R.B. E. No. 03 /2004

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2003-E(SCT)I/25/16 **New Delhi, dated 06.01.2004**

The General Manager,
All Indian Railways and Production Units/including CORE/Allahabad, Metro Rly./ Kolkata
N.F.Rly. (Cons)/Maligaon
The Director General/ RDSO/Lucknow
The CAO, DCW, Patiala
The CAO: MTP(Rlys.), Mumbai and Chennai
The Chairman, Railway Recruitment Board:
Allahabad/Ahmedabad/Ajmer/Bangalore/Bhopal/Bhubaneshwar/Kolkata/Chandigarh/ Chennai/
Gorakhpur/ Guwahati/Jammu & Shrinagar/Malda/Mumbai/Muzaffarpur/Patna/ Ranchi/
Secunderabad /Trivendrum
The Director General, Railway Staff College, Vadodra
The Director IRISET, Secunderabad/IRIMEE,
Jamalpur/IRIEE,Nashik/IRICEN,Pune/IRCAMTECH, Gwalior.
The Railway Liaison Officer, Jeevan Tara Building, Parliament Street, New Delhi
The General Secretary, IRCA, New Delhi,
The C.A.O. COFMOW,Rly. Offices Complex, Tilak Bridge, New Delhi-110002
The Secretary, Railway Rates Tribunal (Chennai), 50 Mc. Nichola Road, Chetpet, Chennai.
The Exe. Director, CRIS, Safdarjang Rly. Stn. Building Chanakyapuri, New Delhi,
The Director (Movement),Railways 17 N.S.Rd, Kolkata.
The Joint Director, (Iron &Steel) 3 Koilaghat Street, Kolkata.
The General Secretary, NFIR, 3 Chelmsford Road, New Delhi.
The General Secretary, AIRF, 4 State Entry Road, New Delhi.
All Members of National Council/Department Council and the Secretary of the Staff Side of the
National Council,13-C, Ferozeshah Road, New Delhi.
All Indian SC/ST Railway Employees Association , Central Office,171-B/3,Basant Lane
Railways Colony, New Delhi-55
General Secretary, All India OBC Railway Employees Federation, 171/A-3,Basant Lane
Railways Colony, New Delhi-55
Indian Railway Promotee Officers Federation, Room No. 268 Rail Bhavan, New Delhi.
The Railway Board Ministerial Staff Association, Room No.7-B, Rail Bhavan
Railway Board Class II Officers Association , Room No.521,Rail Bhawan
Railway Board Class I Officers Association , Room No. 256-B, Railway Board, Rail Bhawan
Railway Board Class IV Staff Association, Room No. 7-C, Rail Bhawan
All India Railway Protection Force Association, Room No. 256-D, Rail Bhawan, New Delhi-1
The Managing Director, RITES/IRCON/CONCOR/KRCL/IRFC

2/-

The Commanding Officers:

No. 1 Bn/RPSF/Lumding (Assam)
No. 2 Bn/RPSF/Gorakhpur UP)
No. 3 Bn/RPSF/Talkatora,Alambagh, Lucknow
No. 4 Bn /RPSF/P.P. Bhaktinagar/New Jalpaiguri (W.B.)
No. 5 Bn/RPSF/Tiruchirappalli (Tamil Nadu)
No. 6 Bn/RPSF/Dayabasti, Delhi-36
No. 7 Bn/RPSF/Maula Ali, Secunderabad
No. 8 Bn/RPSF/ Technical Training Institute, Chittaranjan

Sub: Non-permissibility of exchange of reservation between SCs and STs.

A copy of DOP&T's O.M. No. 36012/17/2002-Estt.(Res.) dated 06.11.2003 on the above subject is enclosed herewith for information and strict compliance. All the instructions on the subject are suitably modified to the extent as clarified in the above O.M. In regard to Part-B para (i) it may be mentioned that presently there is a ban on de-reservation of reserved vacancies. However, since the reserved vacancies in safety category cannot be kept vacant due to safety of train operations, achievement of production targets etc., the procedures laid down vide Board's letter No. 99-E(SCT)I/25/10 dated 11.05.99 may be followed.

Please acknowledge receipt.

D.A: As above

(R.B.S Negi)
Jt. Director, Estt. (Res.)II
(Railway Board)

Copy to: PSs to MR, MSR(B), MSR(A)
PPSs. to CRB, FC, MS, MM, MT, ME, ML, Secretary(R.B.)
PPSs. to all Addl Members, Advisers, DG/RHS,DG(RPF) and ADG(DS)
PSs to all EDs/JSs and IG/RPFDE(N), DPC-I&II, Dir(MPP), Dir(Trg), JDE(Res), JDE(Res)I, JDE(Gaz), JDE(GC), JDE(GP), JDE(RRB), JDE(Rep)I & II, JDE(P&A), JDE(LR), JDE(N)-II, JDE(D&A) DDE(N), DDE(LR)I, DDE(Rep) I&II, DD(Code Revision), E(MPP), E(RRB),E(P&A)I&II, E(G), E(Trg.), E(Rep)I, II, III, Sec(E), Sec(ABE), E(NG)I, II, E(W), E(LR) I,II,III& IV, E(SCT)-II, E(RB)I, II, V, D E(GR)I, II, E(GP), Code Revision Cell (with 5 Spares), E(GC) Branches of Railway Board.

No.36012/17/2002-Estt.(Res)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

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New Delhi, dated: the 6th November, 2003

OFFICE MEMORANDUM

Sub:- Non- permissibility of exchange of reservation between SCs and STs.

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The undersigned is directed to say that after introduction of post based reservation various ministries/departments have been seeking clarification whether it is possible to fill up a post reserved for Scheduled Tribes by a Scheduled Caste candidate or vice versa by applying the principle of exchange of reservation between Scheduled Castes and Scheduled Tribes as was possible when vacancy based rosters were in vogue.

2. Basic principle of post based reservation is that the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category. If exchange of reservation between SCs and STs is permitted, number of employees of one reserved category of employees appointed by reservation will go beyond reservation prescribed for that category. It would be against the spirit of post based reservation. Therefore, after introduction of post based reservation, it is not permissible to fill up a post reserved for Scheduled Tribes by a Scheduled Caste candidate or vice-versa by exchange of reservation between SCs and STs.

3. If sufficient number of SC/ST/OBC candidates fit for appointment against reserved vacancies are not available, procedure as given below should be followed for filling up such reserved vacancies:

A. <u>In cases of Direct Recruitment:</u>

(i) Where sufficient number of candidates belonging to SC/ST/OBC are not available to fill up the vacancies

reserved for them in direct recruitment, the vacancies shall not be filled by candidates not belonging to these communities. In other words, there is a ban on dereservation of vacancies reserved for SCs, STs and OBCs in direct recruitment.

(ii) If sufficient number of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt shall be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment to fill up these vacancies. If the required number of SC/ST/OBC candidates are not even then available, the vacancies which could not be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as "backlog vacancies."

(iii) In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs, STs and OBCs will also be announced for recruitment. While doing so it may be kept in view that the vacancies of the particular recruitment year i.e. the current vacancies and the backlog vacancies of OBCs will be treated as one group and backlog vacancies of SCs and STs as a separate and distinct group. Thus, there will be two distinct groups of vacancies. One group will contain the current vacancies and the backlog vacancies of OBCs, and the another group will contain backlog vacancies of SCs and STs. While in respect of vacancies in the first group instructions that not more than 50% of the vacancies can be reserved in a year will apply, all the backlog vacancies reserved for SCs and STs will be filled up by the candidates belonging to concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies of SCs and STs.

(iv) If vacancies reserved for SCs/STs/OBCs cannot be filled up and are carried forward as backlog vacancies and remain unfilled in the following recruitment year also, they will be carried forward as backlog vacancies for subsequent recruitment **year(s) as long as these** are not filled by candidates of the category for which these are reserved.

(v) There may be rare and exceptional cases in Group 'A' services, where posts cannot be allowed to remain vacant in public interest. In such situations, the administrative Ministry/Department under which the recruitment is being made shall make a proposal for dereservation giving full justification for such action, and consult the National Commission for Scheduled Castes and Scheduled Tribes in case of posts reserved for SCs/STs and the National Commission for Backward Classes in case of posts reserved for OBCs and obtain the comments of concerned Commission on each proposal. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal for dereservation alongwith the Commission's comments before a Committee comprising the Secretaries in the Department of Personnel and Training, in the Ministry of Social Justice and Empowerment and in the Ministry/Department under which the recruitment is being made for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for a final decision. If dereservation of the vacancies is approved, these can be filled by the candidate of other communities.

B. <u>In cases of Promotion:</u>

(i) In cases of promotion including promotion by selection from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A', if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved as per prescribed procedure and filled by candidates of other communities.

(ii) If sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available and such vacancies can also not be dereserved for reasons like non-availability of candidates of other categories to fill up the posts etc., the vacancies shall not be filled and will remain unfilled until the next recruitment year. These vacancies will be treated as "backlog vacancies."

(iii) In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs and STs will also be filled up, keeping the current vacancies and the backlog vacancies of SCs and STs as two distinct groups. While in respect of the current vacancies the instructions that not more than 50% of the vacancies can be reserved will apply, all the backlog vacancies reserved for SCs and STs will be filled up by candidates belonging to the concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies.

(iv) If backlog vacancies reserved for SCs/STs cannot be filled up by reservation and can also not be dereserved in the subsequent recruitment year as well, such backlog vacancies will be carried forward as backlog reserved vacancies for subsequent recruitment year(s) as long as these are not filled by candidates of the category for which these are reserved or by candidates of other communities after dereservation.

4. In cadres having more than 13 posts, number of posts filled by reservation by any category at any point of time should ideally be equal to the quota determined as per percentage of reservation prescribed for that category. Whenever the posts are filled, efforts have to be made to complete reservation quota for SCs/STs/OBCs in case of direct recruitment and for SCs/STs in case of promotion so that the number of posts filled by reservation by SCs, STs and OBCs, as the cases may be, in the cadre is equal to the number of posts earmarked for them. It means that if reservation quota is not complete, efforts would be made to complete the reservation quota whenever the recruitments are made in the cadre. Thus, reservation would not lapse in case of post based reservation for the reason that reserved posts could not be filled for a specified number of years.

5. In cadres having 13 or less number of posts where 14 point L-shaped rosters are applied, if a reserved vacancy is filled by a candidate belonging to other community after dereservation, the reservation will be carried forward for subsequent recruitment year. Such carry forward of reservation would be permitted for three subsequent recruitment years. In the third year of carried forward of

reservation, the vacancy will be treated reserved for the concerned category, but if it cannot be filled by reservation in the third year of carried forward of reservation by a candidate of the concerned category, reservation will be treated as lapsed and it will be filled as an unreserved vacancy.

6. It is possible that some posts reserved for STs might have been filled by SC candidates by exchange of reservation or vice versa before issue of this OM. Such cases need not be reopened. However, if number of SC or ST candidates appointed by reservation including by exchange of reservation between SCs and STs is in excess of reservation prescribed for them, such excess representation may be adjusted in future recruitment.

7. All the Ministries/Departments are requested to bring these instructions to the notice of all offices/organizations/establishments etc. under their control.

(K.G.Verma)
Deputy Secretary to the Govt. of India

To

1. All Ministries / Departments of Govt. of India
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurances Division), New Delhi
4. Department of Public Enterprises, New Delhi,
5. Railway Board,
6. Union Public Service Commission / Supreme Court of India / Election Commission / Lok Sabha Secretariat / Rajya Sabha Secretariat / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat / Prime Minister's Office / Planning Commission
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
9. 200 spare copies.