

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Social Welfare Department - Public Services – State and Subordinate Services – Rule of Reservation in promotions in favour of Scheduled Castes and Scheduled Tribes - under Article 16(4A) of the Constitution of India – Orders – Issued.

SOCIAL WELFARE (SW.ROR.1) DEPARTMENT

G.O.Ms. No. 5,

Dated: 14th February, 2003

Read the following:

1. The Constitution (Eighty Fifth Amendment) Act, 2001 to Article 16(4A).
2. G.O.Ms. No.47, Social Welfare (CV.1) Department, dated 31-5-2000.

ORDER:

Article 16(4A) of the Constitution as amended by the Constitution (Eighty Fifth Amendment) Act, 2001 reads as follows:

" 16(4A): Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with **consequential seniority**, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which, in the opinion of the State, are not adequately represented in the service under the State".

2. The said Amendment to the Constitution has been made with an objective of making a provision for reservation in matter of promotion with consequential seniority to any class or classes of posts in the services under the State in favour of Scheduled Castes and Scheduled Tribes which in the opinion of the State, are not adequately represented in the service under the State.

3. In view of the said amendment to the Constitution of India and the demand for rule of reservation in promotion in favour of Scheduled Castes and Scheduled Tribes from various Service Organisations of Scheduled Castes and Scheduled Tribes, to all categories of posts in all departments has been examined by the Government.

4. The Government after careful consideration, have decided to implement rule of reservation in promotion to ensure adequate representation of the Scheduled Caste and Scheduled Tribe employees, ie. 15% and 6% respectively in all categories of posts in all departments. The Government therefore direct that ;

- a) Reservation shall be implemented in favour of Scheduled Castes and Scheduled Tribes in promotion in all categories of posts in all State Government departments with immediate effect.
- b) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes is applicable to all categories or cadres whose cadre strength is more than five.
- c) The existing 100 point roster already prescribed in Rule 22 of the Andhra Pradesh State and Subordinate Service Rules by the State Government shall be followed in cases of promotion in all the categories where reservation in promotion in favour of Scheduled Castes and Scheduled Tribes is followed.
- d) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be prospective and shall be made applicable to the posts to be filled up. As on the date of issue of these orders, the Panel year for 2002-2003 has already commenced from 1st September, 2002 and therefore the panels already prepared and given effect shall not be disturbed. The Panels which are not yet prepared shall now be prepared based on rule of reservation in promotion and Panels prepared and not given effect to, shall be reviewed on the principle of reservation in promotion in favour of Scheduled Castes and Scheduled Tribes.
- e) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall be applicable to those candidates who are fully qualified and

eligible to hold the post as per existing Rules and guidelines.

- f) Reservation in promotion in favour of Scheduled Castes and Scheduled Tribes shall also apply to other institutions in which reservation in respect of Scheduled Castes and Scheduled Tribes is followed.
- g) Detailed guidelines on filling up the roster points based on the rule of reservation in promotions will be issued separately.

5. Appropriate amendment to Rule 22 of the Andhra Pradesh State and Subordinate Service Rules, 1996 will be issued separately.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

SATHI NAIR,
Chief Secretary to Government

To:

All Department of Secretariat, AP Hyderabad
All Heads of Departments
All District Collectors
The Secretary, A.P. Public Service Commission, AP Hyderabad
The Registrar, Andhra Pradesh High Court, AP Hyderabad
The Registrar, Andhra Pradesh Administrative Tribunal, AP Hyd
All Registrars of all Universities in the State
All Managing Directors of Public Sector Undertakings in A.P.
The Commr. of Printing and Stationery, for publication in AP Gazette
PS to Chief Secretary to Government, Genl. Admn. Department
PS to Secretary to Government(Poll), Genl. Admn. Dept
PS to Secretary to Government(Ser), Genl. Admn. Department
PS to Secretary to Government, Law Department
PS to Principal Secretary to Government, Social Welfare Department
PS to Secretary to Government(TW), Social Welfare department
PS to Principal Secretary to C.M.
PS to Special Secretary to CM., AP Hyderabad
PS to Minister for Social Welfare, AP Hyderabad
PS to Minister for Tribal Welfare, AP Hyderabad
All Sections in Social Welfare Department
All Sections in Genl. Admn. Department

//FORWARDED BY ORDER //

K. Anuradha
SECTION OFFICER