



दक्षिण रेलवे/SOUTHERN RAILWAY

NO.P(R)171/Policy/SCT

प्रधानकार्यालय Headquarters Office
कार्मिक शाखा Personnel Branch
चेन्नै Chennai - 600 003
दि. Dated 25-06-2018

आर बी ई सं/RBE No. 91 / 2018

बी सी सं/ PBC No.116 / 2018

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')

विषय/Sub : Implementation of interim Orders/directions in Special Leave to Appeal(C) No.30621/2011 arising out of final judgement 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 judgement dated 23.08.2017 other related court cases - regarding.

A copy of Railway Board letter No. 2018-E(SCT)I/25/9 dt. 19-06-2018 (RBE No.91 / 2018) on the above subject copy of DOP&T's memorandum No.36012/11/2016-estt.(Res-I)(Pt-II) dated 15.06.2018 is enclosed for information, guidance and necessary action.

(V.SRINIVASAN)

वरिष्ठ कार्मिक अधिकारी/नियम
Senior Personnel Officer/Rules
For Principal Chief Personnel Officer

संलग्न/Encl. as above

प्रतिलिपि/Copy to : The Genl Secy / SRMU
The Genl Secy / AISCSTREA
The Genl Secy / AIOBCREA
The Genl Secy / NFIR

भारत सरकार GOVERNMENT OF INDIA
रेल मंत्रालय MINISTRY OF RAILWAYS
(रेलवे बोर्ड RAILWAY BOARD)

No. 018-E(SCTW/259

New Delhi, Dated-19/06/2018

The General Managers (P)
All Indian Railways
and Production Units.

Sub: Implementation of interim Orders/directions in Special Leave to Appeal (C) No. 30621/2011 arising out of final judgement 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.51288/2017 arising out of Hon'ble Delhi High Court judgment dated 23.08.2017 and other related court cases -regarding.

A copy of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) Office Memorandum No.36012/11/2016-Estt.(Res-I)(Pt-II) dated 15.06.2016 is enclosed herewith for information and further necessary action.

18/06/18

The above may be brought to the notice of all concerned for strict compliance

DA : As above.

U.N. Mehta

(U.N. Mehta)
Joint Director Estt.(Res.)

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)

Deputy Secretary to the Government of India

Tel. : 2309 3074