

Tel. No- 23011344

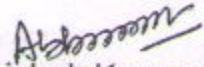
No. A/86611/DPC/Clarification/2018/DGQA/Adm-10

22 Jun 2018

MINISTRY OF DEFENCE
DGQA/ADM-10

IMPLEMENTATION OF INTERIM ORDERS/DIRECTIONS IN SPECIAL LEAVE TO APPEAL (C) NO. 30621/2011 ARISING OUT OF FINAL JUDGMENT AND ORDER DATED 15.07.2011 IN CWP NO. 13218/2009 PASSED BY THE HON'BLE HIGH COURT OF PUNJAB & HARYANA AND SPECIAL LEAVE TO APPEAL (C) NO. 31288/2017 ARISING OUT OF HON'BLE DELHI HIGH COURT JUDGMENT DATED 23.08.2017 AND OTHER RELATED COURT CASES - REGARDING

1. Reference DoP&T OM F.No. 36012/11/2016- Estt.(Res-I) {Pt-II} dated 15th June 2018 on the ibid subject (copy enclosed).
2. DoP&T vide, it's OM under reference has promulgated clarifications / guidelines / instructions on the Order(s) / Direction(s) passed by Hon'ble Supreme Court against various SLP(s) on the issue of reservation in promotion.
3. The OM may please be circulated / disseminated to all the AHSPs/Estt conducting DPC under your control to ensure the strict execution of the guidelines / instructions issued by DoP&T.
4. This has the approval of DG, DGQA.


(Abhishek Kumar Gupta)
Asstt Dir/ Adm-10

All Tech Directorates

Copy to:

TS to DG, DGQA - for info.

PPS to Spl DGQA - for info.

PPS to ADGQA(Adm) - for info.

 **SDCC** - For uploading on DGQA website.

LIA

F. No. 36012/11/2016- Estt.(Res-I) {Pt-II}
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment (Reservation-I) Section

North Block, New Delhi
Dated June 15, 2018

OFFICE MEMORANDUM

Subject: Implementation of interim Orders/ directions in Special Leave to Appeal (C) No. 30621/2011 arising out of final judgment and order dated 15.07.2011 in CWP No. 13218/2009 passed by the Hon'ble High Court of Punjab & Haryana and Special Leave to Appeal (C) No. 31288/2017 arising out of Hon'ble Delhi High Court judgment dated 23.08.2017 and other related court cases – regarding

The Hon'ble Supreme Court vide its order dated 15.11.2017 in SLP(C) No. 28306/2017 has decided to refer to a Constitution Bench to examine whether its earlier decision in *M. Nagraj and others vs. Union of India and others* requires reconsideration or not, inter alia, on the issue as to whether test of backwardness would, at all, apply in case of SC and ST.

2. The Hon'ble Supreme Court in SLP (C) No. 30621/2011 has passed the following Order on 17.05.2018:

"It is directed that the pendency of this Special Leave Petition shall not stand in the way of Union of India taking steps for the purpose of promotion from 'reserved to reserved' and 'unreserved to unreserved' and also in the matter of promotion on merits."

3. Further, in the matter related to SLP(C) No. 31288/2017, connected to Special Leave to Appeal (C) No. 28306/2017, the Hon'ble Supreme Court held as under on 05.06.2018:

"Heard learned counsel for the parties. Learned ASG has referred to order dated 17.05.2018 in SLP (C) No.30621/2011. It is made clear that the Union of India is not debarred from making promotions in accordance with law, subject to further orders, pending further consideration of the matter. Tag to SLP(C) No.30621 of 2011."

G. Srinivasan

4. The cadre controlling authorities of Central Government Ministries, Departments and Union Territories are to carry out promotions in accordance with the directions of the Hon'ble Supreme Court mentioned in paragraphs 2 and 3 above based on existing seniority/select lists.
5. Every promotion order must clearly mention the stipulation that the promotion shall be subject to further orders which may be passed by the Hon'ble Supreme Court.
6. All Ministries/ Departments are requested to bring this to the notice of all concerned for information/ compliance.
7. State Governments are also advised to take necessary action in accordance with the abovementioned orders passed by the Hon'ble Supreme Court.

G. Srinivasan

(G. Srinivasan)

Deputy Secretary to the Government of India

Tel. : 2309 3074

To:

1. The Secretaries of all Ministries/Departments of the Government of India
2. Chief Secretaries of all State Governments
3. Shri Maninder Singh, Learned Additional Solicitor General of India
4. Department of Financial Services, New Delhi
5. Department of Public Enterprises, New Delhi
6. Railway Board, Ministry of Railways, Rail Bhavan, New Delhi
7. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice President's Secretariat/ Prime Minister's Office/ Niti Ayog
8. Union Public Service Commission / Staff Selection Commission
9. Ministry of Social Justice and Empowerment, New Delhi
10. Ministry of Tribal Affairs, New Delhi
11. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
12. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
13. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
14. Office of the Comptroller and Auditor General of India
15. Information and Facilitation Center, DoPT, North Block, New Delhi.
16. Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi 110067
17. NIC, DoPT - to upload the same on DoPT website.
18. Hindi Section for providing the Hindi translation