

No. PER. (AP)-C-F (1)-1/2009
Government of Himachal Pradesh
Department of Personnel (AP-III).

From Dated: Shimla-171002, the 16th November, 2009.

To The Secretary (Personnel) to the
Government of Himachal Pradesh.

1. All the Principal Secretaries/Secretaries/ Joint Secretaries/ Deputy Secretaries and Under Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in H.P.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/Managing Directors/Secretaries & Registrars of all the Public Sector Undertakings/ Corporations/Boards/Universities etc. in Himachal Pradesh.

Subject: Implementation of Constitution (85th Amendment) Act, 2001 and assignment of seniority to SC/ST Government servants on promotion by virtue of rule of reservation/roster.

Sir,

I am directed to invite your kind attention to the instructions issued by the Government vide Department of Personnel letter No. PER.(AP)-C-F(1)-1/2005, dated 07.9.2007 and subsequent instructions No.PER.(AP)-C-E(3)-1/2008, dated 17.01.2008 and 05.4. 2008 on the subject cited above.

2. The instructions dated 07.9.2007 were challenged by the Himachal Pradesh Samanaya Varg Karamchari Kalyan Mahasangh by filing an O.A.No.19/2008 in the erstwhile H.P. Administrative Tribunal. Due to the abolition of the H.P. Administrative Tribunal by the Government, the said O.A.No.19/2008 of HPAT was transferred to the Hon'ble High Court and registered as CWP-T. No.2628 of 2008. In this CWP, the Hon'ble High Court delivered judgment on 18.9.2009 and has quashed the aforesaid instructions, dated 07.9.2007.

3. In the light of judgment delivered by the Hon'ble High Court of Himachal Pradesh on 18.9.2009, the instructions, dated 07.9.2007 stand withdrawn with effect from 07.9.2007.

4. All the promotions made on or after 07.9.2007 may be regulated in accordance with the provisions of the instructions/procedure as applicable prior to 07.9.2007, as if the instructions dated 07.9.2007 and subsequent instructions thereof had never been issued.

5. These instructions may kindly be brought to the notice of all concerned for compliance.

Yours faithfully,

Harder Singh

Deputy Secretary(Pers.)to the
Govt. of Himachal Pradesh

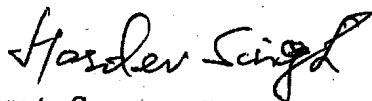
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Endst. No. as above.

Dated: Shimla the 16th November, 2009.

Copy forwarded for information and necessary action to:-

1. The Secretary, H.P. Vidhan Sabha, Shimla-4.
2. The Registrar, H.P. High Court, Shimla-1.
3. The Secretary, H.P. Public Service Commission, Shimla-2.
4. The Secretary, H.P. Subordinate Services Selection Board, Hamirpur.
5. The All Section Officers in H.P. Secretariat, Shimla-2.
6. Senior Law Officer(Opinion) H.P. Secretariat, Shimla.
7. Spare Copies (150).



Deputy Secretary(Pers.) to the
Govt. of Himachal Pradesh

From

The Secretary (Personnel) to the
Government of Himachal Pradesh.

To

1. All the Principal Secretaries/ Secretaries/Joint Secretaries/
Deputy Secretaries and Under Secretaries to the
Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/Managing Directors/Secretaries &
Registrars of all the Public Sector Undertakings/
Corporations/Boards/Universities, etc. in H.P.

Dated: Shimla-171002, the 20th January, 2010.

Subject:- Implementation of Constitution (85th Amendment) Act, 2001 and
assignment of seniority to SC/ST Government servants on promotion by
virtue of rule of reservation/roster.

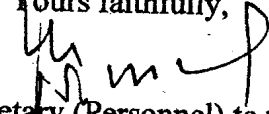
Sir,

I am directed to refer to the subject cited above and to say that the H.P. Scheduled Tribes Employees Federation & Anr. have filed a Special Leave Petition (Civil) No.30143 of 2009 in the Supreme Court of India against the Order dated 18.9.2009 of the Hon'ble High Court of Himachal Pradesh in CWP(T) No.2628 of 2008. The Hon'ble Supreme Court of India has granted interim stay in this case.

2. Pursuant to the interim stay granted by the Apex Court in the matter, the instructions issued by the State Government vide letter of even number, dated the 16th November, 2009 are hereby withdrawn and no further promotions will be made/allowed. Even the stop-gap arrangement of adhoc promotions which was prevalent prior to 16.11.2009 will not be made, till further orders wherever reservation is applicable.

3. These instructions may kindly be brought to the notice of all concerned for strict compliance.

Yours faithfully,




Secretary (Personnel) to the
Government of Himachal Pradesh.

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Endst. No. as above. Dated: Shimla the 20th January, 2010.
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Joint Secretary(Pers.) to the
Govt. of Himachal Pradesh

From

The Chief Secretary to the
Government of Himachal Pradesh.

To

1. All the Principal Secretaries/ Secretaries/Joint Secretaries/
Deputy Secretaries and Under Secretaries to the
Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of the Departments in Himachal Pradesh.
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5. All the Chairmen/Managing Directors/Secretaries &
Registrars of all the Public Sector Undertakings/
Corporations/Boards/Universities, etc. in H.P.

Dated: Shimla-171002, the 16th March, 2010.

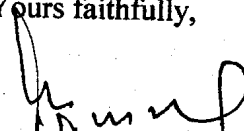
Subject:- Implementation of Constitution (85th Amendment) Act, 2001 and
assignment of seniority to SC/ST Government servants on promotion
by virtue of rule of reservation/roster.

Sir,

In continuation of this department's letter of even number, dated the
20th January, 2010 on the subject cited above, I am directed to say that in para-2 of
the said letter the words "wherever reservation is applicable" are substituted by the
words "wherever consequential seniority by virtue of rule of reservation will be
applicable". It is further clarified that where initial entry in Class-I post is 100% by
direct recruitment, in such cases, rule of reservation is not applicable for promotion
from Class-I to Class-I and in such cases, the interim order passed by the Hon'ble
Supreme Court on 04.12.2009 in Special Leave Petition (Civil) No.30143 of 2009
filed by the H.P. Scheduled Tribes Employees Federation & Anr. is not applicable.

2. These instructions may kindly be brought to the notice of all concerned
for strict compliance.

Yours faithfully,


Secretary (Personnel) to the
Government of Himachal Pradesh.

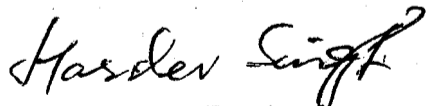
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Deputy Secretary(Pers.) to the
Govt. of Himachal Pradesh