

There should be No reservation in promotions- Supreme court

Supreme court in a landmark judgement has ruled out reservation in promotions for SC/ST categories.

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NEW DELHI: The Supreme Court has ruled that there could be no quota for SC and ST employees for top posts in public sector banks but reservation for them was permissible in posts from scale-I till scale-VI.

A bench of J Chelameswar and A K Sikri held that though there was no provision for reservation in promotions in banks for officers from scale-I onwards but an office memorandum issued by Department of Public Enterprises in November 2004 permitting quota up to scale-VI.

The bench inferred that “the policy of no reservation in the matter of promotion is applicable only from Scale-VII and above. It, therefore, clearly follows that in so far as promotion from Scale-I to Scale-II, Scale-II to Scale-III, Scale-III to Scale-IV, Scale-IV to Scale-V, Scale-V to Scale-VI are concerned, reservation is to be provided”. The bench said: “It is clarified that at present there is no provision for reservation in promotion by selection only in respect of those posts which carry an ultimate salary of 5,700/- per month (revised



Supreme Court has ruled against reservation in selection of top bankers.

to 18,300 and 20,800/- per month in respect of those public sector undertakings following IDA pattern). Qua (with regard to) appellant Banks, that would be in respect of Scale-VII and above. Therefore, to carry out promotions from Scale-I upwards up to Scale-VI, reservation in promotion in favour of SC/ST employees has to be given.” The court passed the order on a bunch of appeals filed by banks challenging the Madras HC order directing them to provide reservation on the

ground that there is no adequate representation of SC/ST category of officers in Group-IV and above.

The apex court held that HC in its verdict of 2009 has gone by the lofty ideals enshrined in Articles 15 and 16 of the Constitution as well as the fact that in these banks there is no adequate representation of SC/ST category of officers in Group-IV and above.

“That may be so. It can only provide justification for making a provision of this nature.

“However, in the absence of such a provision, same cannot be read by overstressing the language of office memorandum dated August 13, 1997,” it said.

Clarifying its verdict, the bench said, it would have the effect of allowing the writ petitions with directions to the appellant banks to make provision for reservations while carrying out promotions from scale-I to scale-II and upward upto scale-VI.

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