

No. 36012/58/92-Estt.(SCT)
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated 1st December, 1994

OFFICE MEMORANDUM

Subject: Reservation available for Ex-servicemen in Groups 'D', 'C' and specified categories of Group 'B' posts/services under the Central Government- Revised procedure for filling the vacancies

The Government had been considering the method of effecting the available reservation for Ex-servicemen in the light of the judgment of the Supreme Court in *Indira Sawhney* case.

2. The Court has held that reservation for SC/ST/OBCs made under Article 16(4) of the Constitution may be called vertical reservation and the reservation made under Article 16(1) of the Constitution like the reservation for physically handicapped persons as horizontal reservation. Horizontal reservations cut across vertical reservation (in what is called interlocking reservation) and the persons selected against these reservations has to be placed in the appropriate category, that is so say, if he belongs to Sc category, he will be placed in that quota by making necessary adjustment and similarly if he belongs to Open Competition (OC) category, he will be placed in that category by making necessary adjustment. Even after providing for these horizontal reservations, the percentage of reservation in favour of backward class of citizens should remain the same.

3. In the light of the above-said observation of the Supreme Court, it has been decided that the percentage of reservation for Ex-servicemen should remain the same as at present. An Ex-servicemen selected under the reservation provided for them should be placed in the appropriate category, viz., SC/ST/OBC/General category depending upon the category to which he belongs. For example, an Ex-serviceman who is a SC will be counted against the SC reservation point, an Ex-serviceman who is ST or OBC will be counted against ST/OBC reservation point and the Ex-serviceman who belongs to General category will be slotted in the General category vacancy point in the respective reservation roster.

4. All the Ministries/Departments are requested to bring the above instructions to the notice of all the Heads of the Departments and Appointing Authorities under their control for necessary compliance. Necessary amendment to the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979, is being issued separately.