

Copy of letter No. 2379-2GSI-I-72/10994, dated 27-4-1972 from The Chief Secretary to Government, Haryana to all Heads of Departments etc. etc.

Subject :—Reservation for members of Scheduled Castes and Backward Classes in service-Fixation of Seniority.

I am directed to refer to the composite Punjab Government letter No. 28400-WG-S-56/8090 dated the 9th November, 1956 regarding reservation for members of Scheduled/Backward classes in Government services and observe as follows. It has been misinterpretation of the relevant instructions in some instances and members of Scheduled Castes/Backward classes has been assigned seniority according to the Rs Nos. of vacancies reserved for them under the block system (as indicated below) and not as they should have been according to the order of candidates determined by the public service commission/S.S.S. Board :—

Vacancies reserved for Schedule Castes/Backward Classes in every block of 100 vacancies.

1—6—11—16—21—26—27—31—36—41—46
51—56—61—66—71—76—81—86—91—96

(No 27 & 77 for backward classes)

For example when 8 vacancies were to be filled and the 1st and the 6th were reserved for the members of Scheduled Castes, two Scheduled Castes were placed at Sr. No. 1 and Sr. No. 6 respectively in the combined seniority list of the candidates although in the combined merit list prepared by the Public Service Commission/S.S.S. Board their position were lower.

2. It has to be pointed out that this was irregular and interse seniority of all candidates taken together (i.e. whether appointed against reserved vacancies or against reserved vacancies or against open ones), must be fixed according to the combined merit list and not otherwise. Vacancies assigned to Scheduled Castes/Backward Classes under the block system are so assigned for purpose of reservation only and are not intended for fixing inter seniority of the candidates contrary to their order in the combined merit list prepared by the Public Service Commission/S.S.S. Board.

3. This may please be noted for careful compliance so that in future seniority is fixed on this basis in cases in which reserved vacancies are filled whether by initial appointment or by promotion. Furthermore, all earlier cases in which members of Scheduled Castes/Backward Classes and other have been assigned seniority erroneously disregard of the order the candidates in the combined merit list should be reviewed and steps taken to refix seniority correctly. For that purpose it will be necessary that the persons who will be effected should be given opportunity of showing cause why their seniority should not be refixed at a lower place (in accordance with the order in the combined merit list) and such opportunity should be duly allowed before refixing seniority.

4. The above instructions, regarding determination inter seniority will, however, apply only in those cases where the departmental service rules do not provided for seniority being determined from the date of joining or from the date of confirmation or by a method otherwise than the merit determined by the Public Service Commission/S.S.S. Board. In other words, in all cases, where the services rules has not yet been framed, or where the service rules provided for seniority being determined according to the merit laid down by the Commission/S.S.S. Board, the seniority of the officials shall be determined in the manner stated above. In other cases, where the service rules specially provided for seniority being determined from the date of joining or from the date of confirmation or any other method otherwise than the merit determined by the recruiting authority, the seniority, shall be determined by such different method.