

RTI REQUEST DETAILS

Registration No. :	CPTRS/R/E/24/00016	Date of Receipt :	07/06/2024
Type of Receipt :	Online Receipt	Language of Request :	English
Name :	Shajil M P	Gender :	Male
Address :	Dy. Chief Accountant (Jr.), Finance Department, Cochin Port Authority, Willingdon Island, Cochin, Pin:682009		
State :	Kerala	Country :	India
Phone No. :	+91-9744907038	Mobile No. :	+91-9744907038
Email :	shajilpurushothaman@gmail.com		
Status(Rural/Urban) :	Urban	Education Status :	Graduate
Is Requester Below Poverty Line ? :	No	Citizenship Status :	Indian
Amount Paid :	10)	Mode of Payment :	Payment Gateway
Does it concern the life or Liberty of a Person ? :	No(Normal)	Request Pertains to :	
Information Sought :	True copy of advice dated 14.02.2024 received from Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training regarding Procedure to be followed prior to effecting reservations in the matter of promotions		

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Endt. No. RTI cell | 1733 | SMP/2024-3 Dt 10/06/2024

Copy of RTI request is forwarded to Asst. Secy, 'A' Section, GAD for furnishing the details sought for by the applicant subject to the provisions under RTI Act, 2005 to the RTI cell on or before 19/06/2024. Please

[Signature]
AP10 (GAD)
10/06/24



ADMINISTRATIVE OFFICE,
COCHIN – 682009

संख्या /No.RTI Cell/SMP/1733/2024-S

दिनांक: 05.07.2024

सेवा में/To

Shri. Shajil M.P
Dy. Chief Accountant (Jr.)
Finance Department
Cochin Port Authority
W/Island, Cochin - 682009

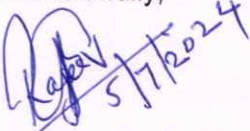
Sir,

विषय /Sub : Information under the RTI Act, 2005- reg.
संदर्भ /Ref : Your application dated 07.06.2024

With reference to above, it is informed that the information is attached herewith (2 pages)





If you are not satisfied with this reply, you may appeal to Sri. Vikas Narwal, IAS, Deputy Chairperson, Cochin Port Authority, Cochin - 682009 being Appellate Authority against the same. The period within which an appeal could be preferred is 30 days from the date of this communication.

Yours faithfully,


5/7/2024

CPIO/Sr. Welfare Officer
General Administration Department
Cochin Port Authority

कोचिन पत्तन प्राधिकरण | विल्लिंगडन आईलैण्ड | कोचिन - 682 009 | भारत
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Reply sent through ctc website & email of training cell on 05/07/24

भारत सरकार / Government of India
कार्मिक लोक शिकायत एवं पेंशन मंत्रालय / Ministry of Personnel, Public
Grievances & Pensions
कार्मिक एवं प्रशिक्षण विभाग/ Department of Personnel and Training

Subject: Procedure to be followed prior to effecting reservations in the matter of promotions -reg.

Ministry of Ports Shipping and Waterways (M/o PS&W) may refer to their I.D. Note, dated 10.01.2024, sent vide their file No. C-13019/75/2023-PE-II seeking clarification on the above subject

2. The case has been perused and point-wise clarification, as sought vide para 3 of their Note # 5 dated 04.01.2024, is furnished as under:

- a. As per the existing policy instructions, reservation is provided to SCs and STs @ 15% and 7.5% respectively in the matters of promotion. The OM dated 12.04.2022, as referred above, requires the Ministries/Departments to maintain the reservation roster as per the guidelines issued by DoPT vide OM dated 02.07.1997 (regarding post-based reservation roster). The OM dated 02.07.1997 contains detailed guidelines for maintenance of post-based reservation roster for each cadre. Model reservation rosters are also annexed with this OM. This OM has been issued in pursuance of the Hon'ble Supreme Court judgement in *Sabharwal* court case and it ensures that the reservation quota for SCs and STs is not breached. This OM also defines the term 'cadre'. The OM states that for the purpose of preparation of roster, the cadre shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules.
- b. In the judgement dated 28.01.2022 in the court of case of *Jarnail Singh*, Hon'ble Supreme Court vide para 17 of its judgement has reiterated its earlier judgement in *Sabharwal* court case in which it was held that reserved category candidates can compete for non-reserved posts and in the event of their appointment to the said posts, their number cannot be added and taken into consideration for working out the percentage of reservation. The Hon'ble Supreme Court has therefor held that the percentage of posts reserved for Backward Classes, as prescribed by the State, has to be strictly followed and cannot be varied or changed simply because some members of the Backward Class have already been appointed/promoted against the general seats. Since



the *Jarnail Singh* batch of cases is pending in the Supreme Court of India, any promotion order, in which the policy of reservation in promotion is involved, shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

c. The adequacy of representation of SC and ST in the promotion is to be ensured so that the reservation quota does not exceed the prescribed percentage. Each Ministry/ Department or organizations under them is required to implement the policy of reservation in promotion as explained in points (a) and (b) above.

3. This issues with the approval of Addl. Secretary (Pers. Policy).

Ajaya
14/02

(Ajay Kumar Sinha)

Under Secretary to the Government of India

Shri Rajiv Nayan, Under Secretary, Ministry of Ports Shipping and Waterways

Transport Bhawan, 1-Parliament Street, New Delhi-110001

DoPT I.D. Note No.36028/1/2022-Estt.(Res-I), dated 14.02.2024

