

IMMEDIATE

F.No.A-26017/25/2021-Ad.IIA
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs

North Block, New Delhi
Dated the 10th May, 2022

To

All Principal Chief Commissioner of CGST & Central Excise
All Chief Commissioners of CGST & Central Excise and Customs
All Principal Chief Commissioners/ Chief Commissioner of Customs
All Principal Director General CBIC/ Director General

Subject :- Reservation in promotions – Enclosed herewith is OM bearing No. 36012/16/2019-Estt.(Res) dated 12th April, 2022 issued by DoP&T on the captioned subject. The content of the OM is brought to the knowledge of all CCAs for information and for necessary action.

Sir/ Madam

I am directed to forward herewith a copy of DOPT's OM No.36012/16/2019-Estt.(Res) dated 12th April, 2022 on the subject noted above for adherence and strict compliance.

2. Accordingly, all CCAs in concerned Commissionerates/Directorates are requested to bring these instructions to the notice of all concerned units/offices under their control.

Yours faithfully,

Encl.: As above


(R.V. Kerketta) 10/5/22

Under Secretary to the Government of India
Tel No.011-23094209

Copy also to :-

1. Webmaster for uploading on CBIC website

No.36012/16/2019-Esttt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
North Block, New Delhi-110 001
Date: 12th April, 2022

Office Memorandum

Subject : Reservation in promotions – procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

The undersigned is directed to bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of **Jarnail Singh and Ors. V. Lachhmi Narain Gupta and Ors.** (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters. Pursuant to this judgement, the Ld. Attorney General for India has rendered his considered opinion in the matter.

2. In the judgement dated 28.1.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are :

- (i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;
- (ii) Application of this data to each cadre separately; and
- (iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. All the Ministries/Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon.

4. For this purpose, all Ministries/Departments are also required to ensure the following:

- (a) In terms of DoPT OM No.43011/153/2010-Estt (Res.) dated 4.1.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoPT OM No. 36012/2/96-Estt (Res.), dated 2.7.1997.
- (b) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.



(c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in paragraph 2 and sub-para (a) & (b) of this paragraph have been fully complied with.

5. Since the *Jarnail Singh* batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc. for adherence and strict compliance.



(Sandeep Saxena)

Deputy Secretary to the Govt. of India

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.
2. The Secretary, Department of Financial Services, New Delhi.
3. The Secretary, Department of Public Enterprises, New Delhi.
4. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, Union Public Service Commission
6. The Secretary, Staff Selection Commission
7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
8. NIC, DoPT with the request to upload the same on the website of the Department.