



SOUTHERN RAILWAY

Headquarters office,
Personnel Branch,
Chennai-600 003

No. P(S)171/P/Monthly Statement

Date : 08 .02.2016

PBC No. 17 /2016

All PHODs/DRMs/CWMs/CEWE/CAO/CPM/Dy.CPOs/Sr.DPOs/DPOs/SPOs/
WPOs/APOs of HQ/Divisions/Workshops/other Units etc.

(As per mailing list –'A')

Sub : Policy matters on reservation in promotion

Ref : 1) Minutes of court cases review meeting held on 8.1.2016 at
HQ/MAS.

2) Minutes of the PB officers' meeting held on 11.12.2015 at
HQ/MAS

Many court cases are being filed before the Hon'ble Central Administrative Tribunals and High Courts regarding implementation of reservation rules without following the conditions laid down in Para 123 of M. Nagaraj ((2006) 8 SCC 212) judgement of the Hon'ble Supreme Court. Therefore, it should be ensured that the following conditions mentioned at Para 123 of M. Nagaraj case are followed while issuing appointment/promotions orders.

- 1) Backwardness
- 2) Inadequacy of representation
- 3) Overall administrative efficiency

In regard to backwardness, Railway Board vide letter No. 97-E(SCT)/149/25 dated 29.5.2007 had already circulated Memorandum dated 29.3.2007 of DOPT clarifying that the backwardness (creamy layer) does not

relate to the SCs and STs. In regard to collection of data on inadequacy of representation, this is being ensured before each and every appointment/promotion by way of consulting Post Based Roster. In regard to overall administrative efficiency, the posts in Railways are classified as selection and non-selection posts. The selection posts are filled by a positive act of selection consisting of only a written test in some categories and both written test and viva in other categories and there is no relaxation in qualifying marks in safety categories. The non-selection posts are filled by promoting the seniormost suitable railway employees. The suitability is being assessed by the competent authority by perusal of service records and annual confidential reports (APARs) for the last three years or after qualifying the trade/written test. Therefore, the conditions stipulated in Nagaraj case regarding quantifiable data of inadequacy, backwardness and overall administrative efficiency are being complied with. Hence, the following para should be incorporated in all the notifications for selection/ promotion orders as applicable.

“The above selection/promotion has been initiated/ordered only after ascertaining quantifiable data of representation of SC and ST employees in the grade, as per the post based rosters, against roster point No..... Accordingly the following promotion orders are issued in compliance with the directions of the Hon’ble Supreme Court in M. Nagaraj case”

Henceforth, the above para must be included in all the promotion orders as well as selection notification. Any violation in this regard will be viewed seriously.

This issues with the approval of the competent authority.



(K. MANICKARAJ)

Dy. Chief Personnel Officer/Traffic
for Chief Personnel Officer

Copy to : The General Secretary/SRMU
The General Secretary/AISCSTREA
The General Secretary/AIOBCREA

The General Secretary/NFIR