

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT: BRANCH-III
DELHI SECRETARIAT, 7th LEVEL: B-WING, I.P. ESTATE, NEW DELHI
(<http://services.delhigovt.nic.in>)

No.F.16(3) (e)/DSSSB/2017-S.III/5239

Date: 30.11.2017

Office Memorandum

Sub: **Action plan for filling up of all the vacant posts under promotional quota in the Govt. of NCT of Delhi**

Attention of all the departments is invited to DoPT OM dated 30/09/2016 and judgment dated 23/08/2017 of the Hon'ble High Court Delhi in WP (C) No. 3490/2010 titled "All India Equality Forum & Ors. Vs Union of India and Ors." The relevant portion of the above-mentioned OM and judgment are as under:-

DoPT OM Dated 30/09/2016: *In view of the submission made by the Solicitor General of India before the Hon'ble Supreme Court of India in Contempt Petition, the DOPT vide OM dated 30/09/2016 has issued instruction that ".....till such time the main matter along with the Contempt Petition is decided, no further promotions of reserved category persons to unreserved posts will be made based on the DOPT OM dated 10.8.2010.....".*

Hon'ble High Court Delhi judgment dated 23/08/2017 in WP (C) No. 3490/2010:- The Hon'ble High Court vide judgment under reference has quashed and set aside the DoPT OM No 36012/18/95 - Estt. (Res) Pt. II dated 13/08/1997 vide which the reservation for SC/ST in promotion was extended beyond 15/11/1997. Further, Hon'ble High Court has also quashed all promotions effected on the basis of the impugned OM dated 13/08/1997.

GNCTD follows the guidelines of DoPT in service matters and reservation for SC/ST in promotion is a policy matter to be decided by GoI and without any clear guidelines in this regard by DoPT, it will be difficult for the GNCTD to further proceed on promotion matters. As number of posts at all levels from Group A to C are presently vacant in departments/organizations/agencies of Govt. of NCT of Delhi, the Services Department sought the opinion/recommendations from the DoPT/MHA for taking further course of action. However, the response from the DoPT/MHA is yet to be received.

The matter has again been examined in the Services Department and it has been decided that in view of the orders of Hon'ble Supreme Court of India and Hon'ble Delhi High Court, need to fill up the promotional vacancies in a timely manner to boost the morale of the employees and in


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the interest of ensuring efficiency of administration, the vacancies shall be filled up on **ad-hoc basis** based on the principle of seniority (based on the principle of seniority-cum-fitness wherever DoPT guidelines provides so) without relying on the DoPT O.M dated 13.08.1997 which extended the reservation for SC/ST in promotion beyond 1997.

For example:- if there are 100 vacancies available for promotion, the first 100 employees as per the seniority list shall be promoted irrespective of their category i.e General/SC/ST. The departments should also mention in the promotion orders that the present promotion is subject to the final outcome of the pending cases in the Hon'ble Supreme Court of India and the decision of GoI in this regard.

All the Head of Departments/Autonomous Organization should follow the above instructions while filling up the vacancies of promotional quota in their departments. Action taken in this regard may be regularly/ periodically reviewed and a monthly progress report indicating the status should be sent to Services Department on the first working day of every month.

This issues with the approval of the Hon'ble Lt. Governor, Delhi


(D. KARTHIKEYAN)

DEPUTY SECRETARY (SERVICES)

To

Head of Department/Autonomous Organizations/Agencies, Govt. of NCT of Delhi/New Delhi.

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Copy to:

1. The Principal Secretary to Hon'ble Lt. Governor, Delhi, Raj Niwas, Delhi
2. The Special Secretary to Hon'ble Chief Minister of Delhi, 3rd Level, Delhi Secretariat, New Delhi
3. The SO to Chief Secretary, Delhi, Govt. of NCT of Delhi, 6th Level, Delhi Secretariat, Delhi.
4. The P.S. to Secretary (Services) Govt. of N.C.T. of Delhi, Delhi Secretariat I.P.Estate, New Delhi.
5. The P.A. to Spl. Secretary (Services) / Deputy Secretary (Services) (I/II), Govt. of N.C.T. of Delhi, Delhi Sectt. I.P.Estate, New Delhi.
6. The Section Officer (Co-ordination) , Services Department, GNCTD with the direction to upload the OM on the website of the Services Department.
7. The Section Officer, all the branches of Services Department, GNCTD.
8. Guard file