

**GOVERNMENT OF INDIA  
RAILWAYS  
LOK SABHA**

UNSTARRED QUESTION NO:2559  
ANSWERED ON:18.12.2003  
PROMOTION POLICY  
PRAVEEN RASHTRAPAL

**Will the Minister of RAILWAYS be pleased to state:**

- (a) whether the Ministry of Railways is aware of Constitutional Amendment of Article 16(4A) and subsequent DOP OM No.20011/1/2001-Est.(D) dated 21st January, 2002;
- (b) if so, whether the Ministry implemented the said circular with retrospective effect with effect from 30th January, 1997; and
- (c) if so, the details thereof; and
- (d) if not, the reasons therefor?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI BASANAGOUDA R. PATIL)

(a): Yes, Sir.

(b) and (c): The instructions of Department of Personnel and Training contained in their OM dated 21.1.2002 were adopted for application to Railway employees by Ministry of Railways in their letter No.E(NG)/97/SR6/3(Vol.III) dated 8.3.2002. These instructions have been made effective from 17.6.1995 i.e., the date on which Article 16(4A) was included in the Constitution. These instructions inter alia provide that employees belonging to Scheduled Castes and Scheduled Tribes communities on their promotion by virtue of rule of reservation shall be entitled to consequential seniority also. These instructions negated the effect of the Department of Personnel and Training's O.M. dated 30.1.1997 adopted by the Ministry of Railways in their letters dated 28.02.97 and 15.05.98. These earlier instructions stipulated that if an employee belonging to Scheduled Caste and Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior General/OBC employee who is promoted later to the said higher post/grade, the General/OBC employee will regain his seniority over such earlier promoted SC/ST employee in the immediate higher post/grade.

(d): Does not arise.