

No.22/56/2023-5HR-III
HARYANA GOVERNMENT
HUMAN RESOURCES DEPARTMENT
(HUMAN RESOURCES-III BRANCH)

To

Dated Chandigarh, the 7th October, 2023

1. All the Administrative Secretaries to Government, Haryana.
2. All Heads of Departments in the State of Haryana.
3. All the Managing Directors of Boards/Corporations in the State of Haryana.
4. All the Divisional Commissioners in the State of Haryana.
5. All the District & Session Judges in the State of Haryana.
6. All the Deputy Commissioners in the State of Haryana.
7. The Registrars of all the Universities in the state of Haryana.

Subject: Matter of backwardness and inadequacy of representation of Scheduled Castes in Promotion in Group A & B posts in State Government Services.

Sir/Madam,

I am directed to invite your attention to the subject cited above and to say that keeping in view the principles laid down by the Apex Court in the case of **Jarnail Singh and others Vs Lachhmi Narain Gupta and Ors. (I), (2018) 10 SCC 396 & (II), 2022 (10) SCC 595 and Judgement of the Punjab & Haryana High Court order in CWP No. 22475 of 2018 (Same Singh & others Vs State of Haryana & Others)**, the Government, in exercise of the powers conferred under Article 16 (4A) of the Constitution of India, has decided to grant the benefit of reservation in promotion in all the cadres of Group A & Group B posts, to the employees belonging to the Scheduled Castes, to the extent of 20% of the sanctioned posts of promotional quota subject to the following terms and conditions:-

- (i) This benefit will be admissible on all the posts of Group A & Group B but not on the highest promotional post of a cadre. For appointment on the highest promotional post the inter-se seniority, as per the applicable Service Rules, will be taken into account.
- (ii) This benefit will be admissible where the number of sanctioned posts to be filled up through promotion is two or more.
- (iii) This benefit will be implemented cadre-wise considering the total number of sanctioned posts to be filled up through promotion.
- (iv) The Departmental Promotion Committee (DPC) and/or the competent authority for promotion to a post of Group A or Group B, as the case may be, shall, on the basis of number of employees belonging to Scheduled Castes already appointed to the promotional posts, come to a conclusive opinion on their current representation on promotional posts being 20% or not.

- (v) Where the actual representation is less than 20% only the eligible Scheduled Caste employees working on feeder post (s) will be considered first against the vacant posts of promotion quota upto the extent of shortfall. Where the actual representation is already 20% or more, the eligible employees working on feeder post (s) will be considered for promotion in accordance with the applicable Service Rules.
- (vi) For the purpose of determination of cadre-wise adequacy of the present representation, all employees belonging to the Scheduled Castes who are working on any Group A or Group B post, as the case may be, filled up through promotion will be considered irrespective of the manner of appointment to the said promotional post.
- (vii) The employees not belonging to the Scheduled Castes who have already been promoted to a post of Group A or of Group B will not be reverted to fulfill any current deficiency of 20% reservation for Scheduled Castes employees. The deficiency, if any, will be completed immediately upon availability of a promotional quota post.
- (viii) No employee belonging to a Scheduled Caste, who is otherwise eligible, will be deprived of promotion just because the limit of 20% reservation has already exceeded or would exceed on account of his promotion on seniority-cum-merit.
- (ix) The Roster Points as already allocated by Government in the instructions issued vide No. 22/10/2013-1GS-III, dated 15.07.2014, or as amended from time to time, for the purpose of direct recruitment against the posts of Group A & Group B reserved for Scheduled Caste candidates will be applicable. Further, the instructions/guidelines already issued by Government for Group C & D employees vide No.22/33/2007-3GS-I, dated 24.09.2008/22.10.2008, for the purpose of replacement theory or application of roster point, as the case may be, shall also be strictly followed at the time of grant of benefit of reservation in promotion.
- (x) Where an eligible employee belonging to a Scheduled Caste is not available for promotion against a promotional post reserved as per the roster, an eligible employee of another category may be promoted. Whenever a Scheduled Caste employee upon becoming eligible is promoted against that post, the already promoted employee will be adjusted against a supernumerary post until an unreserved vacancy of promotion quota arises, and without any loss of inter-se seniority.
- (xi) This benefit will be without consequential seniority in the promotional post.

- (xii) This benefit will not be admissible for the purpose of grant of ACP Pay Level where the percentage has been fixed for the purpose in a cadre.
 - (xiii) Since the **Jarnail Singh** batch of cases is pending in the Hon'ble Supreme Court, all promotion orders issued in pursuance of these instructions will be subject to any further orders that may be passed by the Hon'ble Supreme Court in the said batch of cases.
 - (xiv) The Appointing Authority shall issue the promotion orders only after satisfying itself that the conditions mentioned in these instructions have been fully complied with.
2. These instructions will be applicable with immediate effect and will apply to all Departments, Boards, Corporations, Universities and Statutory Bodies etc., under Haryana Government and may please be brought to the notice of all concerned for strict compliance. All the previous instructions already issued by Government for reservation in promotion to Group A & B posts are hereby withdrawn.

Yours faithfully,

S. Singh
(Satbir Singh)

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