

No. PER (AP)-C-F (1)-2/2011-Vol.I
Government of Himachal Pradesh
Department of Personnel (AP-III)

...
Dated: Shimla-171002, the

30th October, 2013

From

The Chief Secretary to the
Government of Himachal Pradesh.

To

1. All the A.C.S./Principal Secretaries/Secretaries/
Special Secretaries/ Additional Secretaries/
Joint Secretaries/Deputy Secretaries and
Under Secretaries to the Government of H.P.
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 the 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 refer to the subject cited above and to say that the matter regarding implementation of the Constitution (85th Amendment) Act, 2001 in the State was under consideration of the Government for sometime past. In its judgment dated 13.09.2013 in I.A. No. 6/2012 in Special Leave Petition (Civil) No. 30143/2009 titled as HP Scheduled Tribes Employees Federation and anr versus Himachal Pradesh SVKK & Ors., the Hon'ble Supreme Court of India has directed the State Government to take final decision on the issue, within a period of three months from the date of pronouncement of this judgment.

2. As per directions of the Hon'ble Apex Court, the matter has been considered. Keeping in view the quantifiable data collected by the State, showing the overall representation of the Scheduled Castes and Scheduled Tribes in the services of the State and the Constitutional


provisions thereof, the State is of the opinion that the enabling provisions of the Constitution (85th Amendment) Act, 2001 are not required to be implemented in the State.

3. In view of the above, reservation in promotion to the members of the Scheduled Castes and Scheduled Tribes categories as per the Constitution (85th Amendment) Act, 2001 may not be granted. These instructions will also supersede the instructions issued vide this department's letter No.PER(AP)-C-E(3)-2/2009-III, dated 11.01.2013 and No. PER (AP)-C-F(1)-2/2011, dated 31.01.2013 in this regard earlier.

4. These instructions may be followed in letter & spirit and brought to the notice of all concerned for strict compliance.

5. Kindly acknowledge the receipt.

Yours faithfully,



(S.K.B.S. Negi)

Principal Secretary (Personnel) to the
Government of Himachal Pradesh
Tele.: 0177-2621897

Endst. No. PER(AP)-C-F (1)-2/2011-Vol.I Dated: Shimla the 30th October, 2013

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. SSS Board, Hamirpur
5. The Additional Secretary (GAD) to the Government of H.P.
6. The Additional Advocate General, Himachal Bhawan, New Delhi.
7. The All Section Officers in H.P. Secretariat, Shimla-2.
8. Spare Copies (100).



(Prem Singh Thakur)

Under Secretary (Personnel) to the
Government of Himachal Pradesh
Tele.: 0177-2624183