

Government of India
Ministry of Railways
(Railway Board)

RB No: 53/2022

No.2018-E(SCT)I/25/9

New Delhi, 13.04.2022

The General Managers (P),
All Indian Railways
& Production Units
(as per standard mailing list).

Sub: Reservation in Promotions – procedure to be followed prior to
effecting reservations in the matter of promotions.

A copy of Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)'s Office Memorandum No. 36012/16/2019-
Estt.(Res.) dated 12.04.2022 is enclosed herewith. The above provisions may be
brought to the notice of all concerned. Please ensure adherence and strict compliance
of the same.

2. Please acknowledge receipt.

DA:- As above.

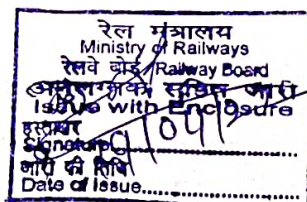
James Kujur
13/4/2022

(James Kujur)
Deputy Director, E(SCT.)I
Railway Board.
9717647323
jameskujur4@gmail.com

Copy to:

1. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi.
2. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi.
3. The Members of National Council, Departmental Council and Secretary, Staff Side,
National Council, 13-C, Ferozeshah Road, New Delhi.
4. The Secretary General, FROA, Room No. 256-A, Railway Board.
5. The Secretary, RBSS Group 'A' Officers' Association.
6. The Secretary, RBSS Group 'B' Officers' Association.
7. The Secretary General, IRPOF, Room No. 268, Rail Bhawan, New Delhi.
8. The Secretary, Railway Board Class II Officers' Association.

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9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Group D Employees Association.
11. The General Secretary, AIRPF Association Room No.256-D, Rail Bhawan.
12. General Secretary, All India SC/ST Railway Employees Association, Room No.7, Rail Bhawan, New Delhi.
13. The General Secretary, All India OBC Railway Employees Federation, Room No.48, GF, Rail Bhawan.
14. Chief Commissioner Railway Safety, Lucknow.
15. Chief Administrative Officer, MCF/Raebareli Project, Kishanganj, Delhi-7.
16. The Secretary, Railway Board Promotee Officers Association, Room No. 341-C, Rail Bhawan.
17. The GMs, N.F. Railway (Const.), CAO,SR(Const.) and CR(Const.).
18. The Director General & ex-officio General manager, R.D.S.O/Lucknow.
19. The General Manager, and FA&CAO/Metro Railway/Kolkata.
20. The CAO and FA&CAO/COFMOW/New Delhi.
21. The General Manager, and FA&CAO/CORE/ Allahabad.
22. The Director General, National Academy of Indian Railways, Vadodara
23. The Directors, IRISSET, Secunderabad/IRIMEE, Jamalpur/ IRIEEN, Nasik/IRICEN, Pune and CAMTECH, Gwalior.
24. The CAO(Const.), MTP (R), Mumbai & Chennai.
25. The Chairman & Managing Director/Managing Director, RITES/IRCON/CONCOR/KRCL/ IRFC/ RCIL/KMRCL/RVNL/DFCCIL/BCL/BSCL/BWEL/MRVC/IRCTC.
26. The Chairman, Railway Recruitment Board: Allahabad/ Ahmedabad/ Ajmer/Bangalore/ Bhopal/ Bilaspur / Bhubaneswar/ Kolkata/Chandigarh/ Chennai/Gorakhpur/ Guwahati/ Jammu & Shrinagar /Malda/ Mumbai/Muzaffarpur/Patna/Ranchi/ Secunderabad /Thiruvananthapuram.
27. The Chief Project Administrator (Telecom), IRCOT Consultancy, Shivaji Bridge, New Delhi.
28. The Director (Movement) Railways, Kolkata.
29. The General Secretary, IRCA, DRM Office Complex, State entry road, New Delhi.
30. Managing Director, Centre for Railway Information System,
31. Vice Chairman, Rail Land Development Authority.
32. Chief Admn Officer, Indian Railways Organisation for Alternative Fuels, 12th Floor, Core-I, SCOPE Minar, District Centre, Laxmi Nagar, New Delhi -110092.
33. Office of Chief Administrative Officer, Indian Railways (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.
34. The Joint Director (Iron & Steel), 3 Koilaghat Street, Kolkata.
35. The Secretary, Railway Claims Tribunal, Chennai.
36. The Railway Liaison Officer, Jeevan Tara Building, Parliament Street, New Delhi.

G/Kujar
13/4/2022

Cont - ...

Copy to: PSs to MR, MOS(S) & MOS(G).

Copy to: PS/PPSs/PSs/PA to:

CRB & CEO,MF, M/Infra M(TRS), M(OBD), Secretary/Rly.Bd., DG/RPF, DG/RHS, Adv(MR), OSD(MR), OSD(Co-ord)/MR & Additiona PS/MR.

AM(Comm), AM(CE), AM(C&IS), AM(Elect.), AM (Budget), AM(E), AM(ME), AM(Plg.), AM(PU), AM(Tele), AM(Sig), AM(Store), AM(T), AM(TT), PED(Bridge), PED(Stn.Dev.Engg.), AM(Works), AM(F), AM(Staff), Adv(Infra), Adv.(IR), Adv.(Project), PED(Vig.), Adv (C), Adv.(T&MPP), Adv. (Health), PED(Safety), Adv.(Transformation), Adv.(F), Adv.(Project), Legal Adviser, PED (Signal).

EDE(N), EDCE(G), EDE(G), ED(A), EDF(E), EDE(Safety), EDE(RRB), EDE(GC), EDE, EDV(A), ED(PSU), EDE(Sports), EDE(E&R), EDE(IR), EDH(G), EDPC-I, EDPC-II, EDF(BC), ED(ERP), EDPG, Chairman/HRRC, JS, JS(G), JS (E), JS(C), DE(W), DE(MPP), DE(G), DE(GP), DE(LL), DME(C&IS), JDF(E), JDE(N), JDE(Rep), JDPG, DDF(E)-I,II&III, DDE(R)-II, DDE (LR)-I & II,&III, DD(Sec/E), DD(Sec/ABE), DD E(P&A)I & E(P&A)II, E(G), E(NG)I & II, E(Trg), E(MPP), A/C-III, ERB-I, ERB-II, ERB-III, ERB-IV, ERB-V & ERB-VI, E(Rep)I, E(Rep)-II & E(Rep)-III, E(Sports), E(W), Sec(E), FE-I,II&III, FE(Spl), E(RRB), PC-III, PC-IV, PC-V, PC-VI, PC-VII, E(SCT)II, E(GR) I & E(GR)-II, E(GC), E(GP), E (Welfare)-I,II&III, E(D&A), E(Co-op), PR, E(D&A), E(LR)-I,II&III, Code Revision Cell/ Branches of Railway Board.

g/kyiu
13/4/2022

No.36012/16/2019-Estt. (Res.)
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel and Training
 North Block, New Delhi-110 001
 Date: 12th April 2022

Office Memorandum

Subject : Reservation in promotions – procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

The undersigned is directed to bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of **Jarnail Singh and Ors. V. Lachmi Narain Gupta and Ors.** (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters. Pursuant to this judgement, the Ld. Attorney General for India has rendered his considered opinion in the matter.

2. In the judgement dated 28.1.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are :

- (i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;
- (ii) Application of this data to each cadre separately; and
- (iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. All the Ministries/Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon.

4. For this purpose, all Ministries/Departments are also required to ensure the following:

- (a) In terms of DoPT OM No.43011/153/2010-Estt (Res.) dated 4.1.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoPT OM No. 36012/2/96-Estt (Res.), dated 2.7.1997.
- (b) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.

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- (c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in paragraph 2 and sub-para (a) & (b) of this paragraph have been fully complied with.

5. Since the **Jarnail Singh** batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc. for adherence and strict compliance.

Soh
(Sandeep Saxena)

Deputy Secretary to the Govt. of India

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.
2. The Secretary, Department of Financial Services, New Delhi.
3. The Secretary, Department of Public Enterprises, New Delhi.
4. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, Union Public Service Commission
6. The Secretary, Staff Selection Commission
7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
8. 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
9. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
10. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
11. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
12. The Director, ISTM.
13. NIC, DoPT with the request to upload the same on the website of the Department.