

No. PER. (AP)-C-F (1)-1/2009
Government of Himachal Pradesh
Department of Personnel (AP-III).

From Dated: Shimla-171002, the 16th November, 2009.

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

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

Subject: Implementation of Constitution (85th Amendment) Act, 2001 and assignment of seniority to SC/ST Government servants on promotion by virtue of rule of reservation/roster.

Sir,

I am directed to invite your kind attention to the instructions issued by the Government vide Department of Personnel letter No. PER.(AP)-C-F(1)-1/2005, dated 07.9.2007 and subsequent instructions No.PER.(AP)-C-E(3)-1/2008, dated 17.01.2008 and 05.4. 2008 on the subject cited above.

2. The instructions dated 07.9.2007 were challenged by the Himachal Pradesh Samanaya Varg Karamchhari Kalyan Mahasangh by filing an O.A.No.19/2008 in the erstwhile H.P. Administrative Tribunal. Due to the abolition of the H.P. Administrative Tribunal by the Government, the said O.A.No.19/2008 of HPAT was transferred to the Hon'ble High Court and registered as CWP-T. No.2628 of 2008. In this CWP, the Hon'ble High Court delivered judgment on 18.9.2009 and has quashed the aforesaid instructions, dated 07.9.2007.

3. In the light of judgment delivered by the Hon'ble High Court of Himachal Pradesh on 18.9.2009, the instructions, dated 07.9.2007 stand withdrawn with effect from 07.9.2007.

4. All the promotions made on or after 07.9.2007 may be regulated in accordance with the provisions of the instructions/procedure as applicable prior to 07.9.2007, as if the instructions dated 07.9.2007 and subsequent instructions thereof had never been issued.

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

Yours faithfully,

Hardev Singh
Deputy Secretary(Pers.)to the
Govt. of Himachal Pradesh

Contd....P/2.

Endst. No. as above. Dated: Shimla the 16th November, 2009.
Copy forwarded for information and necessary action to:-

1. The Secretary, H.P. Vidhan Sabha, Shimla-4.
2. The Registrar, H.P. High Court, Shimla-1.
3. The Secretary, H.P. Public Service Commission, Shimla-2.
4. The Secretary, H.P. Subordinate Services Selection Board, Hamirpur.
5. The All Section Officers in H.P. Secretariat, Shimla-2.
6. Senior Law Officer(Opinion) H.P. Secretariat, Shimla.
7. Spare Copies (150).

Hardev Singh

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