion of temporary post into permanent. It has also been brought to the notice of this Department that in many cases, appointments have been made long back and the relevant roster which is the basis of confirmation in cases where temporary posts have been converted into permanent have either been not maintained properly and or not traceable due to which it is not possible to ascertain whether the vacancy was reserved or unreserved at the time when it was initially filled. The matter has been given careful consideration and it has now been decided that the distinction between physical vacancy and the vacancy caused due to conversion of temporary post into permanent should be done away with. Hereafter, all vacancies for confirmation occurring either due to death, retirement, resignation or for any other reason or due to conversion of temporary post into permanent should be reflected in a separate roster which is being maintained for physical vacancies and the extent of reserved vacancies determined accordingly. In view of the decision now taken, para 3 of the O.M. No. 36011/12/82-Estt (SCT) dated 25-6-1982 should be treated as superseded. However, para 2 of the above mentioned O.M. will continue to apply to all confirmations to be made.

4. References have also been received as to whether reservation for SC/ST at the time of confirmation will also apply to cases where the initial appointment or direct recruitment (i.e. probationers) have been made against 'substantive vacancies'. After a careful consideration, it has been decided that since, initial appointment has been made against substantive vacancies, the probationers do not have to wait for permanent vacancies to occur and are confirmed after successful completion of the period of probation and also since the seniority is determined on the basis of the merit list prepared at the time of initial appointment, fresh reservation at the time of confirmation in such cases is not necessary.

5. References have also been received as to how to apply reservation orders at the time of confirmation where appointment to a grade is being made partly by direct recruitment and partly by promotion. According to the existing instructions, reservation at the time of confirmation is applicable only when the initial appointment

is being made by direct recruitment. Therefore, in such cases, while reservation will not be applicable at the time of confirmation for promotees, reservation will be applicable to confirmation of the direct recruits. The following illustration will indicate the procedure to be followed at the time of confirmation in such cases:

Suppose, the quota of direct recruits and promotees in a particular grade is 50% each. The list of unconfirmed officers contains names in the following manner. (D representing direct recruits and P representing promotees).

- | | |
|-------|-------------|
| 1. D1 | 9. D5 |
| 2. P1 | 10. P5 |
| 3. D2 | 11. D6 |
| 4. P2 | 12. P6 |
| 5. D3 | 13. D7 (SC) |
| 6. P3 | 14. P7 |
| 7. D4 | 15. D8 (ST) |
| 8. P4 | 16. P8 |

Suppose, 8 vacancies have occurred for confirmation. Therefore, officers upto P4 are covered. Out of these 8, 4 are promotees and 4 are direct recruits. Since, there is no reservation in confirmation for promotees, they will be confirmed according to their seniority and there will be no changes in the inter-se seniority of the 4 promotees i.e. P1, P2, P3, and P4.

After having identified the vacancies going to the share of promotees and direct recruits, reservation will have to be applied to the remaining 4 vacancies going to the direct recruits. These 4 vacancies have to be reflected in the separate rosters and suppose, they fall on points 1—4 where point 1 is reserved for SC and point 4 reserved for ST. In these circumstances, D7 (SC) and D8 (ST) will take precedence in confirmation over D3 and D4. The final seniority list of confirmed officials will be as follows:—

- | | |
|-------|------------|
| 1. D1 | 5. P3 |
| 2. P1 | 6. P4 |
| 3. D2 | 7. D7 (SC) |
| 4. P2 | 8. D8 (ST) |

D7 and D8 being junior in the seniority list of unconfirmed officers, will be placed at the bottom of the list of confirmed persons.

Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to all their attached and subordinate offices.

The above instructions take effect from the date of issue of these orders except where a Select List for confirmation has already been prepared and approved by the appropriate authority before the date of issue of these orders.