

A. M. Bera
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भारतीय डाक विभाग/ DEPARTMENT OF POSTS
मुख्य पोस्टमास्टर जनरल का कार्यालय, पश्चिम बंगाल सर्किल
OFFICE OF THE CHIEF POSTMASTER GENERAL, WEST BENGAL CIRCLE
कोलकाता/KOLKATA-700012

U/E

सेवा में / To,

All Heads of Units in West Bengal Circle

संख्या/ No. : SFB/R-109/SC/ST/OBC/Ruling

Dated. 07 July, 2018

विषय/ 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.

In continuations of C.O. letter of even no. dated 4/7.11.2016, a copy of Ministry of Personnel Public Grievance and Pensions, Department of Personnel & Training, New Delhi O.M. No. 36036/11/2016-Estt.(Res.I) (Pt-II) dated 15.06.2018 received from Directorate letter No. 137-15/2014-SPB-II dated 28.06.2018 on the subject mentioned above is sent herewith for information, guidance and taking necessary action in the matter.

As per para 5 of O.M. No. 36036/11/2016-Estt.(Res.I) (Pt-II) dated 15.06.2018 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.

Encls : As stated above

A. M. Bera
07/07/18
(एस. के. बेरा/S K Bera)

सहायक निदेशक डाक सेवा (स्टाफ, ई एण्ड पी.एन)
Assistant Director of Postal Services (Staff, E & PN)

Copy forwarded alongwith enclosure for information and necessary action to :-

1. The A.D.P.S. (TO), Circle Office, Kolkata-700012. A copy of Directorate letter No. 137-15/2014-SPB-II dated 28.06.2018 is sent herewith. He is requested to upload the same in the Departmental website of West Bengal Circle (www.indiapostwb.gov.in) early.
2. The A.D.P.S. (Rectt.), Circle Office, Kolkata-700012
3. Section Supervisor, SFA Section, Circle Office, Kolkata-700012
4. Section Supervisor, SFB Section, Circle Office, Kolkata-700012
5. Spare

A. M. Bera
07/07/18
(एस. के. बेरा/S K Bera)

सहायक निदेशक डाक सेवा (स्टाफ, ई एण्ड पी.एन)
Assistant Director of Postal Services (Staff, E & PN)

M13

11/703

To, All Chief Postmaster (s) General,

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

Sir/Madam,

I am directed to forward herewith OM No. 36012/11/2016-Estt(Res-1)(Pt-II) dated 15.06.2018 of the Department of Personnel & Training in connection with the above mentioned subject for information and necessary compliance.

Encl. A/a

Yours faithfully,
(G. Rajeev)
Director (SPN)

No.137-15/2014-SPB-II
Government of India
Ministry of Communications
Department of Posts
(SPB-II Section)

Dak Bhavan, Sansad Marg,
New Delhi-110001,
Dated the 26 June, 2018



for 4/2/18

for 5/2/18

for (5-10-18) 5/2/18

15-1

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

(G. Srinivasan)

Deputy Secretary to the Government of India

Tel. : 2309 3074

To:

1. The Secretaries of all Ministries/Departments of the Government of India
2. Chief Secretaries of all State Governments
3. Shri Maninder Singh, Learned Additional Solicitor General of India
4. Department of Financial Services, New Delhi
5. Department of Public Enterprises, New Delhi
6. Railway Board, Ministry of Railways, Rail Bhavan, New Delhi
7. 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
8. Union Public Service Commission / Staff Selection Commission
9. Ministry of Social Justice and Empowerment, New Delhi
10. Ministry of Tribal Affairs, New Delhi
11. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
12. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
13. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
14. Office of the Comptroller and Auditor General of India
15. Information and Facilitation Center, DoPT, North Block, New Delhi.
16. Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi 110067
17. NIC, DoPT - to upload the same on DoPT website.
18. Hindi Section for providing the Hindi translation