

WESTERN RAILWAY

P.S.No. 95/2013

Headquarter Office,
Churchgate, Mumbai-20

No. E(SCT)220/0 Vol.IX

Date:19.11.2013

To,

All DRMs / CWMs & Units Incharge,

C/- Genl. Secy., WREU-GTR / WRMS-BCT.

C/- Genl.Secy-All India SC/ST Rly Employees. Assn,'W' Zone, Mumbai

C/- Genl.Secy-All India OBC Rly Empl. Assn, Mumbai.

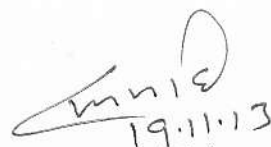
C/-Chairman, Rly.Recruitment Board-Mumbai/ADI/Bhopal

Sub: Appointments of Candidates belonging to Halba Koshti/Halbi
Koshti / Koshti Caste against vacancies reserved for the
Scheduled Tribes.

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A copy of Railway Board's letter No.2013-E(SCT)/31/4 dated
30.10.2013 is enclosed herewith for information, guidance and necessary
action.

Encl: As above.


(Ramprasad B.)
SPO(RP)

For General Manager (E)

Most Immediate
DOP & T's Matter

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2013-E(SCT)D/31/4

New Delhi, Dated 30.10.2013

The Chief Personnel Officers, *Western Rly*
All Indian Zonal Railways,
All Production Units,

The CAO, DMW/Patiala,

The Director General, RDSO/Lucknow

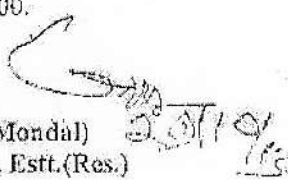
Sub: Appointments of candidates belonging to Halba Koshti/Halbi Koshti/Koshti
caste against vacancies reserved for the Scheduled Tribes.

DOP&T vide Para 3 of their O.M. No. 35011/2/2010-Estt.(Res.) dated 10.08.2010 had clarified that the persons belonging to the 'Halba Koshti/Halbi Koshti/Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by the competent authority under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

Since some of the Railways had raised doubts regarding regularization of appointments/promotions of candidates belonging to these communities which have already been finalized between 28.11.2000 to 10.08.2010, further clarification was sought from DOP&T vide our O.M. dated 05.07.2013.

DOP&T have now clarified vide their O.M. dated 17.07.2013 that persons belonging to the 'Halba Koshti/Halbi Koshti/Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by the competent authority and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

DA: As above


(Goutom Mondal)
Dy. Director, Estt.(Res.)

No. 36011/2/2010-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi, dated: the 10th August, 2010

OFFICE MEMORANDUM

Subject:- Appointment of candidates belonging to Halba Koshti /Halbi Koshti/Koshti caste against vacancies reserved for the Scheduled Tribes - Implementation of judgement of the Supreme Court in the case of State of Maharashtra Vs. Milind and Ors.

The undersigned is directed to refer to this Department's OM No. 42011/22/2006-Estt.(Res.) dated 29th March, 2007 wherein it was stated that admissions and appointments of candidates belonging to the Halba Koshti/Koshti caste who were party in the Civil Appeal No.2294 of 1986 [State of Maharashtra V/s Milind & Ors] and other similar cases in which the Court had given specific relief shall not be disturbed and that the cases other than those protected by the specific order of the Supreme Court shall be dealt with in accordance with the instructions contained in this Department's OM No.11012/7/91-Estt.A dated 19.5.1993.

2. The matter regarding the effect of the judgment of the Supreme Court in Milind's case has been considered by the Supreme Court in Civil Appeal No. 1547 of 2007 [Punjab National Bank & Anr Vs. Vilas, S/o Govindrao Bokade] and some other cases. The Supreme Court in these cases has observed that it had held in Milind's case that though the status of Scheduled Tribe could not be conferred on candidates belonging to Halba Koshti/ Koshti caste, protection had been provided in no uncertain terms to admissions and appointments that had become final. Thus the Supreme Court has held that such candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28.11.2000, the date on which the Supreme Court had decided the Civil Appeal No.2294/1986 [State of Maharashtra V/s Milind & Ors], shall not be affected.

3. The matter has been examined in consultation with the Department of Legal Affairs and it has been decided that the persons belonging to the 'Halba Koshti/ Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by

the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

4. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)

Director

Tel: 23092158