

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

Dated Shimla-171002, the 6th October, 2006.

From

The Chief Secretary,
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 H.P.

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 this Department's letter of even number, dated the 24th October, 2002 on the subject noted above, vide which it was decided to fill up the promotional posts on adhoc basis by following the same procedure as is followed for making regular promotions. As a result of adhoc promotions, the promotee officers / officials are being denied the right to exercise their option under F.R.-22. This matter has been re-considered by the Government and it has now been decided that the earlier instructions of dated the 24th October, 2002 shall be deemed to have been amended retrospectively to the extent that the word "adhoc" contained in these instructions may be substituted by the word "regular" for filling up the promotional posts on regular basis where the regular procedure has been followed for making adhoc promotions in the

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past, so as to enable the earlier adhoc promotee officers / officials to exercise their option under F.R.-22 for the fixation of their pay 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."

2. In the wake of above narration, the earlier promotion orders made on adhoc basis may be modified accordingly and in future, the promotional posts be filled in on regular basis with the same rider.

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

Yours faithfully,

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

Endst. No.PER.(AP)-C-F-(1)-1/2002, Dated Shimla-171002, the 6th Oct., 06.

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-171002.
4. The Secretary, H.P. Public Service Commission, Shimla-2.
5. The Secretary, H.P. Subordinate Staff Selection Board, Hamirpur, H.P.
6. Spare Copies----150.

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