

F.No.A-41015/94/2010-Ad./VII
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes
.....

New Delhi, the 24th August, 2011

To

All the Chief Commissioners of Income Tax(CCAs).

Sub :-Implementation of the DOP&T OM No. 36012/45/2005-Estt(Res.)
dated 10.8.2010 - Regarding -

Sir,

I am directed to say that on the backdrop of CAT, Mumbai Orders in the O.A.s No. 825 & 762/2010 and O.A. No. 76/2011 on the implementation of DOP&T OM No. 36012/45/2005-Estt(Res.) dated 10.8.2010, a review meeting was taken by JS(Admn)DT on 11.8.2011 and it was observed that :-

- (i) DOP&T is the nodal Department on the issue of reservation and it is mandatory on the part of the Cadre Controlling Authorities to implement their OM dated 10.8.2010 ;
- (ii) At present there is no CAT/Court Order staying the implementation of this OM ;
- (iii) CAT Mumbai in the aforesaid OAs has directed to implement the OM ;
- (iv) On the issue of applicability of judgment of Hon'ble Supreme Court in the matter of Surajbhan Meena vs. State of Rajasthan and in the matter of K. Manorama vs. Union of India, DOP&T is still collecting feedback from the concerned Departments and would have to go through a lengthy process of consultation before arriving at a decision in the matter. Therefore, the Cadre Controlling Authorities should adhere to the existing instructions on the implementation of OM dated 10.8.2010 ; and

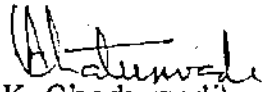
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- (v) The number of officials who are likely to be affected adversely by the implementation of the said order, will have to be assessed by the individual CCAs. Any administrative issues arising therefrom (such as reversion, if any) can be separately addressed to as and when such situation arises.
2. The exercise of implementation of DOP&T's OM dated 10.8.2010 may be undertaken in a time bound manner so as to complete latest by 15th October, 2011 and a compliance report may be submitted to the Board by 31st October, 2011

Yours faithfully,



(A.K. Chadurvedi)

Deputy Secretary to the Govt. of India

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