

Department of Personnel and Training O.M. No.39011/7/90-Estt.(B),
dated the 8th February, 1991, to all Ministries/Departments, etc.

OFFICE MEMORANDUM

Subject :—Derreservation of vacancies falling in the promotion quota—recommending general candidates against reserved vacancies in promotion cases where eligible SC/ST officers are not available in the zone of consideration including extended zone.

The undersigned is directed to say that according to existing instructions, there is reservation for SCs/STs while making promotion on the basis of selection upto the lowest rung in Group A and in promotion by non-selection at all levels. Instructions have also been issued for derreservation of a reserved vacancy to be filled by promotion, in the event of non-availability of suitable candidates belonging to SC or ST community, as the case may be (even within the extended zone when the promotion is made by selection).

2. Under the procedure currently followed by the DPC in the matter of promotions, in cases where no suitable candidate belonging to SCs/STs is available even within the extended zone for promotion against the reserved vacancy or the SC/ST candidates available within the zone are not found suitable by the DPC, a general candidate is recommended on the condition that his promotion will be subject to derreservation of the a vacancy in accordance with the prescribed procedure.

3. The matter has further been examined in consultation with the UPSC. Normally, the DPC is expected to recommend a 'reserved' candidate against a reserved vacancy. If no suitable 'reserved' candidate is available, it is open to the appointing authority either to keep the post vacant or to derreserve the reserved vacancy and fill up the same by appointing a general candidate. Thus, the question of appointment of a general candidate against a reserved vacancy arises only after the appointing authority takes a conscious decision to derreserve the vacancy. Keeping this position in view, it has been decided that henceforth the following procedure will be followed :—

- (i) If there is no 'reserved' candidate even within the extended zone, it should be clearly indicated by the Ministry/Department while forwarding the DPC proposals whether the competent authority has approved derreservation of the reserved vacancy and only in that event a general candidate will be recommended against the vacancy. When there is a "reserved" candidate in the zone or the extended zone and the said candidate is found unsuitable for promotion by the DPC, the DPC will not recommend a 'general' candidate in lieu. In such cases, if the Ministry/Department wants to fill up the vacancy by a general candidate, they may initiate action for getting it derreserved. Thereafter, a fresh DPC may be held for filling up that vacancy by a general candidate. An exception to this general rule will be made by the UPSC only in very urgent cases.
- (ii) The instructions contained in this Department's O.M. No. AB—14017/8/89-Estt. RR dated 10th July, 1990 relating to the filling up of vacancies reserved for Scheduled Castes and Scheduled Tribes falling in the promotion quota should be kept in view before DPC proposals are sent to the UPSC in the circumstances mentioned in (i) above.

4. Ministries/Departments may follow this procedure also while submitting proposals to DPCs not chaired by Chairman/Members, UPSC.