

No.36033/1/2008-Estt.(Res.)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

North Block, New Delhi-110 001

Dated the 15th July, 2008.

OFFICE MEMORANDUM

Subject: - Treatment of backlog reserved vacancies of SCs, STs & OBCs as a distinct group and non-applicability of 50% ceiling thereon.

The undersigned is directed to refer to this Department's O.M. No.36012/5/97-Estt(Res) dated 29th August 1997 which provided that 50% limit on reservation would apply to current as well as backlog reserved vacancies. These instructions were modified by O.M. No. 36012/5/97-Estt(Res).Vol.II dated 20.7.2000 to the effect that the backlog reserved vacancies of Scheduled Castes (SCs) and Scheduled Tribes (STs) would be treated as a separate and distinct group and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year. It has now been decided to treat the backlog reserved vacancies of Other Backward Classes (OBCs) also as a separate and distinct group the same way as the backlog reserved vacancies of the SCs and STs are treated. Thus, the ceiling of 50% reservation on filling of reserved vacancies would now apply only to the vacancies which arise in the current year and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group, and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year.

2. It is important to note that there is a distinction between the 'shortfall of reservation' and 'number of backlog reserved vacancies' in a cadre. The 'shortfall of reservation of a particular reserved category in a cadre' means the difference between the

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total number of reserved posts for that category in the cadre according to the post based reservation' and 'the number of persons of that category appointed by reservation and holding the posts in the cadre'. On the other hand 'backlog reserved vacancies' of a category are those vacancies which were earmarked reserved for that category in an earlier recruitment year according to post based reservation but remained unfilled in the previous recruitment attempt on account of non availability of suitable candidates belonging to that category and are still lying unfilled. The following illustration clarifies the difference between the 'shortfall of reservation' and 'backlog of reserved vacancies' and also the method of earmarking reservation for SCs, STs, and OBCs:

(i) Suppose there is a cadre having a total number of 1000 posts which are filled by direct recruitment on all India basis by open competition. The number of SC, ST and OBC employees appointed by reservation in the cadre should ideally be 150, 75 and 270 respectively when all the posts are filled. [Reservation for SCs, STs and OBCs in such a case is 15%, 7.5% and 27% respectively].

(ii) Suppose all the 1000 posts stood filled in the year 2006 but the number of SC, ST and OBC employees appointed by reservation was 130, 75 and 100 respectively. There was, thus, a shortfall of 20 SCs and 170 OBCs in the cadre in that year, though all the posts were filled.

(iii) (a) Suppose 200 vacancies occurred in the cadre in the recruitment year 2007, of which 20 were vacated by SCs, 10 by STs and rest by unreserved category candidates. After vacation of these posts, shortfall of SCs, STs and OBCs in the cadre became 40, 10 and 170 respectively. Though there was a big shortfall of SCs, STs and OBCs in the cadre, only 100 of these vacancies could be earmarked reserved because all the 200 vacancies were current vacancies and limit of 50% on reservation in a year would apply on these vacancies.

(b) Shortfall of STs was 10 which is less than 7.5% of total vacancies. Therefore, 10 vacancies could only be earmarked reserved for STs. Shortfall of SCs and OBCs was more than 15% and 27% respectively of the current vacancies. Therefore, 15% of the current vacancies were straightway earmarked reserved for SCs and 27% for OBCs i.e. 30 vacancies were earmarked reserved

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for SCs and 54 vacancies for the OBCs. Applying the above principle, 94 vacancies were earmarked reserved. This left room for 6 $\{100-(10+30+54)\}$ more vacancies to be earmarked reserved to make up the shortfall. These 6 vacancies were apportioned between SCs and OBCs in the ratio of percentage of reservation prescribed for these categories viz. 15:27 subject to the condition that the number of vacancies earmarked reserved for any category was not more than the shortfall of that category. Thus, the earmarking of reservation in respect of the vacancies of the year 2007 was 32 for SCs, 10 for STs and 58 for OBCs (fractions were rounded off to the nearest whole number).

(c) Suppose only 20 SC candidates, 5 ST candidates and 50 OBC candidates could be appointed in the recruitment year 2007 against the vacancies reserved for them. Thus, 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved could not be filled and remained vacant. These 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved but remained vacant in the recruitment attempt will be treated as backlog reserved vacancies for the subsequent recruitment year. After the recruitment process for the year 2007 was over, total number of posts filled was 975, of which 130, 70 and 150 were held respectively by SCs, STs and OBCs. It may be noted that shortfall of reservation of SCs, STs and OBCs at this stage was 20, 5 and 120 respectively but number of backlog reserved vacancies of SCs, STs and OBCs was 12, 5 and 8 respectively.

(iv) Suppose 200 vacancies occur in the recruitment year 2008 of which 20 are vacated by SCs, 10 by STs and 20 by OBCs. At this stage shortfall of SCs, STs and OBCs will be 40, 15 and 140 respectively. Total vacancies in the year would be $200+12+5+8=225$, of which 200 are current vacancies and 25 are backlog vacancies. 25 backlog reserved vacancies of SCs, STs and OBCs will be treated as a separate and distinct group and will be kept reserved-12 for SCs, 5 for STs and 8 for OBCs. Of the 200 current vacancies, not more than 100 can be earmarked reserved. By applying the same principles as in the year 2007, out of 200 current vacancies, 28 are earmarked reserved for SCs, 10 for STs and 62 for OBCs. Thus the number of vacancies reserved for SCs, STs and OBCs in the recruitment year 2008, including the backlog reserved vacancies, will be 40, 15 and 70 respectively. If only 35 SCs, 12 STs and 50 OBCs become available to fill up the reserved

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vacancies, 5 vacancies of SCs, 3 vacancies of STs and 20 vacancies of OBCs will be kept vacant and will be treated as backlog reserved vacancies for the subsequent recruitment year.

3. If sufficient number of suitable SC/ST/OBC candidates do not become available to fill up the vacancies reserved for them in the first attempt of recruitment, a second attempt should be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment year so that the backlog reserved vacancies are not created. If, even after making such efforts, the reserved vacancies are not filled and backlog reserved vacancies are carried forward to the subsequent recruitment year, concerted efforts should be made to fill up the backlog reserved vacancies as soon as possible.

4. These orders take effect from the date of issue of this O.M. However, the cases, where the vacancies have already been advertised in accordance with the provisions existing prior to issue of this O.M, need not be reopened.

5. It is requested that contents of this O.M may be brought to the notice of all concerned.



(K.G. Verma)
Director

Tele. No. 23092158.

To

1. All the Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
3. Department of Economic Affairs, New Delhi.
4. Department of Financial Services, New Delhi.
5. Department of Public Enterprises, New Delhi.
6. Railway Board.
7. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Secretariat/Vigilance

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8. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
9. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
10. National Commission for SCs, Lok Nayak Bhavan, New Delhi.
11. National Commission for STs, Lok Nayak Bhavan, New Delhi.
12. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
13. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi-110002.
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