

## CHAPTER 5

### GROUPING OF POSTS

Para 6 and Appendix 'E' to MHA O. M. No. 42/21/49-NGS, dated 28-1-52. Deptt of Personnel O. M. No. 1/4/70-Estt. (SCT) dated 11-11-71, and O. M. No. 8/1/74 Estt. (SCT) dated 20-12-1974.

5.1 In the case of posts filled by direct recruitment, isolated individual posts and small cadres may be grouped with posts in the same class for purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question. A cadre or a grade or a division of service consisting of less than 20 posts may be treated as a small cadre for this purpose. A group so formed should not ordinarily consist of less than 25 posts. It is not intended that isolated posts, should be grouped together only with other isolated posts. Subject to the other conditions for grouping, there is no objection to the grouping of any isolated posts with a cadre, grade or division of service consisting of more than 20 posts and already comprising a group by itself. Reservation for Scheduled Castes and Scheduled Tribes would be made according to the group, subject to the condition mentioned in para 5.5 below.

5.2 The instructions regarding grouping of posts for purpose of orders regarding reservations for Scheduled Castes and Scheduled Tribes apply only to posts filled by direct recruitment. In the case of posts filled by promotion, the reservation orders, wherever applicable should be applied to each grade or post filled by promotion separately.

Dept. of Personnel & A. R. O. M. No. 36024/8/76-Estt. (SCT) dated @9-11-1977.

5.3 The posts of Sweepers should not be grouped for purpose of observance of the reservation orders, with other categories of isolated Class IV posts, even though the number of posts of Sweepers may not be large in an office/establishment.

5.4 Proposals for grouping of posts should be referred to the Department of Personnel and Administrative Reforms for prior approval together with full particulars of the posts proposed to be grouped together in the following respects:—

- (i) Designation and number of each post.
- (ii) Group (Class) to which the posts belong—i.e. Group A, Group B, Group C or Group D (Class-I Class-II, Class-III or Class IV).
- (iii) Scale of pay of each post.
- (iv) Method of recruitment for each post as provided in the recruitment rules.
- (v) Minimum qualifications prescribed for direct recruitment to each post.

Deptt. of Personnel & A. R. O. M. No. 1/4/70 Estt. (SCT) dt. 11-11-71.

5.5 While reservations would be made according to the groups as provided above, the total reservation in any of the posts/services so grouped as above should not normally exceed 50 per cent of the vacancies to be filled in it i.e. in the particular post/service, in a recruitment year.

Deptt. of Personnel & Trg. O. M. No. 36011/Estt. (SCT) dt. 23-7-85.

5.6 For the purposes of determining the reservation, the vacancies occurring in various constituents of the Group should be plotted on the roster strictly in a chronological order i. e. sequence of date of occurrence of vacancies.

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\*Please see after chapter 4.

@Please see after chapter 14.

## COPIES OF OFFICE MEMORANDA ETC. ON CHAPTER 5

O. M. No. 42/21/49-NGS	.	.	.	.	.	28-1-52	After chapter 4
O. M. No. 1/4/70-Estt.(SCT)	.	.	.	.	.	11-11-71	
O. M. No. 8/1/74-Estt.(SCT)	.	.	.	.	.	20-12-74	
O. M. No. 36024/8/76-Estt.(SCT)	.	.	.	.	.	9-11-77	After chapter 14
O. M. No. 36011/17/85-Estt.(SCT)	.	.	.	.	.	23-7-85	

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**Department of Personnel O.M. No. 1/4/70-Estt. (SCT)**  
**dated 11th November, 1971 to all Ministries etc.**

**Subject:—**Grouping of posts for the purpose of orders providing reservations for Scheduled Castes and Scheduled Tribes in services.

Attention of the Ministry of Finance etc. is invited to the provisions contained in para 6 of MHA, O.M. No. 42/21/49-NGS, dated 28th January, 1952, in which it has been provided that to secure adequate representation for Scheduled Castes and Scheduled Tribes in isolated posts or in small cadres, posts of similar status and salary may be grouped for the purposes of implementation of orders providing reservations for Scheduled Castes and Scheduled Tribes.

2. In "Director General of Posts & Telegraph Vs. M. Natarajan & others" the High Court of Madras made the following observations regarding the validity of grouping of posts:—

"The Union Government in exercise of its administrative authority was certainly entitled to group cadres of service for the purpose of giving representation to the Scheduled Castes in order to give effect to Article 16(4) of the Constitution. But this is subject to the rule that such representation should not be excessive. In "M. R. Balaji Vs. State of Mysore and Devadasan Vs. Union of India", the Supreme Court opined that any representation to the Scheduled Castes of a reserved character exceeding 50 per cent of the vacancies to be filled in at any time would be unreasonable and bad."

While making these observations the Court held that representation in excess of 50 per cent of the vacancies being filled in a year in one of the services in the group as excessive and bad, even though the reservation provided for Scheduled Castes and Scheduled Tribes in the grouped services as a whole did not exceed 50 per cent of the vacancies filled in that group of services.

3. This matter has been considered further and it has been decided that while reservation for Scheduled Castes/Scheduled Tribes may continue to be made by grouping of posts as provided in the O.M. of 28-1-52, care should be taken that the total reservation in any of the posts/services so grouped does not exceed 50 per cent of the vacancies to be filled in it in a recruitment year. Thus the carriedforward reservations would now be utilised in any one of the grouped posts subject to the total number of reserved vacancies in a post/service not exceeding 50 per cent of the vacancies to be filled in that post/service during the year.

Ministry of Finance etc. are requested to bring the contents of this O.M. to the notice of all appointing authorities, under them.

**Department of Personnel and A.R. O.M. No. 8/1/74-Estt. (SCT)**  
**dated 20-12-1974 addressed to all Ministries etc.**

**Subject :—**Grouping of isolated posts for purpose of orders regarding reservation for Scheduled Castes and Scheduled Tribes.

The undersigned is directed to invite reference to para 6 and Appendix E to the Ministry of Home Affairs O.M. No. 42/21/49-NGS, dated 28-1-1952 which inter-alia provides that whenever a cadre or a grade or division of service to which direct recruitment is made consists of less than twenty posts, steps should be taken to group these posts with prior approval of the Ministry of Home Affairs (now Department of Personnel & Administrative Reforms) with similar posts in the Service, Ministry or Office which are filled by direct recruitments, for purpose of providing for reservations for Scheduled Castes and Scheduled Tribes. With the extension of the scheme of reservations to posts filled by promotion, enquiries have been received whether such a grouping of posts should be done in the case of posts filled by promotion also. The Ministries/Departments concerned have been advised by this Department that the grouping would be operative only in the case of posts filled by direct recruitment and that no such grouping was necessary in the case of posts filled by promotion, as there will be practical difficulties in applying the scheme of grouping, to posts filled by promotion. It is now clarified for the information of all concerned that the instructions regarding grouping of posts for purpose of orders regarding reservation for Scheduled Castes and Scheduled Tribes apply only to posts filled by direct recruitment. In the case of posts filled by promotion, the reservation orders, wherever applicable, should be applied to each grade or post filled by promotion separately. Past cases need not, however, be reopened.

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Department of Personnel and Training O.M. No. 36011/17/85-Estt. (SCT)  
dated 23-7-85

**Subject:**—Grouping of isolated posts for purpose of orders regarding reservation for Scheduled Castes and Scheduled Tribes—Clarifications regarding.

As the Ministry of Finance etc. are aware, the existing instructions provide that in the case of posts filled by direct recruitment, isolated posts and small cadres may be grouped with posts in the same class for the purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question. Instances have come to the notice of this Ministry that in the absence of specific guidelines, varying procedure were being adopted in plotting the vacancies occurring in the various constituents of the group on the roster for the purpose of determining their reservation.

2. The question of laying down a uniform procedure in this regard has been considered in this Ministry it is clarified that for the purposes of determining the reservation, the vacancies *occurring* in various constituents of the Group may be plotted on the roster *strictly in a chronological order* i.e. sequence of date of occurrence. Further, as a single combined roster has to be maintained for giving effect to reservation while making confirmations against permanent vacancies occurring in the various constituents of the Grouping, the permanent vacancies available for confirmation in the various constituents shall also be plotted in a chronological order in the roster while determining their reservation. The point is elucidated in the example given below:

Posts grouped (i) LDC (ii) Stenographer (iii) Record Keeper (iv) Caretaker.

Date of occurrence of vacancies:

LDC	2-3-84
Record Keeper	4-5-84
Stenographer	7-8-84
Stenographer	9-10-84
Caretaker	11-11-84

Posts in the roster

- (Supposing the roster is starting at pt. 1)
1. LDC
  2. Record Keeper
  3. Stenographer
  4. Stenographer
  5. Caretaker.

3. It is requested that wherever isolated posts have been grouped for the purpose of maintenance of roster, the Liaison Officer will have to be shown the roster before the process of recruitment starts and also, the Liaison Officer has to certify in the 'Remarks Column' of the roster that the vacancies in the various constituents have been reflected in a chronological order.

4. The above instructions take effect from the date of issue of these orders except where the process of recruitment has already been started.

5. Ministry of Finance, etc., are requested to bring the above instructions to the notice of all concerned for guidance and compliance.