

No. PER(AP)-C-B(12)-1/2010
Government of Himachal Pradesh
Department of Personnel (AP-III).

From

The Secretary (Personnel) to the
Government of Himachal Pradesh.

To

1. All the F.Cs/Principal Secretaries/
Secretaries/Joint Secretaries/Deputy
Secretaries and Under Secretaries to the
Government of Himachal Pradesh.
2. All the Heads of the Departments in H.P.
3. All the Divisional Commissioners in H.P.
4. All the Deputy Commissioners in H.P.
5. All the Chairmen/Managing Directors/Secretaries &
Registrars of all the Public Sector Undertakings/
Corporations/Boards/Universities, etc. in H.P.

Dated: Shimla-171002, the 8th January, 2010.

Subject:- De-reservation of posts - proforma for sending de-reservation
proposals thereof.

Sir,

I am directed to refer to the subject cited above and to say that in view of the fact that a number of developments like creation of separate National Commissions for the Scheduled Castes and the Scheduled Tribes, replacement of vacancy based rosters by post based rosters, ban on exchange of reservation between SCs and STs have taken place, the matter regarding dereservation of posts/vacancies was under consideration of the Government for some time past. It has now been decided to issue afresh instructions on the subject.

2. There is a general ban on dereservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a **Group 'A'/Class-I service** cannot be allowed to remain vacant in public interest, the administrative Department may prepare a proposal for dereservation of the vacancy giving following information:

- (i) Designation of the post;
- (ii) Pay scale of the post;
- (iii) Name of the service to which the post belongs;
- (iv) Duties and responsibilities attached to the post;
- (v) Educational and other qualifications prescribed for the post;
- (vi) Efforts made to fill up the post;
- (vii) Reasons why it cannot be allowed to remain vacant;
- (viii) Justification for dereservation; and
- (ix) Any other relevant information.

3. The administrative Department shall constitute a Committee comprising of the F.C./Principal Secretary/Secretary of the Department under which the recruitment is to be made as Member Secretary, Principal Secretary/Secretary (Social Justice and Empowerment) and Principal Secretary/Secretary (Personnel) as

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Members and shall place the proposal before the Committee for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in charge of the Department of Personnel for taking a final decision. If dereservation of the vacancy is approved, it can be filled as an unreserved vacancy.

4. **In case of promotion**, if sufficient numbers of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved and filled by the candidates of other communities. The power to accord approval to dereservation of the reserved vacancies in such cases is delegated to the administrative Departments subject to the following conditions:

- (i) no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;
- (ii) the proposal for dereservation has been seen and concurred in by the Liaison Officer of the Department;
- (iii) the proposal for dereservation is agreed to at a level not lower than that of Secretary to the Government of Himachal Pradesh, in the administrative Department (proper) concerned; and
- (iv) in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel is obtained.

5. Before taking a decision to dereserve a vacancy under the delegated powers, the administrative Department shall prepare a proposal in the proforma given in the **Annexure** and send one copy thereof each to the Department of Personnel, the Department of Social Justice & Empowerment in respect of vacancies reserved for SCs and to the Tribal Development Department in respect of vacancies reserved for STs. After sending the proposal, the Department shall wait for a period of atleast 15 days for the comments of the Department of Personnel, Department of Social Justice & Empowerment and Tribal Development Department, as the case may be. If no comments are received from this Department or the concerned Department within 15 days, the administrative Department may presume that this Department or the concerned Department, as the case may be, do not have any comments to offer and may take a decision regarding dereservation of the vacancy with the approval of Minister-in-Charge of their Department. In case the Department receives comments from this Department or the concerned Department within 15 days, the comments so received shall be considered while taking a decision in the matter.

6. Following points should be kept in view while sending the copy of the proposal to the concerned Departments / Department of Personnel :

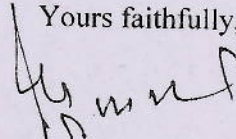
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- (i) 'cadre strength' with reference to reservation means the number of posts in the grade which are to be filled by a particular mode of recruitment in terms of the recruitment rules. If in a grade having 200 posts, 40 per cent posts are filled by promotion by selection, cadre strength for promotion by selection in that grade will be 80;
- (ii) 'backlog reserved vacancy' means a vacancy which was earmarked reserved in a previous recruitment year and an effort was made to fill up the same but could not be filled and is still vacant; and
- (iii) the proposal / proforma duly filled in should be signed by an officer of the rank of Additional Secretary or above in the administrative Department.

7. The Attached / Subordinate Offices etc, should not send the proposal direct to the Department of Personnel or to the concerned Department. They should send the proposal to the administrative Department who will examine the proposal and send it to the Department of Personnel and to the concerned Department.

8. All the Departments / Public Sector Undertakings / Corporations / Boards and Universities etc. are requested to bring these instructions to the notice of all concerned for guidance and strict compliance.

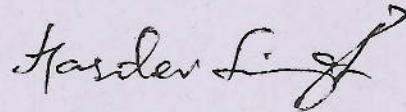
Yours faithfully,



Secretary (Personnel) to the
Government of Himachal Pradesh.

En-dsta No. PER(AP)-C-B(12)-1/2010, Dated: Shimla-2 8th January, 2010.
Copy forwarded for information and necessary action to:-

1. The Secretary, H.P. Vidhan Sabha, Shimla- 171 004.
2. The Registrar, H.P. High Court, Shimla-171 001.
3. The Secretary, H.P. Public Service Commission, Shimla-171 002.
4. The Secretary, H.P. Subordinate Services Selection Board, Hamirpur.
5. All the Section Officer in H.P. Secretariat, Shimla-171 002.
6. Spare Copies 200.



Deputy Secretary (Personnel) to the
Government of Himachal Pradesh.

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01.11.2011

	(f)	Total number of posts in the given mode of promotion (b+e)	
4		No. of posts already held by the candidates appointed by reservation in the cadre	SCs..... STs.....
5		If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls	Cycle No.. Point No..
6		Number of vacancies earmarked reserved	
	(a)	Out of the current vacancies	SCs..... STs
	(b)	Backlog reserved vacancies	SCs..... STs
	(c)	Total reserved vacancies (a+b)	SCs..... STs
7		Number of vacancies proposed to be dereserved	SCs..... STs
8		If promotion is by non-selection	
	(a)	Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion	
	(b)	Total number of SC/ST candidates in the feeder grade	SCs..... STs
	(c)	No. of eligible SC/ST candidates in the feeder grade	SCs..... STs
	(d)	Number of SC/ST candidates considered fit for promotion	SCs..... STs
	(e)	Number of SC/ST candidates considered not fit for promotion	SCs..... STs
			Contd.....P/6

ANNEXURE

Reference No.
Name of the Department.

Dated.....

PROPOSAL FOR DERESERVATION OF VACANCIES RESERVED FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY PROMOTION.

Sr. No.		
1	Name of the Office/Organization to which the post (s) relate	
2	Particulars of the post in which vacancies are proposed to be dereserved	
	(a) Name of the post	
	(b) Group (Class)	
	(c) Scale of Pay	
3	Information about posts in the promotion quota	
	(a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc.	
	(b) No. of posts already filled by the given mode of promotion	
	(c) Number of backlog reserved vacancies in respect of the given mode of promotion	SCs STs Total
	(d) Number of current vacancies to be filled by the given mode of promotion	
	(e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion	

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	(f)	If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion	SCs..... STs
9	If promotion is by selection		
	(a)	Size of the normal zone of consideration	
	(b)	Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies)	
	(c)	Number of eligible SC/ST candidates in the extended zone of consideration	SCs..... STs
	(d)	Number of SC/ST candidates found fit for promotion	SCs..... STs
	(e)	Number of SC/ST candidates considered not fit for promotion	SCs..... STs
	(f)	If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior-most SC/ST candidate will become eligible for promotion and his place in the seniority list	SCs..... STs
10	If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination		SCs..... STs
11	Whether other category candidates are available in the Select List for appointment to the vacancies sought to be dereserved		
12	(a)	Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC	
	(b)	If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned	
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	(c)	Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted /reported to the Minister / Minister of State /Deputy Minister /Secretary /Head of the Department, as the case may be		
13		Where interviews are prescribed, whether SC/ST candidates were interviewed on a day or sitting of the Selection Committee other than the day / sitting on /in which general candidates were interviewed		
14	(a)	If ex-post-facto approval is sought to the dereservation of vacancies, the reasons why proposal for prior dereservation was not made, and what steps have been taken to prevent its recurrence		
	(b)	The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior dereservation		

It is certified

- (1) that the proposal for dereservation is agreed to at the level of Secretary to the Government of Himachal Pradesh in the administrative Department.
- (2) that the proposal has been seen and concurred in by the Liaison Officer of the Department.
- (3) that copies of this proposal are simultaneously being sent to the Social Justice & Empowerment / Tribal Development Department and the Department of Personnel.

Signature.. ..
Name of the Signing Officer ..
Designation.
Tele. No
