

Government of Odisha
General Administration and Public Grievance Department

No. GAD-SC-RES-0012-2020- 29043 /Gen., Dated, the 1st November, 2021

To

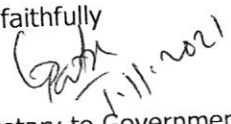
All Departments of Government/
All Heads of Department/
All Collectors.

Sub: Principles to be followed on Vertical and Horizontal reservation during filling up of various State Civil Services and Posts - Clarification thereon.

Sir,

In inviting reference to the GA & PG Department circular No. 1955/Gen., dated 19.01.2021 (copy enclosed), I am directed to say that, elaborate guideline have been prescribed therein to follow specific principles on determination of Vertical and Horizontal reservations while filling up of various State Civil Services and Posts. It has come to the notice of this Department that the said principles are not followed in some quarters which result in discrimination to different minority groups and increase in court litigation. It is therefore, requested to kindly follow the principles on determination of Vertical and Horizontal reservation communicated in GA & PG Department Circular No. 1955/Gen., dtd. 19.01.2021 and the clarification issued by this Department on the FAQ on reservation (copy enclosed) scrupulously during the process of recruitment.

Yours faithfully


Additional Secretary to Government

Memo No. 29044 /Gen., dated the 1st November, 2021.

Copy forwarded to Registrar, Odisha High Court/ Special Secretary, Odisha Public Service Commission, Cuttack/ Secretary, Odisha Staff Selection Commission, Bhubaneswar/Secretary, Odisha Sub-ordinate Staff Selection Commission, Bhubaneswar for information and necessary action.


Additional Secretary to Government

Memo No. 29045 /Gen., Dated the 1st November, 2021.

Copy forwarded to all Branches of G.A. & P.G. Department / Guard file (20 copies)/ G.A. & P.G. Department Library (20 copies) for information and necessary action.


Additional Secretary to Government

Memo No. 29046 /Gen., Dated the 1st November, 2021

Copy forwarded to the G.A. & P.G. (A.R. Cell) Department with a request to post this Circular letter in the website of G.A. & P.G. Department for general information.


Additional Secretary to Government

FAQs on Service condition matters

Sl. No.	Subject	FAQ	Clarification	Referred Resolutions/Rules/Instructions/O.M.
	Assistance	RA Scheme?	considered first. In case, it is decided to appoint other member of the family the same shall be taken into consideration in order of preference as prescribed in Rule-2(b) of OCS (RA) Rules, 1990.	Rules, 1990.
		(ii) Whether an adopted child is eligible for appointment under RA Scheme ?	The child adopted through registered deed, prior to death of the deceased Govt. employee, shall be taken into consideration for appointment under RAS.	Rule-2(b) of OCS (RA) Rules,1990.
		(iii) Whether approval of Administrative Department is required before filling up post under RA Schemes?	Approval of the Administrative Department is not mandatory for filling up of post under RA Schemes.	
6.	PAR	When NRC will be issued?	NRC can be issued only when the officer reported upon has submitted his/her PAR in time. In other cases, where the online PAR has not been initiated in time "Not initiated Certificate" will be issued.NRC may not be a bar for promotion. The self appraisal NRC period (for more than four months) will be assessed and regarded by the DPC/Selection Board.	Letter No. 2659/SE, dtd. 06.07.2019 of G.A. & P.G Department .
7.	Reservation	(i) What is post based reservation and how it can be worked out ?	In post based concept the cadre strength shall be treated as a unit in the operation of roster in order to ascertain whether a class / Group is adequately represented in the service. The roster has to be post specific and not vacancy based.	

FAQs on Service condition matters

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3.	Direct Recruitment	Whether post based reservation is applicable in case of direct recruitment?	Yes. Direct recruitment will be post based as per judgment of the Hon'ble Supreme Court in R.K. Sabharwal Case. " The Hon'ble Supreme Court have held that the appropriate Government has to apply the Cadre Strength as a unit in the operation of the roster in order to ascertain whether a given class/Group is adequately represented in the service. The cadre strength as a unit also ensure that upper ceiling limit of 50 % is not violated. The roster has to be post specific and not vacancy based. It is also held that each point in the roster indicates a post which on falling vacant has to be filled up by the particular category of the candidate to be appointed against it, any subsequent vacancy has to be filled up by that category candidate only."	
4.	Suspension	How to decide the period of suspension?	Suspension period will be decided at the time of conclusion of the DP/ Criminal Case to which the same is directly related. In case of closure of the DP, the Disciplinary Authority while passing the final order of punishment shall give direction about the treatment of period of suspension and indicate whether the same would be treated as on " duty " or " as such " basing upon the complete exoneration of the incumbent from the charges or not, respectively.	Rule - 12 (6) of OCS (CC&A) Rules, 1962.
5.	Rehabilitation	(i) Which member of the family will be eligible for appointment under the	For appointment under the RA Scheme normally the spouse of the deceased Govt. employee is required to be	Rule- 2(b) of OCS (RA)

FAQs on Service condition matters

Sl. No.	Subject	FAQ	Clarification	Referred Resolutions/Rules/Instructions/O.M.
			Ex-Servicemen- 3% and Sports Persons -1%	
		(vi) Whether the post based principles are applicable to work out the reservation for women, PWD, Ex-Servicemen, Sports Person?	NO	
		(vii) What is Catch-up principle?	If a candidate belonging to the SC/ST is promoted to an immediate higher post/grade against a reserved vacancy by virtue Rule of Reservation/Roster earlier than his Senior General /SEBC candidate who is promoted later to the said immediate higher post/ grade, the General/SEBC candidate will regain his seniority over such earlier promoted candidate of the SC/ST in the immediate post/Grade.	
		(viii) Whether Catch-up principle is applicable for SC & ST?	NO	
		(ix) Whether women reservation is applicable in case of promotion?	NO.	
		(x) Whether reservation of Women, Sports Persons also applicable to Group-A posts ?	YES. It is applicable in case of <u>initial recruitment</u> in Group-A, Group-B, Group-C and Group-D posts.	