

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

Dated: Shimla-171002, the

31st January, 2013

From

The Principal Secretary (Personnel) 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 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,

In continuation of this department's letter No. PER(AP)-C-F (1)-
1/2009, dated 01.05.2010 on the subject cited above, I am directed to say that the
matter regarding implementation of Constitution (85th Amendment) Act, 2001 in the
State was under consideration of the Government for sometime past. In the
meantime, an I.A. No. 6/2012 in Special Leave to Appeal (Civil) No. 30143/2009
was filed by the H.P. Scheduled Tribes Employees Federation & Anr. before the
Hon'ble Supreme Court. The aforesaid I.A. appeared before the Hon'ble Apex
Court on 06.09.2012 when the Hon'ble Apex Court directed the State Government
to take necessary policy decision in the matter within a period of eight weeks from
the date of receipt of a certified copy of order.

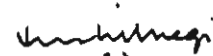
2. As per directions of the Hon'ble Apex Court while the matter was
under consideration for decision of the Government, the Model Code of Conduct
from 03.10.2012 to 24.12.2012 in connection with General Assembly Elections in

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the State was enforced, due to which it was not possible to take the policy decision. Therefore, an application for extension of time till 31.01.2013 for compliance of the order, dated 06.09.2012 was moved by the State Government before the Hon'ble Apex Court which was granted.

3. The matter was considered at an appropriate level and after careful consideration, it has been decided that in view of on going process of Constitution (117th Amendment) Bill, 2012 in the Union Government, the matter regarding implementation of Constitution (85th Amendment) Act, 2001 in the State may be deferred and existing reservation system in promotions continued till the finalization of matter relating to Constitution (117th Amendment) Bill, 2012. However, the instructions issued pursuant to the interim order dated 07.01.2013 of the Hon'ble Apex Court in I.A. No. 6/2012 in Special Leave to Appeal (Civil) No. 30143/2009, vide letter No. PER(AP)-C-E (3)-2/2009-III, dated 11.01.2013 will continue in operation till further orders.

Yours faithfully,

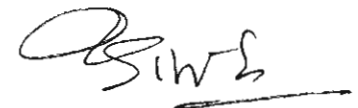


Principal Secretary (Personnel) to the
Government of Himachal Pradesh

Endst. No. PER. (AP)-C-F (1)-2/2011 Dated: Shimla the 31st January, 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. Subordinate Services Selection Board, Hamirpur
5. The Under Secretary (GAD) to the Government of H.P.
6. The All Section Officers in H.P. Secretariat, Shimla-2.
7. Spare Copies (100).



Under Secretary (Personnel) to the
Government of Himachal Pradesh
