

**GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT**

No.F.2(24)-GA(P & T)/2021

Dated, Agartala, the 22nd June, 2021.

NOTIFICATION

Whereas, a Full Bench of Hon'ble High Court of Tripura had delivered Judgment & Order dated 09/04/2015 *inter alia* laying down the law and guidelines to be followed in the matter of implementation of the provisions of Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 (as amended), especially operation of Section 4(2) thereof, and Rule 9 of the Tripura Scheduled Castes and Scheduled Tribes Reservation Rules, 1992 (as amended);

AND

2. Whereas, the State of Tripura had preferred and an appeal before the Hon'ble Supreme Court of India against the said Full Bench Judgment & Order dated 09/04/2015 vide SLP(C) No.19765-19767 of 2015 along with a prayer for interim stay of operation of the Judgment & Order in Appeal dated 09/04/2015;

AND

3. Whereas, the Hon'ble Supreme Court of India while admitting the said Appeal had been pleased to *inter alia* pass the following interim order dated 27/07/2015;

"In the meanwhile, the parties will maintain the 'status quo'. However, the data of collating the information as postulated in Nagaraj's case may continue."

AND

4. Whereas, promotion in the services of the State Government had remained withheld since 01/04/2017 whereby quite a large number of posts to be filled up on promotion had to remain vacant thereby causing serious hindrance in the day-to-day discharge of administration of the State Government to the detriment of public interest;

[Signature]

AND

5. Whereas, in order to augment efficiency of State administration, the State Government has now decided to fill up posts lying vacant on **ad hoc basis**, pending final determination of appeal *sub judice* before the Hon'ble Supreme Court of India; thereby promoting eligible State Government employees on **ad hoc basis** in the interest of public service by following the process contemplated under the different recruitment rules regulating promotion criteria and procedures for such posts;

6. Now, the State Government hereby notifies the following **Promotion Policy, 2021** as follows :-

- (i) Rule 9 of the Tripura SC & ST Reservation Rules, 1992 and the provisos thereto shall be read in such a manner that only those SC & ST candidates who have qualified solely on the basis of merit and have never taken the benefit of reservation, will be treated to be own merit candidates and entitle to occupy the posts meant for general category and reservation shall be made cadre-wise.
- (ii) 100 point roster shall apply only where the number of posts in the cadre is 4(four) or more.
- (iii) Where the post in the cadre are 3(three) or less, the 3(three) point replacement roster shall be followed.
- (iv) Single post or small cadres cannot be combined to make the number of posts more than 3(three).

7. Following the above policy, the DPC will identify employees eligible for promotion to a particular post against the available vacancies. After this exercise, DPC shall consider another exercise taking into account the procedure as stated in the rule 9(2) of the Tripura SC & ST Reservation Rules, 1992. Due to such exercise, if any candidate is found not considered in the process as stated in the above process, then such candidates shall be considered for ad-hoc promotion by creating supernumerary post(s).



8. It has also been decided by the Government to allow such appointment on ad-hoc promotion as one time measure, following the below mentioned conditions :-

- (i) Appointment on Promotions may be allowed purely on ad-hoc basis subject to final outcome of the SLP pending before the Hon'ble Supreme Court of India.
- (ii) Ad-hoc appointment on promotion shall be considered keeping in view of the latest available seniority list of the feeder post / grade subject to condition that he/she is otherwise suitable & eligible for promotion.
- (iii) No inter-se seniority list shall be determined / published in respect of these ad-hoc promotions.
- (iv) Benefit of the ad-hoc appointment on promotion shall be available to accommodate a candidate to the immediate next higher promotion post / grade only and such benefit shall not be considered to accommodate the said candidate to multiple higher posts / grade with prospective effect.
- (v) To create supernumerary posts, administrative Department shall assess the number of posts to be created to materialize the promotion as per above procedure and inform the total number of posts so determined to Finance Department. No, further concurrence of Finance Department is required.
- (vi) This ad-hoc appointment on promotion shall not be treated as regular appointment on promotion.
- (vii) The ad-hoc appointment on promotion as per guidelines illustrated above shall be started in the highest grade of a cadre / service first. Due to such promotion, the resultant vacancies shall be added with the vacancies in the lower grade, and to be filled up subsequently.

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(viii) Regular DPC may be held based on the existing seniority list. However, while issuing the orders it should be stipulated that these promotions are provisional and subject to the final outcome of the S.L.P. pending before the Hon'ble Supreme Court of India. Subsequently, when the directions become available, a review DPC may be held and the necessary adjustments be made in the promotions of officers based upon the revised seniority list. In case any of the officers/candidate appointed on ad-hoc promotion do not figure in the list approved by the review DPC they may be reverted to the posts held by them earlier.

9. As the persons to be appointed on ad-hoc basis subject to final verdict if the Hon'ble Supreme Court in SLP(C) No.19765-19767 of 2015 are likely to hold such ad-hoc promotion posts for a period of more than 1(one) year, consultation with the TPSC is required, wherever the same is necessary, following the provisions of the TPSC (Exemption from Consultation) Regulations, 1973.

10. Relevant portion of the conditions as mentioned in **Para-8** above shall invariably be incorporated while issuing the promotion order / notification for appointment on ad-hoc promotion.

By order of the Governor

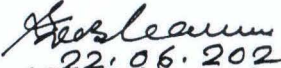

22.06.2021

(S. K. Debbarma)

Deputy Secretary to the Government of Tripura

Copy to :-

1. Secretary to the Governor, Tripura.
2. Principal Secretary to the Chief Minister, Tripura.
3. Office of the Deputy Chief Minister, Tripura, Agartala.
4. Offices of all Ministers, Tripura, Agartala.
5. P.S. to the Chief Secretary, Tripura.
6. All Principal Secretaries / Secretaries / Special Secretaries, Govt. of Tripura.
7. Secretary, Tripura Public Service Commission, Agartala.
8. All Heads of Departments, Tripura.
9. Manager, Government Press, Agartala for publication in the official gazette.


22.06.2021

(S. K. Debbarma)

Deputy Secretary to the Government of Tripura