

# GOVERNMENT OF TAMIL NADU

## ABSTRACT

Adi Dravidar and Tribal Welfare – Reservation – Reservation in posts and appointments – Inadequate representation of Adi Dravidars and Scheduled Tribes in various classes of posts in services under state – Identification of posts inadequately represented – Provision of direct recruitment and appointment – orders- Issued.

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### **Adi Dravidar and Tribal Welfare (TDL) Department.**

G.O. Ms. No.44,  
20.5.98

Dated

Thiruvalluvar

Veghudhanya Vaikasi 6

Andu 2029.

#### ORDER:

The Supreme Court of India in its Judgement dated.16.11.92 in the Writ Petition No.930 of 1990 etc (Indra Sawhney and others) called the Mandal Commission case has given the following directions which would ensure the representation of Scheduled Castes and Scheduled Tribes in Public Services.

“ However the remedy in such cases lies in ensuring that direct recruitment is provided for posts at all levels of the administration and the reservation is kept in all such direct recruitments.

The reservations should further be kept category and gradewise of appropriate percentage and for practical purposes the extent of reservations should be calculated category and gradewise.

The adequacy of representation is not to be determined merely on the basis of the overall numerical strength of the backward classes in the services. For determining the adequacy, their representation at different levels of administration and in

different grades has to be taken into consideration. It is the effective voice in the administration and not the total number which determines the adequacy of representation.

To ensure adequate representation of backward classes which means representation at all levels and in all Grades in the Services, the rules of recruitment must ensure that there is direct recruitment at all levels and in all grades in the services”.

2. In order that the above said directions of the Supreme Court of India are implemented and also in order that the Constitutional mandate requiring adequate representation for SCs/STs is more fully carried out, the Government have decided to provide for recruitment in each Category/ Group of posts. Viz. Group A, Group B, Group C and The Government have decided to provide for recruitment in each Category/Group of posts viz. Group 'A', Group 'B', Group 'C', and Group 'D' posts where representation of Scheduled Caste/Scheduled Tribes is less than 19%. The direct recruitment in each Group will be at the lowest level of post in that Group viz. Group 'A' Group 'B' Group 'C' , Group 'D'.

3. Accordingly, the Government direct that the adequacy of representation of SC/STs in each Category/ Group of posts in all Government Departments State Government undertakings/ Public Sector Undertakings and Institutions receiving Government aid shall be assessed and persons belonging to SC/STs shall be appointed by direct recruitment where the representation of SCs/STs is less than 19%. Such direct recruitment shall be at the lowest level in the Category viz. Group 'A' Group 'B', Group 'C' Group 'D'.

4. In order to achieve the objective stated in the above paragraph it has been ordered that appropriate rules be made wherever necessary in the service rules to incorporate the provisions for direct recruitment.

5. The Government direct that the Committee constituted under the chairmanship of the Minister for Adi Dravidar and Tribal Welfare in G.O.MS.No.156 Adi Dravidar and Tribal Welfare Dated.13.9.97 shall function as the empowered committee to assess whether the SCs/STs are adequately represented in various Government Departments, Government Undertakings, Universities

and Institutions receiving Government aid. This Empowered Committee shall have the power to requisition and obtain necessary details from the Secretaries to Government, Heads of Department, Chief Executive Officers of Public Sector Undertaking, Vice Chancellors of Universities, recruitment agencies like the Tamil Nadu Public Service Commission, Tamil Nadu Uniformed Services Recruitment Board and Teachers Recruitment Board in the discharge of its functions. If necessary, the Committee shall also have the powers to invite them and have discussions in this regard.

6. This Committee shall function as a Standing Committee. The Committee shall take up the review of all Departments/Institutions at least one in a year. The Chairman of the Committee shall decide the periodicity and the number of meetings of the Committee.

7. Based on the review and assessment of the number of posts in the Groups A,B,C, D selection by direct recruitment in respect of SCs/STs shall be undertaken by the recruitment bodies and agencies like the Tamil Nadu Public Service Commission, Tamil Nadu Uniformed Services Recruitment Board and Teachers Recruitment Board and appointments shall be made immediately.

8. The Secretaries to Government in all Departments, the Head of Department etc., shall be responsible to implement the orders fully. Based on the these orders, the Secretary to Government, Adi Dravidar and Tribal Welfare Department shall function as a Nodal Officer to evaluate and aid the functions of other departments in this regard.

9. Similar orders in respect of Backward Classes & Most Backward Classes and Denotified Communities will be issued separately by the Government in Backward Classes & Most Backward Classes Department.

(BY ORDER OF THE GOVERNOR)

R. CHRISTODAS GANDI,  
SECRETARY TO GOVERNMENT

To

All Secretaries to Government, Chennai-9

The Secretary, Legislative Assembly Secretariat,  
Chennai-9

The Secretary to Governor , Guindy, Chennai-32

All High Level Committee Monitoring Members.

All Departments in Secretariat, Chennai-9

All Heads of Departments

All Collectors,

The Accountant General(A.E) Chennai-18

The Accountant General(A.E) Chennai-18(BN)

The Chairman, Tamil Nadu Public Service Commission, Chennai-2

/Forwarded by order/

SECTION OFFICER.