

No. 36012/58/92-Estt.(SCT)
Government of India
Ministry of Personnel, P.G. and Pensions
Department of Personnel & Training

New Delhi, the 1st Dec. 1994

OFFICE MEMORANDUM

Subject: Reservation available for ex-servicemen in Groups D, C and specified categories of Groups B posts/ services under the Central Government - revised procedure for filling the vacancies.

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The Government had been considering the method of effecting the available reservation for ex-servicemen in the light of the judgement of the Supreme Court in Indira Sawhney case.

2. The Court has held that reservation for SC/ST/OBCs made under Article 16(4) of the Constitution may be called vertical reservation and the reservation made under Article 16(1) of the Constitution like the reservation for physically handicapped persons as horizontal reservation. Horizontal reservations cut across vertical reservation (in what is called inter-locking reservation) and the person selected against these reservations has to be placed in the appropriate category, that is to say, if he belongs to SC category he will be placed in that quota by making necessary adjustment and similarly if he belongs to open competition (OC) category he will be placed in that category by making necessary adjustment. Even after providing for these horizontal reservations, the percentage of reservation in favour of backward class of citizens should remain the same.

3. In the light of the above said observations of the Supreme Court, it has been decided that the percentage of reservation for ex-servicemen should remain the same as at present. An ex-servicemen selected under the reservation provided for them should be placed in the appropriate category viz. SC/ST/OBC/General category depending upon the category to which he belongs. For example, an ex-serviceman who is a SC will be counted against the SC reservation point, an ex-serviceman who is ST or OBC will be counted against ST/OBC reservation point and the ex-servicemen who belongs to General category will be slotted in the General category vacancy point in the respective reservation roster.

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4. All the Ministries/Departments, are requested to bring the above instructions to the notice of all the Heads of the Department and appointing authorities under their control for necessary compliance. Necessary amendment to the Ex-servicemen (Re-employment in Central Civil Services and posts) Rules, 1979 are being issued separately.


(BHAVANI THYAGARAJAN)
Director (JCA)

Copy to:

1. All Ministries/Departments of the Govt. of India.
2. Ministry of Finance (Banking Division), New Delhi.
3. Ministry of Finance (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Ministry of Welfare, New Delhi.
6. For File No. 41017/9/90-Estt.(SCT).