



दिल्ली विश्वविद्यालय  
UNIVERSITY OF DELHI

स्थापना शाखा- II (I)

ESTABLISHMENT BRANCH-II (I)

कमरा नं० 212

Room No. 212

स्थापना खण्ड

Establishment Block

दिल्ली - 110007

Delhi - 110007

Tel. No. 27001168

Estab. II(i)/038/1990/01/ 1294

4<sup>th</sup> September, 2019

CIRCULAR

The under mentioned office memorandum on the subject mentioned below received from the UGC, which are being uploaded on the University website for information of all concerned.

Sl. No.	OM No.	Subject
1.	UGC vide its letter No. F.1-5/2006 (SCT) dated 16 <sup>th</sup> July, 2018 forwarded the letter F. No.36012/11/2016-Estt. (Res-I) {Pt-II} Government of India, Ministry of Personal, Public Grievances and Pensions Department of Personnel & Training Establishment (Reservation-I) Section.	<p>Implementation of interim orders/direction 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 &amp; 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</p> <p>1. The Hon'ble Supreme Court vide its order dated 15.11.2017 SLP (c) No. 28306/2017 has decided to refer to a Constitution Bench to examine whether its earlier decision in M. Nagraj and other 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.</p> <p>2. The Hon'ble Supreme Court in SLP (C) No. 30621/2011 has passed the following order on 17.05.2018.</p> <p><i>"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' and also in the matter of promotion on merits....."</i></p> <p>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:</p>

	<p>"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."</p> <p>4. The Cadre controlling authorities of Central Government Ministries Department and Union Territories are to carry out promotion in accordance with the directions of the Hon'ble Supreme Court mentioned in paragraphs 2 and 3 above based on existing seniority/select lists.</p> <p>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.</p>
--	--

This issues with the approval of the competent authority.

End. as above:-

The Dean of the Faculties/  
The Head of the Departments/  
The Principal of all Colleges/  
Officers/Branch In-Charges of  
University of Delhi,  
Delhi.

Yours faithfully,



JOINT REGISTRAR ESTAB.-(NT)



विश्वविद्यालय अनुदान आयोग  
University Grants Commission  
(मानव संसाधन विकास मंत्रालय, भारत सरकार)  
(Ministry of Human Resource Development, Govt. of India)  
बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002  
Bahadur Shah Zafar Marg, New Delhi-110002

No.F.1-5/2006 (SCT)

16<sup>th</sup> July, 2018

The Registrar(s)

All Central Universities

All State Universities receiving grant-in-aid

Institutions Deemed to be Universities receiving grant-in-aid from UGC/Government.

Sub.: 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,

Please find enclosed herewith a copy of the Office Memorandum No. F.36012/11/2016-Estt.(Res.I) {Pt.II} dated 15<sup>th</sup> June, 2018 issued by the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, Government of India on the subject mentioned above for information/compliance.

Yours faithfully,

(Dr. Urmila Devi)  
Joint Secretary

Encl. : As stated above.



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. Nagaraj 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, Trikot-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, Old Palme Marg, New Delhi 110067
17. NIC, DoPT - to upload the same on DoPT website.
18. Hindi Section for providing the Hindi translation