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भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कार्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING
नई दिल्ली
NEW DELHI
कार्यालय-ज्ञापन
OFFICE MEMORANDUM

No.36036/2/97-Estt.(Res)

Dated: the 1st January, 1998

Subject: Reservation policy for the Scheduled Caste and Scheduled Tribes - Implementation of -

The undersigned is directed to say that in terms of this Department's OM No. 36011/15/79-Estt.(SCT) dated January 6, 1991, if other Ministries/ Departments intend to depart from the policies laid down by the Department of Personnel, it is mandatory for them to consult the Department of Personnel in terms of sub rule 4 of Rule 4 of the Transaction of Business Rules; otherwise the policies laid down by the Department of Personnel are binding on them.

2. The instructions contained in this Department's Office Memoranda dated July 2, July 22, August 13 and August 29, 1997 continue to be in operation and there is no proposal to withhold or to keep in abeyance their implementation.

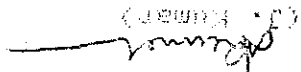
3. In the All India Indian Overseas Bank Scheduled Caste and Scheduled Tribes Employees Welfare Association and others Vs. Union of India and others (Civil Appeal No.13700 of 1996) the Supreme Court has held that the National Commission for the Scheduled Caste and the Scheduled Tribes has no power of granting injunctions, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338(4) of the Constitution are all the procedural powers of a Civil Court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only.

4. In view of the judgement of the Supreme Court referred to in para 3, the National Commission for the Scheduled Caste and the Scheduled Tribes has no powers to direct withholding of the operation of any orders issued by the Government.

5. Ministry of Agriculture etc. may, therefore, keep in mind the directions contained in this Department's OM dated 6.1.1981 and the judgement of the Supreme Court referred to above while dealing with the directions given by the National Commission for the Scheduled Caste and the Scheduled Tribes Minister/Departments etc. must, however, in all fairness consider the recommendations of the Commission in the light of policies laid down by the Department of Personnel and Training.

Under Secretary to the Govt. of India

(J. Kumar)



10. All Ministers/Departments of the Government of India
1. Department of Economic Affairs (Banking Division), New Delhi.
2. Department of Economic Affairs (Insurance Division), New Delhi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board
5. Union Public Service Commission/Supreme Court of India /Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Office/P.M.O./Planning Commission.
7. Staff Selection Commission, COO Complex, Lodi Road, New Delhi.
8. All Officers/Sections of the Department of Personnel and Training/Deptt. of Administrative Reforms & Public Grievances/Department of Pensions & Pensioners Welfare.