

CHAPTER 11

CARRYING FORWARD OF RESERVATIONS AND EXCHANGE OF RESERVATION BETWEEN SCHEDULED CASTES AND SCHEDULED TRIBES

MHA O.M. No. 2/24/63-Estt (D) dated 4-12-63, No. 1/4/64-SCT(1) dated 2-9-64 and O.M.No. 27/25/68 Estt. (SCT) dated 25-3-70 and DP & AR O.M. dt. 16-5-74 Estt. (SCT) dated 11-6- 74, and 1-9-74 Estt. (SCT) dated 29-4- 75 and M.H.A. O.M. No. 27/25/68- Estt. (SCT) dated 25-3-70.

Carry forward of reservations

11.1. If sufficient number of Scheduled Castes and Scheduled Tribes candidates fit for appointment against reserved vacancies are not available, such vacancies can be dereserved after following the prescribed procedure for dereservation as in Chapter 10 and such reserved vacancies can be filled by candidates of other communities. After such dereservation, reservations are carried forward to subsequent three recruitment years except in the case of reservations in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A where carrying forward of reservations are not permitted.

Note (1): 'Recruitment year' shall mean a 'calendar year' and for purposes of the three years limit for carry forward of reserved vacancies shall mean the year in which recruitment is actually made.

(2): 'Recruitment year' in cases of promotion when the panel prepared by the DPC spreads into more than one calendar year will be the year in which the first recruitment is made from the select list prepared by the Departmental Promotion Committee.

DP & AR O.M. No. 36011/4/82- Estt. (SCT) dt. 15- 3-82.

Exchange of reservation between Scheduled Castes and Scheduled Tribes

11.2 While vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Castes candidates and *vice-versa* where such a vacancy could not be filled by a Scheduled Caste or Scheduled Tribe candidate even in the third year to which the reservation is carried forward. The normal provision is that the exchange is permissible only for the reservations which have been carried forward to third and subsequent year of recruitment. In case of promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A where carrying forward of reservations are not permitted, vacancies can be exchanged between Scheduled Castes and Scheduled Tribes in the same year of recruitment.

Note : Any recruitment of Scheduled Castes/Scheduled Tribes candidates will first be counted against the additional quota brought forward from the previous years in their chronological order. If Scheduled Castes/Scheduled Tribes candidates are not available for all the vacancies, the older carried forward vacancies should be filled first and the comparatively later carried forward vacancies should be further carried forward.

For example, suppose in a particular recruitment year there are 50 vacancies out of which 22 are reserved for Scheduled Castes and Scheduled Tribes taking into consideration

the carry forward and fresh reservation in the following manner:—

	Scheduled Castes	Scheduled Tribes
Third year	1	5
Second year		2
First year	1	1
Fresh	8	4
	10	12

Against the reserved vacancies of 10 for Scheduled Castes and 12 Scheduled Tribes, suppose 8 Scheduled Castes and one Scheduled Tribe are available. As the oldest carried forward reservations have to be adjusted first the one Scheduled Tribes candidate will be adjusted against the oldest carried forward i.e. the third year. The remaining 4 reservations for Scheduled Tribes in the third year of carry forward will be exchangeable with Scheduled Castes. Out of the 8 Scheduled Castes candidates, 4 will be adjusted against the exchangeable vacancies. One against the third year for Scheduled Castes, one against the first year for Scheduled Castes and 2 against the fresh reservation for Scheduled Castes. So dereservation will be required for 6 vacancies for Scheduled Castes and 7 vacancies for Scheduled Tribes (2 of second year, one of first year, 4 fresh reservations).

Deptt. of Personnel O.M. No. 36012/3/78-Estt. (SCT) dated 9-2-82. The total number of reservations not exceeding normally 50 per cent of the total number of vacancies filled in that year. The surplus, if any, above 50 per cent, when the ceiling of 50 per cent is applied shall be carried forward to the subsequent year of recruitment, subject however, to the condition that the particular vacancies carried forward do not become time-barred due to their becoming more than three years old.

Deptt. of Personnel & A.R. O.M. No. 1/9/74-Estt. (SCT) dated 29-4-75 & No. 36011/39/81-Estt. (SCT) dated 30-11-81. **Reservation and carry forward of a single vacancy arising in a year.**

11.3. 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 a Scheduled Tribe, it should be treated as unreserved and filled accordingly and the reservation carried forward to subsequent three recruitment years, but in the subsequent recruitment 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). This provision applies also to promotion by selection to Group C to Group B, within Group B and from Group B to the lowest rung of Group A where if there is a single vacancy it may be treated as unreserved and the reservation carried forward to three subsequent recruitment years even though carrying forward of reservations are not permitted in this particular promotion.

If a single vacancy falls at a reserved point for SC/ST and is filled by SC/ST candidate on the basis of his own merit or seniority it need not be treated as unreserved and reservation should not be carried forward. In these cases, the provisions of orders of 29-4-1975 will not be applicable. Further, if a single vacancy falls at a reserved point for SC/ST and is filled up by a candidate of the other reserved community on the basis of this own merit or seniority as the case may be, the vacancies will be treated as unreserved and treated as if it is filled by a general candidate, and the vacancy shall also be carried forward. In these cases, the instructions contained in this Department O.M. dated 29-4-1975, referred to above, *Shall apply*.

MHA letters Nos. **Exchange of reservations between Scheduled Castes and Scheduled Tribes in ser-**
vices under certain Union Territories
dt. 13019/1/75-AP
dated 28-9-77 and
29-9-77.

11.4. In (i) direct recruitment to Group A (Class I) and Group B (Class II) posts/services under the Union Territory of Mizoram and (ii) in promotions in posts/services under this Union Territory as well as in the U.T. of Andaman & Nicobar Islands, Lakshadweep and Dadra & Nagar Haveli; to which the scheme of reservation in promotion applies, the unutilized vacancies reserved for Scheduled Castes in the respective categories of posts/services may be exchange in favour of Scheduled Tribes every year, instead of only in the third year of carry forward under the general instructions referred to in para 11.2 above.

COPIES OF OFFICE MEMORANDA ETC. ON CHAPTER 11

O.M. No. 1/7/62-SCT (I)	24-9-62
O.M. No. 2/24/63-Estt. (D)	4-12-63
O.M. No. 1/4/64-SCT (I)	2-9-64
O.M. No. 27/25/68-Estt. (SCT)	25-3-70
O.M. No. 16/5/74-Estt. (SCT)	11-6-74
O.M. No. 1/9/74-Estt. (SCT)	29-4-75
Letter No. U. 13019/1/75-AP	28-9-77
Letter No. U. 13019/1/75-AP	29-9-77
O.M. No. 36013/2/79-Estt. (SCT)	2-4-79
O.M. No. 36011/39/81-Estt. (SCT)	30-11-81
O.M. No. 36012/3/78-Estt. (SCT)	9-2-82
O.M. No. 36011/4/82-Estt. (SCT)	15-3-82

Ministry of Home Affairs O.M. No. 1/7/62-SCT(I)
dated 24th September, 1962 to all Ministries etc.

Subject :—Reservation in services for Scheduled Castes and Scheduled Tribes—Instructions contained in the Brochure regarding—clarification whether posts reserved for Scheduled Tribes should, in the event of suitable Scheduled Tribe candidates not being available, be reserved for Scheduled Castes and *vice versa*.

In para 2 of this Ministry's Office Memorandum No. 42/32/53-NGS(SCT), dated the 7th December, 1954, it was stated that in the case of vacancies reserved for Scheduled Castes, if a sufficient number of Scheduled Castes candidates was not available, the vacancies that remained unfilled could be treated as reserved for Scheduled Tribes and *vice versa*, subject to future adjustment. The Scheduled Areas and Scheduled Tribes Commission recommended that the existing orders of the Union Government which permit the appointment of Scheduled Castes candidates in the vacancies reserved for Scheduled Tribes, where suitable qualified candidates are not available, should be rescinded.

2. In view of the recommendation of the Scheduled Castes and Scheduled Tribes Commission, the provision made earlier in the aforesaid O.M. of 7-12-54 in regard to treating of vacancies reserved for Scheduled Tribes as reserved for Scheduled Castes in case of non-availability of Scheduled Tribes and *vice versa* has not been included in the Brochure issued vide this Ministry's Office Memorandum No. 1/2/61-SCT(I), dated 27th April, 1962, and is, therefore, no longer in force. In other words, the position now is that vacancies reserved for Scheduled Tribes for which suitable Scheduled Tribes are not available cannot be treated as reserved for Scheduled Castes and *vice versa*. Vacancies reserved for Scheduled Castes and Scheduled Tribes for which candidates of the respective class are not available can be treated as unreserved in accordance with para 15—17 of the brochure referred to above.

Ministries may kindly bring the above clarification to the notice of all appointing authorities under them.

Ministry of Home Affairs O.M. No. 2/24/63-Estt. (D)
dated 4th December, 1963 to all Ministries etc.

Subject :—Measures for securing increased representation of Scheduled Castes and Scheduled Tribes in the Central Services. Review of the “carry forward” rule.

The undersigned is directed to refer to para II of this Ministry's Office Memorandum No. 2/11/55-RPS, dated the 7th May, 1955, laying down the “carry forward” rule, according to which if a sufficient number of suitable candidates belonging to Scheduled Castes and Scheduled Tribes eligible for the reserved vacancies is not available from the respective classes in a particular year such vacancies are to be treated as unreserved vacancies during that year, and such shortfall in the number of Scheduled Castes and Scheduled Tribes is to be carried forward up to two subsequent recruitment years before the reservation is finally treated as lapsed since this rule does not provide for any restriction on the number of vacancies reserved for Scheduled Castes and Scheduled Tribes, being carried forward to the two successive years, there have been instances where the number of reserved vacancies has even exceeded 50 per cent of the vacancies available during the year. Thus, the “carry forward” rule is capable of offending against the provision of Article 16(1) and (2) of the Constitution as it can lead to excessive reservation, practically denying to members of other communities a reasonable opportunity of employment. Although the Constitution does not specifically restrict the extent to which the power conferred by Article 16(4) of the Constitution should be exercised, the power has to be exercised in such a manner as to keep intact the guarantees provided under Article 16(1) and (2) of the Constitution. In other words, Article 16(4), being a special provision, cannot be utilised in a manner which has the effect of over-riding the provisions of Article 16(1) and (2).

2. The Government of India have, therefore, revised their policy and decided as follows :—

If a sufficient number of suitable candidates eligible for reserved vacancies is not available from the appropriate classes on any occasion of recruitment, such vacancies may be treated and filled as unreserved vacancies but shall be carried forward for subsequent occasions of recruitment. However, on no such subsequent occasion, shall the number of normal reserved vacancies and the “carried forward” reserved vacancies together exceed 45 per cent of the total number of vacancies. Nevertheless if there be only two vacancies one of them may be treated as a reserved vacancy. But if there be only one vacancy, it shall be treated as unreserved.

The allocation of the “carried forward” vacancies within this limit among the Scheduled Caste/Scheduled Tribes candidates shall be in proportion to the total “carry forward” reserved vacancies of the two classes.

The surplus above 45 per cent shall be carried forward to the subsequent occasion of recruitment, subject, however, to the condition that the particular vacancies carried forward do not become time barred due to their becoming more than two years old.

3. The instructions contained in this Ministry's Office Memorandum dated 7th May, 1955 referred to above should be deemed to be superseded to the extent indicated above. These orders will take effect from the date of issue and all appointments to be made hereafter will be made subject to the provisions of this O.M.

Ministry of Home Affairs O.M. No. 1/4/64-SCT(I)
dated 2nd September, 1964 to all Ministries etc.

Subject:—Reservation of vacancies for Scheduled Castes and Scheduled Tribes in the Central Services.

In para 2 of this Ministry's O.M. No. 2/24/63-Estt. (D), dated 4th December, 1963, it has been provided *inter-alia* that on any occasion of recruitment the number of normal reserved vacancies and the 'carried forward' reserved vacancies shall not together exceed 45 per cent of the total number of vacancies and if there be only two vacancies, one of them may be reserved. The question whether it would not be more convenient to relate reservations of vacancies for Scheduled Castes and Scheduled Tribes to 'a year of recruitment' instead of to 'each occasion of recruitment' has been considered. It has been decided that the allocation of reserved vacancies should hereafter be related to 'a year of recruitment'. The decision contained in para 2 of this Ministry's O.M. No. 2/24/63-Estt.(D), dated 4th December, 1963 is accordingly revised as follows:

If a sufficient number of suitable candidates eligible for reserved vacancies are not available from the appropriate classes in any year of recruitment, such vacancies may be treated and filled as unreserved vacancies but shall be carried forward to subsequent years of recruitment. However, in any recruitment year, the number of normal reserved vacancies and the 'carried forward' reserved vacancies together shall not exceed 45 per cent of the total number of vacancies. Nevertheless, if there be only two vacancies, one of them may be treated as a reserved vacancy. But if there be only one vacancy, it shall be treated as unreserved. Within any year of recruitment, the conditions of eligibility by age or otherwise should remain the same even if recruitment is made, more than once in that year *i.e.*, a person who was eligible on the 1st of January of a particular year shall not be disqualified on the ground that he was no longer eligible by the time the relevant vacancy (against which he could be appointed) arose later in that year. The allocation of the 'carried forward' vacancies within the aforesaid limit, among the Scheduled Caste/Scheduled Tribe candidates shall be in proportion to the total 'carried forward' reserved vacancies of the two classes.

The surplus above 45 per cent shall be carried forward to the subsequent year of recruitment, subject however, to the condition that the particular vacancies carried forward do not become time barred due to their becoming more than two years old.

NOTE:—"Recruitment year" shall mean a 'calendar year' and for purposes of the two-year limit for carry forward of reserved vacancies shall mean a year in which recruitment is actually made.

2. It would be seen that these decisions require the *first* vacancy occurring in any recruitment year to be treated as unreserved invariable *i.e.* irrespective of the point in the roster against which the first vacancy in any year occurs. The *second* vacancy may be treated as reserved if either (i) the first vacancy fell at a reserved point and had to be treated as unreserved as required above or (ii) the second vacancy occurs against a reserved point in the roster in the ordinary course. The *third* vacancy would again have to be unreserved, if the second vacancy has been treated as reserved; in such an event, if the third vacancy (according to the roster) should have been reserved in the ordinary course, the reservation will shift to the fourth point for the year.

3. Ministries etc. may kindly bring the above decision to the notice of all appointing authorities under them. The instructions issued in earlier orders and the 'Brochure' enclosed with this Ministry's O.M. No. 1/2/61-SCT(I), dated 27th April, 1962 should be taken to have been modified to the extent necessary, by the above decision.

**Ministry of Home Affairs O.M. No. 27/25/68-Estt.(SCT)
dated 25th March, 1970 to all Ministries etc.**

Subject :—Reservations for Scheduled Castes and Scheduled Tribes in Services—revision of Percentages and period of carrying forward of such reservations—Utilisation of vacancies reserved for Scheduled Castes in favour of Scheduled Tribes and *vice-versa*.

Revision of percentage of reservation for Scheduled Castes and Scheduled Tribes in services.

The question of revising the percentages of reservation in favour of Scheduled Castes and Scheduled Tribes in posts and services under the Government of India in the light of the population of these communities as shown in the 1961 Census has been under the consideration of Government for some time. It has now been decided to revise these percentages as indicated in the Ministry of Home Affairs Resolution No. 27/25/68-Estt.(SCT) dated 25th March, 1970 (copy enclosed).

Period for carrying forward of reservations.

2. According to the instruction in this Ministry's O.M. No. 1/4/64-SCT(I) dated 2nd September, 1964, vacancies reserved for Scheduled Castes and Scheduled Tribes which are not filled by candidates of the appropriate communities due to non-availability of candidates of these communities are required to be carried forward to subsequent two recruitment years. It has now been decided by Government that the period for carrying forward of the reserved vacancies should be increased from two to three subsequent recruitment years. Accordingly, if a vacancy arising, say, in the year 1970 is reserved for Scheduled Castes/Scheduled Tribes and no suitable candidate of the appropriate community is forthcoming the reservation would be carried forward to the next recruitment year and if during that year also no suitable candidate of the appropriate community is forthcoming the reservation would be similarly carried forward to the next two recruitment years before it is treated as lapsed.

Exchange of vacancies between Scheduled Castes and Scheduled Tribes in the last year to which the reserved vacancies are carried forward.

3. The question of utilisation of vacancies reserved for Scheduled Castes, in favour of Scheduled Tribes and *vice-versa* has also been considered by Government, and it has been decided, in modification of the orders contained in this Ministry's O.M. No. 1/7/62-SCT(I), dated 24th September, 1962 that while vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Castes candidates where such a vacancy could not be filled by a Scheduled Castes candidate even in the third year to which the vacancy is carried forward. While advertising or notifying a vacancy which has been carried forward to the third year, it should therefore be made clear in the advertisement/requisition that while the vacancy is reserved for Scheduled Castes, Scheduled Tribes candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes.

4. In view of the decisions in paras 2-3 above, all vacancies arising on or after the date of issue of this O.M. which are reserved for Scheduled Castes and Scheduled Tribes but are not filled by members of the respective community shall be carried forward to three subsequent recruitment years instead of two recruitment years, as at present. Reserved vacancies which had arisen prior to the date of issue of this O.M. and which have already been carried forward for one year will now be carried forward to two more recruitment years and similarly reserved vacancies which have been carried forward for two years will be carried forward to the third recruitment year as well. In the third year of carry forward of reserved vacancies candidates from both Scheduled Castes and Scheduled Tribes will be considered against reserved vacancies in accordance with the provisions in para 3 above.

5. Ministry of Finance etc. are requested to bring the above decisions also to the notice of all authorities under them, including the public sector undertakings and the semi-Government bodies with which they are administratively concerned.

Department of Personnel & Administrative Reforms O.M. No. 16/5/74-Estt. (SCT)
dated 11th June, 1974 to all Ministries etc.

Subject :—Reservations for Scheduled Castes and Scheduled Tribes in services—period of carrying forward of such reservations.

The undersigned is directed to invite the attention to the instructions contained in the Ministry of Home Affairs (now Department of Personnel & A.R.) O.M. No. 1/4/64-SCT(I) dated the 2nd September, 1964 and No. 27/25/68-Estt.(SCT) dated the 25th March, 1970, which provide, *inter-alia*, that vacancies reserved for Scheduled Castes and Scheduled Tribes which are not filled up due to non-availability of candidates belonging to these communities are required to be carried forward to subsequent three recruitment years. For this purpose, recruitment year means a calendar year and for the purpose of three years limit for carry forward of reserved vacancies, it means a year in which recruitment is actually made.

2. The Commissioner for Scheduled Castes and Scheduled Tribes has made the following recommendation in his Report for the year 1970-71 :

“Recommendation No. 56 :

The rationale behind carrying forward of vacancies for the three years is that during each year of the “Carry-forward” some attempt must be made to secure a suitable Scheduled Caste/Tribe candidate for the reserved vacancy, so that the vacancy is not allowed to lapse. If no attempt has been made at all during a particular recruitment year, it cannot be legitimately treated as a recruitment year, for the purpose of carrying it forward. For these reasons, it is hoped that the Department of Personnel will reconsider their stand and agree to treat such recruitment years during which only a single vacancy arose and filled as unreserved will not be effective year for the purpose of carrying the vacancy forward.”

This recommendation has been considered in this Department and accepted. It has therefore been decided that with effect from the calendar year 1974, a recruitment year during which only a single vacancy arose and hence it has to be treated as unreserved need not be counted as an effective year towards the period for which a reserved vacancy is to be carried forward. Accordingly, if a vacancy arising, say, in the year 1974 is reserved for Scheduled Castes/Scheduled Tribes and no suitable candidate of the appropriate community is forthcoming, the reservation would be carried forward to the next three effective recruitment years which will be determined after ignoring the years in which either no recruitment takes place or no reservation can be made for Scheduled Castes/Scheduled Tribes because of a single vacancy arising in those years.

3. Ministry of Finance etc. are requested to bring the above decision to the notice of all authorities under them, including the public sector undertakings, and semi-Government bodies with which they are administratively concerned.

**Department of Personnel & A.R. O.M. No. 1/9/74-Estt.(SCT)
dated 29th April, 1975 to all Ministries ect.**

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 Areti Ray Choudhury 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 Departments 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. 10/37/74-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 which 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.

7. Ministry of Finance etc. are requested to bring the above instructions to the notice of all the concerned authorities under their control.

**Ministry of Home Affairs letter No. U. 13019/1/75-AP dated 28-9-1977
to the Chief Secretaries to the Government of Arunachal Pradesh and Mizoram**

Subject :—Percentage of reservation for Scheduled Tribes in appointments made by direct recruitment and by promotion in the Services under the Union territories of Arunachal Pradesh, Mizoram—
Exchange of reserved vacancies.

I am directed to say that the question whether the reservations for Scheduled Tribes in direct recruitment to Group A (Class I) and Group B (Class II) posts/services under the Union Territory of Arunachal Pradesh where the vast majority of the population consists of Scheduled Tribes and there are no Scheduled Castes in the Union Territory could be enhanced had been raised at the meeting of the Home Minister's Advisory Committee on Arunachal Pradesh held on 16th November, 1974 when it was agreed that it should be examined whether the vacancies reserved for Scheduled Castes could be utilised for Scheduled Tribes in the same year, instead of after 3 years. The matter has been examined and Government of India have now decided that as there is a large population of Scheduled Tribes in the Union Territories of Arunachal Pradesh and Mizoram and as Group A and B posts/services under these two Union Territories are also exempt from the purview of the Union Public Service Commission, while the prescribed percentages of reservation viz., 15% for Scheduled Castes and 7½% for Scheduled Tribes in direct recruitment on an all India basis by a open competition (and 16-⅔% for Scheduled Castes and 7½% for Scheduled Tribes in direct recruitment on an all India basis otherwise than by an open Competition) should continue to apply to direct recruitment to Group A (Class I) and Group B (Class II) posts/services under these two Union Territories, the unutilised vacancies reserved for Scheduled Castes in the respective categories of posts/services under the two Union Territory Administrations may be exchanged in favour of Scheduled Tribes every year, instead of only in the third year of carry-forward as under the existing instructions contained in para 3 of the Ministry of Home Affairs Office Memorandum No. 27/25/68-Estt.(SCT), dated 25-3-1970. The period of carry-forward of the remaining unutilised reserved vacancies if any after the exchange referred to above, will still continue to be 3 years, as before.

2. It has also been decided by the Govt. of India that the same principle of exchanging every year the unutilised reserved vacancies for Scheduled Castes in favour of Scheduled Tribes, instead of only in the third year of carry-forward may be applied also to posts filled by promotion in the services of the Union Territories of Arunachal Pradesh and Mizoram, to which the scheme of reservation in promotion applies. In the case of promotion by selection in or to Group B (Class II) and to the lowest rung of Group A (Class I), there is already a provision for unutilised reserved vacancies for Scheduled Castes being exchanged for Scheduled Tribes and *vice-versa* every year, *vide* O.M. No. 10/41/73-Estt.(SCT), dated 20-7-74. In regard to the other categories of posts also filled by promotion in the services under these two U.T. Administrations, to which the scheme of reservation applies, i.e. in (i) groups B, C, D, (Classes II, III and IV) posts filled by promotion through limited departmental competitive examinations (ii) Groups C & D (Class III and IV) posts filled by promotion by selection; and (iii) Group A, B, C & D (Classes I, II, III & IV) posts filled by promotion on the basis of seniority subject to fitness, in grades or services in which the element of direct recruitment in any, does not exceed 66-⅔%, the unutilised vacancies reserved for Scheduled Castes in the respective categories of posts/services may be exchanged for Scheduled Tribes every year instead of only in the third year of carry-forward; in these cases, the period of the carry-forward of the remaining unutilised reserved vacancies if any, after the exchange referred to above will still continue to be 3 years, as before.

Ministry of Home Affairs letter No. U. 13019/1/75-AP, dated 29-9-77 to the Andaman and Nicobar Islands, Lakshdweep and Dadra & Nagar Haveli Administrations.

Subject :—Percentages of reservation for Scheduled Tribes in appointments made by promotion in the services under the Union Territories of Lakshdweep, Dadra & Nagar Haveli and Andaman & Nicobar Islands—Exchange of reserved vacancies.

I am directed to say that the question of introducing some measures with a view to raising the reservation available for Scheduled Tribes in posts filled by promotion in the services under the Union Territories of Lakshdweep, Dadra & Nagar Haveli and Andaman & Nicobar Islands where there is a large population of Scheduled Tribes had been under consideration of the Government of India for some time. It has now been decided that while the prescribed percentages of reservation viz. 15% for Scheduled Castes and 7½% for Scheduled Tribes in posts filled by promotion should continue to apply to promotion to posts/services under these Union Territories, the unutilised vacancies reserved for Scheduled Castes in the respective categories of posts/services may be exchanged in favour of Scheduled Tribes every year, instead of only in the third year of carry-forward as at present. In case of the promotion by selection in or to Group B (Class II) and to the lowest rung of Group A (Class I) there is already a provision for unutilised reserved vacancies for Scheduled Castes being exchanged for Scheduled Tribes and *vice-versa* every year, *vide* O.M. No. 10/4/73-Estt.(SCT), dated 20-7-74. In regard to the other categories of posts also filled by promotion in the services under these three Union Territory Administrations to which the scheme of reservation applies viz. in (i) Groups B, C, D (Classes II, III & IV) posts filled by promotion through limited departmental competitive examinations, (ii) Groups C and D (Classes III & IV) posts filled by promotion on the basis of seniority subject to fitness, in grades or services in which the element of direct recruitment does not exceed 66-⅔%, the unutilised vacancies reserved for Scheduled Castes in the respective categories of posts/services may be exchanged for Scheduled Tribes every year, instead of only in the third year of carry-forward; in these cases the period of carry-forward of the remaining unutilised reserved vacancies, if any after the exchange referred to above will still continue to be 3 years as before.

Department of Personnel & A.R. O.M. No. 36013/2/79-Estt. (SCT)
dated the 2nd April, 1979 to all Ministries etc.

Subject :—reservations for Scheduled Castes and Scheduled Tribes in Services—carry-forward of unfilled reservations and exchange of reservations between Scheduled Castes and Scheduled Tribes in the third year.

The undersigned is directed to refer to para 2 and 3 of Ministry of Home Affairs O.M. No. 77/25/68-Estt.(SCT) dated 25-3-1970 according to which while vacancies reserved for Scheduled Castes and Scheduled Tribes are treated as reserved for the respective community only, Scheduled Tribe candidates are also to be considered for appointment against a vacancy reserved for Scheduled Caste candidates where such a vacancy could not be filled by a scheduled Caste candidate even in the third year to which the vacancy is carried-forward. This arrangement like-wise applies also in the case of vacancies reserved for Scheduled Tribes. Further, if Scheduled Caste/Tribe candidates are not available for all the vacancies, the older carried-forward vacancies should be filled first and the later vacancies which have been carried-forward should be further carried-forward *vide* note (2) below para 11.1 of the Brochure on Reservation for SC and ST 5th Edition, 1978. Instances have come to the notice of this Department where although there were carried-forward reserved vacancies for Scheduled Tribes in the third year *i.e.* they were exchangeable in favour of Scheduled Castes, such vacancies were being treated as lapsed without adjusting the Scheduled Castes candidates who had become available against such vacancies. To cite an instance, there were 13 vacancies reserved for Scheduled Castes and 24 for Scheduled Tribes under an appointing authority. Twenty-two of the 24 vacancies for Scheduled Tribes had been carried-forward to the third year of recruitment and were, therefore, exchangeable in favour of Scheduled Castes. There were actually 23 Scheduled Caste candidates available against 13 vacancies reserved for them (and no Scheduled Tribe candidates were available). The appointing authority proposed that only the 10 (23-13) surplus Scheduled Caste candidates may be adjusted against 10 of the 22 exchangeable reserved vacancies and the remaining 12 vacancies for ST carried-forward in the third year may be treated as lapsed. The interpretation of the orders sought to be made in the above manner by the said appointing authority was not correct and this was pointed out to it by the Commissioner for Scheduled Castes and Scheduled Tribes and by this Department. The correct interpretation in such a case is that the 22 of the 23 of Scheduled Caste candidates should first be adjusted against the vacancies for Scheduled Tribes carried-forward in the third year and the remaining one Scheduled Caste candidate should be adjusted against one of the 13 vacancies reserved for Scheduled Castes. Thus, none of the carried-forward vacancies for Scheduled Tribes should have lapsed in the case cited and the unutilised vacancies *i.e.* 12, reserved for Scheduled Castes would be carried-forward. It is requested that the correct interpretation of the order as indicated above may be kept in view when any such cases arise while making recruitment against reserved vacancies.

**Department of Personnel & A.R. & O.M.M No. 36011/39/81-Estt. (SCT)
dated 30-11-1981 to all Ministries etc.**

Subject :—Reservation for SC/ST candidates in promotion vacancies—Single vacancy arising in a recruitment year.

Attention is invited to this Department O.M. No. 1/9/74-Estt.(SCT), dated 29-4-1975 which stipulates that where only one vacancy occurs in the initial recruitment year and the corresponding roster point happens to be for SC or ST candidate, it should be treated as unreserved and filled accordingly and the reservation carried-forward to subsequent three recruitment years, but in the subsequent year(s) even if there be only one vacancy, it should be treated as 'reserved' against the carried-forward reservation from the initial recruitment year, and a SC/ST candidate, if available, should be appointed in that vacancy, although it may happen to be the only vacancy in that recruitment year(s).

2. A doubt has been raised as to how a single vacancy shall be treated if it falls on a reserved point and is filled by a reserved category candidate according to his own merit or seniority being the senior most in the list as the case may be. It is clarified that if a single vacancy falls at a reserved point for SC/ST and is filled by SC/ST candidate on the basis of his own merit or seniority it need not be treated as unreserved and reservation should not be carried-forward. In these cases, the provisions of orders of 29-4-1975 will not be applicable.

3. Further, if a single vacancy falls at a reserved point for SC/ST and is filled up by a candidate of the other reserved community on the basis of his own merit or seniority as the case may be, the vacancies will be treated as unreserved and treated as if it is filled by a general category candidate, and the vacancy shall also be carried-forward. In these cases, the instructions contained in this Department O.M. dated 29-4-1975, referred to above, *shall apply*.

Department of Personnel & A.R. No. 36012/3/78-Estt. (SCT), dated 9-2-82.

Subject :—Reservation for SC/ST in services—stipulation of 50 per cent limit for fresh and carry-forward reservations with reference to the total vacancies in a recruitment year.

The undersigned is directed to refer to the Department of Personnel & A.R. Office Memorandum No. 16/3/73-Estt.(SCT) dated 27-12-1977 in which it has been stated that the carried-forward reserved vacancies would be available together with the current reserved vacancies for utilisation even where the total number of such reserved vacancies exceed 50% of the vacancies filled in that year provided that the overall representation of SC and ST in the total strength of the concerned grade or cadre is found to be inadequate i.e., the total number of Scheduled Caste/Scheduled Tribe candidates in that grade has not reached the prescribed percentages of reservation for SC/ST respectively in the grade, as a whole.

2. The validity of this Office Memorandum has been reconsidered in the light of the judgement delivered by the Supreme Court on 14-11-1980 in Writ Petition No. 1041-1044 of 1979 (Akhil Bharatiya Soshit Karmachari Sangh Vs. Union of India). In this case, all the three judges constituting the Division Bench have remarked that the total reservation on a particular occasion should not exceed 50% of the total vacancies. It has now been decided in modification to the instructions contained in the Office Memorandum dated 27-12-1977 that *in future, fresh reservation along with carry-forward reservation should not exceed 50 per cent of the total vacancies available on a particular occasion.*

3. It may happen that due to this 50% limit, it will not be possible to accommodate all the reservations which have accumulated due to the carry-forward principle. Hence the surplus above 50% shall be carried-forward to the subsequent years of recruitment, subject, however, to the condition that they do not become three recruitment years old which is the maximum period for carrying-forward the reservations from year to year and Lapse. Hence, to save the lapsing of the reservations, it will be proper to accommodate the oldest carry-forward reservations first.

For example, there are 5 carried-forward reservations spreading over three preceding recruitment years in the following manner :—

	SC	ST
Third Year	1	
Second Year	1	1
First Year		2

Suppose 6 vacancies occur in the succeeding year, 3 should be reserved taking into consideration the 50% limit. As the oldest carried forward reservations have to be accommodated first, one SC of third year and one SC and one ST of second year are to be reserved out of the 6 vacancies available. The two ST reservations of first year will be carried forward to next recruitment year and they will be considered as in the second year of carry forward in the next recruitment year.

4. This order, however, will not affect this Department's Office Memorandum No. 1/9/74-Estt.(SCT) dated 29-4-1975, which governs the procedure regarding filling up of single vacancy, occurring in a recruitment year. Ministries/Departments should make the necessary modifications in the dereservation proposals while sending them to the Department of Personnel & A.R. and to the Commissioner for SC/ST. It is further clarified that no dereservation will be necessary for further carrying forward of reservations which could not be accommodated in any recruitment year due to the 50% limit.

5. The above instructions take effect from the date of the issue of these orders except where selections to posts to be filled by direct recruitment or promotion have already been finalised prior to the issue of these orders.

6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all attached and subordinate offices under them for compliance.

Department of Personnel & A.R. O.M. No. 46011/4/82-Estt. (SCT)
dated 15-3-82 to all Ministries/Departments.

Subject :—Calculation of recruitment year in cases of promotions where the panel prepared by DPC spreads into two calendar years.

The undersigned is directed to the subject mentioned above and to say that clarifications have been sought from this Department as to what would be the recruitment year in cases of promotion when the panel prepared by the DPC spreads into more than one calendar year. The matter has been examined in this Department and it has been decided that the first recruitment which is made from the Select list prepared by the DPC should be the recruitment year for the purpose of promotion in cases where the DPC select list might have been prepared in one year, but appointment from it made in the next year. It is also possible that the first appointment is made in a year but other appointment from the same select list continues, and spills over, to the next calendar year. In such cases, the year where the first appointment is made from the select list will be the recruitment year in so far as that D.P.C. panel is concerned, for purpose of reckoning reservation, carry forward, recruitment year etc. For example, if a DPC has been held in the month of September, 1981 for preparing a select list for vacancies taking into account anticipated vacancies of 1982 also, the actual appointments spill over to 1982 and if the first promotion is from the select list made in November, 1981, then 1981 will be the recruitment year for this purpose. If, however, the first promotion from the select list though prepared in September, 1981 is made in January, 1982, then 1982 will be the recruitment year for this purpose.

Ministry of Finance etc. are requested to bring the content of this O.M. to the notice of all their attached and subordinate offices.