

G.I., Dept. of Per. & Trg., O.M. No. 36012/18/95-Estt. (Res.)-Pt. II,  
dated 13-8-1997

*Subject:*—Reservation for SC/ST in promotion to continue till such time  
SC / ST representation reaches the prescribed percentage.

The Supreme Court permitted the reservation for the Scheduled Castes and the Scheduled Tribes, in promotion, to continue for a period of five years from 16-11-1992. Consequent to the judgment in *Indira Sawhney's case*, the Constitution was amended by the Constitution (Seventy-seventh Amendment) Act, 1995 and Article 16 (4-A) was incorporated in the Constitution. This Article enables the State to provide for reservation, in matters of promotion, in favour of the Scheduled Castes and the Scheduled Tribes, which in the opinion of the State are not adequately represented in the service under the State.

In pursuance of Article 16 (4-A), it has been decided to continue the reservation in promotion, as at present, for the Scheduled Castes and the Scheduled Tribes in the services / posts under the Central Government beyond 15-11-1997 till such time as the representation of each of the above two categories in each cadre reaches the prescribed percentages of reservation whereafter, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentages for the respective categories.

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.

C. & A. G. of India Cir. No. 69/NGE/98, dated 21-12-1998

*Subject:*—Promotion of General category candidates against dereserved  
SC/ST vacancies can be done only after getting approval

I am directed to invite a reference to Headquarters circular letter No. 846/NGE-III/1-93/Vol. III, dated 29-4-1993 and No. 904-NGE (App.)/3-97, dated 23-7-1997 on the above subject and to state that continuance of the decisions contained in these circulars regarding non-operation / partial operation of

*Nemice.*