

FROM

Financial Commissioner and Principal Secretary to Govt of Haryana,
Welfare of Scheduled Caste and Backward Classes,
Chandigarh

To

1. All Financial Commissioner and Principal Secretaries to Government of Haryana
2. Registrar General Punjab & Haryana, High Court, Chandigarh.
3. All Heads of Departments in Haryana State.
4. All Managing Directors/Chief Administrators of Boards/Corporations / Cooperative Sugar Mills / Co-operative Banks and Other Autonomous Bodies in Haryana State.
5. Registrars of all Universities in Haryana State.

Memo No 735-944 Dated 4th March, 2011.

Subject-

Clarification regarding implementing the "Prospectivity" of Judgement of Hon'ble Supreme Court in R.K. Sabharwal's case decided on 10-02-95 and made effective with prospective effect only.

Several representations are being received by this Department seeking clarification on the above subject. In this connection, it is again clarified that the Hon'ble Supreme Court while affirming the decision in R.K. Sabharwal and Ajit Singh Janjua's cases also decided the PROSPECTIVITY of these two judgements and held that principles of both these judgements will be applicable from the date of their pronouncements i.e. 10-02-95 and 01-03-96 respectively.

In the light of above, it is clear that the seniority earned by the employees belonging to Scheduled Castes category up to 09-02-95 on account of their promotions within the 20% reservation quota i.e. not in "Excess", can not be disturbed / un-settled otherwise the above decision will seem to have been implemented with "Retrospective effect" which is not the intent of above referred issued by Chief Secretary (GS-III Br.) Haryana.

You are requested to take necessary action in all such cases involving disputes of seniority/promotion based on R..K. Sabharwal/Ajit Singh Janjua's cases.

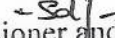

(Dhanpat Singh)

Financial Commissioner and Principal Secretary to
Govt Haryana, Welfare of Scheduled Caste and
Backward Classes, Haryana, Chandigarh

Endst.No. FCSC&BC/2011

Dated Chandigarh 4th March, 2011

A copy is forwarded to Chief Secretary to Govt. Haryana (in GS-III Br.) w.r.t. Chief Secretary's Memo No. 22/73/92-3 GS-III, dated 14.10.1999.


Financial Commissioner and Principal Secretary to
Govt Haryana, Welfare of Scheduled Caste and
Backward Classes, Haryana, Chandigarh