

No. PER (AP)-C-F-(1)-1/2002  
Government of Himachal Pradesh  
Department of Personnel (AP-III).

Dated Shimla-171002, the 24th October, 2002.

From

The Chief Secretary to the  
Government of Himachal Pradesh.

To

1. All the Secretaries to the Government of Himachal Pradesh.
2. All the Heads of Departments in Himachal Pradesh.
3. All the Deputy Commissioners in Himachal Pradesh.
4. All the Chairmen/Managing Directors/ Secretaries/Registrars of all the Public Sector Undertakings/Corporations/Boards/ Universities etc. in Himachal Pradesh.

Subject:- The Constitution (Eighty-Fifth Amendment) Act, 2001--  
Seniority of SC/ST Government servants on promotion by virtue  
of rule of reservation/roster-- Supreme Court Orders thereto.

Sir,

I am directed to invite your attention to the instructions issued by the Government vide Department of Personnel letter of even number, dated the 3rd July, 2002 on the subject cited above and to say that the matter has been re-considered by the Government as the Departments were experiencing difficulties in filling up the posts by way of promotion, resulting in administrative difficulties and also affecting the working of the Departments. After careful consideration, it has now been decided by the Government to withdraw the instructions issued on 3.07.2002. As such, the instructions issued by the Government on 3.07.2002 are hereby withdrawn. The Departments may, therefore, fill up the promotional post(s) on Ad-hoc basis where it is felt to do so in the interest of Government work. Such promotees will have no claim for seniority solely by virtue of such adhoc promotion(s). The seniority of general vis-a-vis; SC/ST officials will be as finally determined in the light of decisions of the competent authority. The Departments have to follow the same procedure for filling up such promotional post(s) on adhoc basis as is followed in the case of post(s) to be filled in by promotion on regular basis. All such promotions will, however, be made subject to the following rider:-

"This / these promotion(s) will, however, be subject to the final out-come on the Writ Petition (Civil) No.61/2002 titled M. Nagaraj & Ors. Vs. Union of India & Ors. and Writ Petition (Civil) No. 295/2002-- titled Devi Ram Tanwar & Ors. Vs. Union of India & Ors. in the Hon'ble Supreme Court of India.

Contd...P.-2/-...

Or

Any other decision / orders taken / issued by the State Government on the subject from time to time."

3. These instructions may kindly be brought to the notice of all concerned for compliance.

Yours faithfully,

Secretary (Pers.) to the Govt. of Himachal Pradesh.

Endst. No. PER (AP)-C-F(1)-1/2002, Dated Shimla-2, the 24th October, 2002.

Copy forwarded for information and necessary action to:-

1. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
2. The Registrar General, Hon'ble High Court of H.P. Shimla-1
3. The Registrar, H.P. Administrative Tribunal, Shimla-2.
4. The Secretary, H.P. Public Service Commission, Shimla-2.
5. The Secretary, H.P. Subordinate Staff Selection Board, Hamirpur, H.P.
6. 150 spare copies.

Under Secretary (Pers.) to the Govt. of Himachal Pradesh.

\*\*\*\*\*