

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

LOK SABHA
STARRED QUESTION NO. 217
(TO BE ANSWERED ON 01.08.2018)

PROMOTIONAL BENEFITS TO SC/ST EMPLOYEES

***217. DR. BHAGIRATH PRASAD:**

Will the **PRIME MINISTER** be pleased to state:

- (a) whether it is a fact that relaxation in qualifying marks/assessment standards for promotion of SC/ST employees was withdrawn by the Department of Personnel and Training (DoPT) vide Office Memorandum (OM) dated 22.07.1997 and if so, the details thereof;
- (b) whether it is also a fact that the Supreme Court, in its judgement on Civil Appeal of Rohtas Bhankhar & Ors. V/s Union of India has declared DoPT's OM dated 22.7.1997 as illegal and if so, the details thereof;
- (c) whether the Government has restored promotional benefits to all SC/ST employees who were adversely affected by the said OM;
- (d) if so, the details thereof and the action taken by the Government to restore promotional benefits to all SC/ST employees affected by that OM; and
- (e) whether the Government has decided to implement the Supreme Court judgement only in CSS SO Grade Exam, 1996 without consequential promotions, if so, the details thereof and the reasons for delay in implementation of the judgement of the Apex Court?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) to (e): A statement is laid on the table of the House.

Statement referred to in reply to parts (a) to (e) of Lok Sabha Starred Question No.217 to be answered on 01.08.2018 regarding promotional benefits to SC/ST employees

(a): Yes, Madam. Hon'ble Supreme Court in S.Vinod Kumar judgment of 1.10.1996 held that no relaxation of standards in promotion is permissible. To implement this judgment, Department of Personnel and Training issued Office Memorandum No.36012/23/96-Estt.(Res.) dated 22.07.1997 withdrawing benefit of lower qualifying marks for SC/ST candidates which were available in departmental competitive examinations for promotion.

(b): Yes, Madam. The Hon'ble Supreme Court in Civil Appeal Nos.6046-6047 of 2004 titled Rohtas Bhankhar & Others Vs Union of India and another, dated 15.7.2014, directed as under:

“11. Consequently, civil appeals are allowed. The impugned order is set aside. 1997 O.M. is declared illegal. The respondents are directed to modify the results in the Section Officer/ Stenographers (Grade B/Grade-I) Limited Departmental Competitive Examination, 1996 by providing for reservation and extend all consequential reliefs to the appellants, if not granted so far.....”

(c) to (e): Since the judgment of 15.07.2014 was specific to 1996 Section Officers/Stenographers (Grade B/Grade I) Limited Departmental Competitive Examination, it was decided to extend benefits, including consequential benefits, to all appellants and also to similarly placed SC/ST candidates, who appeared in 1996 examination. Accordingly, in July/September 2015, thirty two of those eligible officers were provisionally interpolated with reference to their immediate junior officers in Under Secretary Select Lists for the years 2006 and 2007 and were also allowed admissible pay benefits as per rules. However, their promotion to Deputy Secretary grade, which was held up due to various court cases on reservation in promotion matter, is now under process.
