

Department of Personnel and Training No.AB-14017/30/89-Estt.RR,
dated the 10th July, 1990, to all Ministries/Departments, etc.

Subject :—Filling up of vacancies reserved for Scheduled Castes and Scheduled Tribes, falling in the promotion quota.

The undersigned is directed to say that according to the existing instructions, where eligible candidates (within the zone, where promotion is made by the selection method) belonging to Scheduled Castes and Scheduled Tribes are not available in the feeder cadre for promotion to reserved vacancies falling in the promotion quota, it becomes necessary to de-reserve the vacancies and fill them up by promotion of eligible "general" candidates, if available.

2. A Committee of Members of Parliament which examined various matters relating to representation of Scheduled Castes and Scheduled Tribes in Government services has recommended that wherever substantial backlog is still persisting due to non-availability of candidates belonging to Scheduled Castes and Scheduled Tribes in the feeder cadres, direct recruitment should be arranged to fill up the reserved vacancies.

3. The recommendation has been examined and it has been decided that where recruitment to a grade is made both by promotion and direct recruitment i.e. where separate quotas for promotion and direct recruitment are prescribed in the recruitment rules, reserved vacancies falling in the promotion quota which cannot be filled due to non-availability of eligible persons belonging to Scheduled Castes and Scheduled Tribes in the feeder cadre may be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to Scheduled Castes and Scheduled Tribes as the case may be in accordance with the provisions relating to direct recruitment contained in the recruitment rules. In the subsequent year(s) when reserved vacancies in the direct recruitment quota become available they may be diverted to the promotion quota to make up for the vacancies diverted earlier and filled from Scheduled Castes/Scheduled Tribe candidates in the feeder cadre who might by now have become eligible for promotion. The exchange of vacancies in this manner will ensure that the structure and composition of the cadre remain unaffected over a period.

4. The proposed diversion of vacancies from the promotion quota to the direct recruitment quota and vice-versa involves relaxation of the recruitment rules prescribing separate quotas for promotion and direct recruitment. It is possible to effect the proposed diversion in exercise of the powers conferred by the relevant relaxation clause in the recruitment rules. As far as Group C and D posts are concerned, Ministries/Departments are themselves competent to effect such diversion in exercise of the powers for relaxation of recruitment rules. In respect of Group A and Group B posts, the concurrence of the Department of Personnel and Training and the Union Public Service Commission is essential. It has been decided that in the matter of diversion of reserved promotion quota vacancies for direct recruitment and vice versa in the circumstances mentioned above, the Ministries/Departments may themselves exercise the powers for relaxation, even in respect of Group A & Group B posts, subject to the approval of the U.P.S.C.

5. The procedure outlined in paras 3 and 4 above will not apply in cases where the posts in a cadre are filled 100% by promotion or in which there is no element of direct recruitment prescribed in the recruitment rules. In such cases, the existing procedure will continue to be followed.

6. All Ministries/Departments are requested to take necessary action in the matter accordingly. It is requested that diversion of vacancies may be effected after careful consideration of all aspects. If, for instance, a candidate belonging to Scheduled Castes or Scheduled Tribe is likely to become eligible for promotion in the near future, it may be preferable to keep the reserved vacancy unfilled till that time, rather than diverting the vacancy for direct recruitment of a candidate from outside. The powers for relaxation of recruitment rules in the manner indicated above may be exercised judiciously to ensure that the interests of persons belonging to Scheduled Castes and Scheduled Tribes are taken care of and are not adversely affected by following these instructions mechanically.
