

No.22/56/2023-5HR-III
Government of Haryana
Human Resources Department

Dated: 17th August, 2023

To

1. All the Administrative Secretaries to Government, Haryana.
2. All the Heads of Department, Haryana
3. All the Divisional Commissioners in the State of Haryana.
4. All the Deputy Commissioners in the State of Haryana.
5. All the Managing Directors, Boards/Corporations, Haryana
6. All the Registrars of Universities under the State of Haryana

Subject:- Reservation in promotion-procedure to be followed prior to effecting reservation in the matter of promotions by all Departments of the Haryana State.

Sir/Madam,

I am directed to invite your kind attention to towards instruction of even No., dated 21.06.2023 on the subject cited above and bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of *Jarnail Singh and others Vs Lachhmi Narain Gupta and others (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011)* and other connected matters.

2. In the judgement dated 28.01.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are:-

- (i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;
- (ii) Application of this data to each cadre separately; and
- (iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. You are requested to ensure that the above conditions are complied with before implementing the policy of reservation in promotion and carrying out any promotion based thereon.

4. For this purpose, you are also requested to ensure the following:

- (a) Reservation rosters are strictly maintained.
- (b) In order to ensure maintenance of efficiency of administration, the Department shall carefully assess the suitability of the officers, being considered for promotion.
- (c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in

paragraph 2 and sub-para (i), (ii) & (iii) of this paragraph have been fully complied with.

5. Since, the Jarnail Singh batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. Therefore, you are requested to collect the quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes from your department and send to the office of Principal Secretary to Government, Haryana, Social Justice, Empowerment, Welfare of Scheduled Castes & Backward Classes & Antyodaya (SEWA) Department, Haryana within three days. Till such time this information is made available, no further promotions shall be carried out.

7. It is, further requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Boards, Corporations and Statutory Bodies, etc., for adherence and strict compliance.

Yours faithfully

S. Singh
(Satbir Singh)

Deputy Secretary, Human Resources-I
for Chief Secretary to Government, Haryana *S*

A copy is forwarded to the Principal Secretary to Government, Haryana, Social Justice, Empowerment, Welfare of Scheduled Castes & Backward Classes & Antyodaya Department, Haryana with the request to collect quantifiable data regarding inadequacy of representation of Scheduled Castes & Scheduled Tribes and compiled department-wise information may be sent this office at the earliest.

Sd/-
(Satbir Singh)

Deputy Secretary, Human Resources-I
for Chief Secretary to Government, Haryana

To

The Principal Secretary to Government, Haryana,
Social Justice, Empowerment, Welfare of Scheduled Castes &
Backward Classes & Antyodaya Department, Haryana

No.22/56/2023-5HR-III

Dated, Chandigarh the 17th August, 2023