

BHARAT SANCHAR NIGAM LIMITED*(A Government of India Enterprise)*

Corporate Office, SCT Cell

R.No. 221, Eastern Court, Janpath

New Delhi – 110 001.

No.55-7/2015-SCT/503

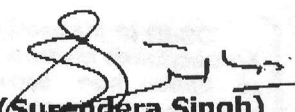
Dated : 15 September, 2015.

Subject: Recommendations of National Commission for Scheduled Tribes (NCST) – Seventh Report for the period 2011-12.

A Meeting of DDG(SR), DOT with GM(Pers.) and CLO(SCT), BSNL was held on 19.08.2015 to discuss the issues relating to the cadre controlling authority for effective implementation of policy of reservation for Scheduled Tribes in posts/services as contained in Para 2.10.10 (i) to (vi) of item No. 16 of Chapter-2 of the Recommendations of National Commission for Scheduled Tribes forwarded by the Ministry of Tribal Affairs, wherein it has been directed by DOT to follow the recommendations of National Commission for Scheduled Tribes.

In this regard, kindly find enclosed herewith a copy of Para 2.10.10 (i) to (vi) of item No. 16 of Chapter-2 of the Recommendations of National Commission for Scheduled Tribes alongwith DoP&T OM No.AB-14017/30/89-Estt.RR dated 10.07.1990 for compliance.

Encls: As above.


(Surendera Singh) 15/9/15
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To

1. PGM(Arch.), BSNL Corporate Office.
2. PGM(BW), BSNL Corporate Office.
3. PGM(Elect.), BSNL Corporate Office.
4. GM(Estt.), BSNL Corporate Office.
5. GM(FP), BSNL Corporate Office.
6. Jt.GM(Pers.)-I, BSNL Corporate Office.
7. DGM(Pers.)-II, BSNL Corporate Office.
8. *Imthand Pahal, BSNL.*

16 Para 2.10.10 From the perusal of the proposals for de-reservation received in the Commission, it is felt that the ban on dereservation in Direct Recruitment applied in the year 1989 has not been followed in letter and spirit by various Ministries and Departments as non-availability of ST candidates amongst a long seniority list of the feeder grade/initial grades of cadres continues to be the main reason for seeking de-reservation in promotion. On the one hand reservation has not been applied at Direct Recruitment stage in the initial/feeder grade; and on the other hand, there is no provision for Direct Recruitment, or transfer on deputation, besides promotion in the recruitment rules for appointments to the higher grade. The National Commission for Scheduled Tribes is, therefore, of the view and accordingly recommends again that de-reservation should be banned totally; and each cadre controlling/ recruiting authority should ensure the following for effective implementation of policy of reservation for Scheduled Tribes in posts/ services:

- (i) Recruitment Rules for each post must specifically mention about applicability of reservation for Scheduled Tribes, Scheduled Castes and OBCs (where admissible).
- (ii) Recruitment Rules should provide elements of Direct Recruitment as well as deputation/transfer on deputation, beside promotion, instead of 100% by promotion (or, at least provision for relaxation of the same for filling up ST vacancies), so that deficiencies due to non-availability of reserved category candidate(s) in the seniority list of the feeder grade may be made up through Direct Recruitment or deputation/ transfer on deputation as the case may be. As per DoPT O.M. No. AB.14017/30/89-Est.LRR dated 10.07.1990, reserved vacancy can be temporarily transferred from one mode of recruitment to other and this relaxation of RRs can be exercised by Ministries/ Departments themselves subject to approval of UPSC.
- (iii) As per instructions of the Supreme Court of India separate list of eligible ST and SC candidates, fulfilling the prescribed conditions relating to educational and experience qualification may be prepared for filling the posts reserved for Scheduled Tribes and Scheduled Castes respectively.
- (iv) No exchange of vacancies be permitted between ST, SC or OBC or vice-versa.
- (v) In case of non-availability of ST candidates in the feeder grade, in the near future, the post may be filled by deputation of ST candidates from other Organizations and the reserved point in promotion to be carried forward as shortfall/ backlog vacancy till such time the eligible ST candidates becomes available for promotion.
- (vi) In case of non-availability of ST candidates, at all, in the feeder grade the post(s) could be filled by Direct Recruitment from the candidates belonging to the concerned reserved category to the extent of shortfall/backlog. This may be done by resorting to Special Recruitment Drive.

Department of Personnel and Training No. AB-14017/30/89-Estt. RR,
dated the 10th July, 1990, to all Ministries/Departments, etc.

Subject:—Filling up of vacancies reserved for Scheduled Castes and Scheduled Tribes, falling in the promotion quota.

The undersigned is directed to say that according to the existing instructions, where eligible candidates (within the zone, where promotion is made by the selection method) belonging to Scheduled Castes and Scheduled Tribes are not available in the feeder cadre for promotion to reserved vacancies falling in the promotion quota, it becomes necessary to de-reserve the vacancies and fill them up by promotion of eligible "general" candidates, if available.

1. A Committee of Members of Parliament which examined various matters relating to representation of Scheduled Castes and Scheduled Tribes in Government services has recommended that wherever substantial backlog is still persisting due to non-availability of candidates belonging to Scheduled Castes and Scheduled Tribes in the feeder cadres, direct recruitment should be arranged to fill up the reserved vacancies.

2. The recommendation has been examined and it has been decided that where recruitment to a grade is made both by promotion and direct recruitment i.e. where separate quotas for promotion and direct recruitment are prescribed in the recruitment rules, reserved vacancies falling in the promotion quota which cannot be filled due to non-availability of eligible persons belonging to Scheduled Castes and Scheduled Tribes in the feeder cadre may be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to Scheduled Castes and Scheduled Tribes as the case may be in accordance with the provisions relating to direct recruitment contained in the recruitment rules. In the subsequent year(s) when reserved vacancies in the direct recruitment quota become available they may be diverted to the promotion quota to make up for the vacancies diverted earlier and filled from Scheduled Caste/Scheduled Tribe candidates in the feeder cadre who might by now have become eligible for promotion. The exchange of vacancies in this manner will ensure that the structure and composition of the cadre remain unaffected over a period.

3. The proposed diversion of vacancies from the promotion quota to the direct recruitment quota and vice-versa involves relaxation of the recruitment rules prescribing separate quotas for promotion and direct recruitment. It is possible to effect the proposed diversion in exercise of the powers conferred by the relevant relaxation clause in the recruitment rules. As far as Group C and D posts are concerned, Ministries/Departments are themselves competent to effect such diversion in exercise of the powers for relaxation of recruitment rules. In respect of Group A and Group B posts, the concurrence of the Department of Personnel and Training and the Union Public Service Commission is essential. It has been decided that in the matter of diversion of reserved promotion quota vacancies for direct recruitment and vice versa in the circumstances mentioned above, the Ministries/Departments may themselves exercise the powers for relaxation, even in respect of Group A & Group B posts, subject to the approval of the U.P.S.C.

4. The procedure outlined in paras 3 and 4 above will not apply in cases where the posts in a cadre are filled 100% by promotion or in which there is no element of direct recruitment prescribed in the recruitment rules. In such cases, the existing procedure will continue to be followed.

5. All Ministries/Departments are requested to take necessary action in the matter accordingly. It is requested that diversion of vacancies may be effected after careful consideration of all aspects. If, for instance, a candidate belonging to Scheduled Caste or Scheduled Tribe is likely to become eligible for promotion in the near future, it may be preferable to keep the reserved vacancy unfilled till that time, rather than diverting the vacancy for direct recruitment of a candidate from outside. The powers for relaxation of recruitment rules in the manner indicated above may be exercised judiciously to ensure that the interests of persons belonging to Scheduled Castes and Scheduled Tribes are taken care of and are not adversely affected by following these instructions mechanically.