

From

The Chief Secretary to Government Haryana.

To

1. All the Heads of Departments in Haryana.
Commissioners Rohtak, Gurgaon, Hisar and Ambala Divisions.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. All the Deputy Commissioners and All Sub Divisional Officers (Civil) in Haryana State.

Dated Chandigarh, the 6th November, 2001.

Subject:- Treating of backlog vacancies reserved for SCs & ST as a distinct group and non-applicability of 50% ceiling thereon.

Sir,

I am directed to refer to Haryana Government instructions No. 22/79/95-3GSIII, dated 12.9.97 and 21.8.2000 on the subject noted above regarding filling of backlog in the reserved vacancies-Supreme Court judgement in Indira Sawhney Writ Petition (Civil) No. 930/90 case and to say that in view of the 81st amendment made by the Parliament in the Constitution of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training Estt. Reservation (Section) on 20.7.2000. Consequently Article 16 (4B) has been incorporated in the Constitution by the Constitution (Eighty first Amendment) Act, 2000, which provides as under:-

"Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year."

2. In pursuance of the provisions of Article 16 (4B) of the Constitution, it has been decided by the State of Haryana that the reserved vacancies for Scheduled Castes and Scheduled Tribes in all cases of direct recruitment and promotion. Wherever applicable, which have remained unfilled in the earlier year(s) i.e. backlog and/or carried forward vacancies would be treated as a separate and distinct group and will not be considered

together with reserved vacancies of the year in which they are being filled up for determining the ceiling of 50% reservation on total number of vacancies of that year. In other words, the ceiling of 50% on filling up of reserved vacancies would apply on the reserved vacancies which arises in the current year and the backlog/carried forward reserved vacancies for SCs/STs of earlier years would be treated as a separate and distinct group and would not be subject to any ceiling. However, backlog and / or carried forward reservation will automatically lapse in a cadre as soon as combined representation of a reserved category in direct recruitment as well as promotion is either equal to or more than the prescribed number of reserved posts in the relevant post-based rosters.

3. The above instructions may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/-

Under Secretary General Administration,
for Chief Secretary to Government Haryana.