

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.6 in
Petition(s) for Special Leave to Appeal (Civil) No(s).30143/2009

(From the judgement and order dated 18/09/2009 in CWPT No.2628/2008 of the
HIGH COURT OF H.P. AT SHIMLA)

H.P. SCHEDULED TRIBES EMP.FEDN & ANR. Petitioner(s)

VERSUS

HIMACHAL PRADESH S.V.K.K & ORS. Respondent(s)

(For directions and office report)
(FOR FINAL DISPOSAL)

Date: 06/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. P.P. Rao, Sr. Adv.
Mr. Ashok Mathur, Adv.
Ms. Kanika Singh, Adv.
Ms. Apeksha Sharan, Adv.

For Respondent(s) Mr. Parnav Sachdeva, Adv.
for Mr. Prashant Bhushan, Adv.

Ms. Kiran Suri, Adv.

Mr. Debasis Misra, Adv.

Mr. P.V. Yogeswaran, Adv.

UPON hearing counsel the Court made the following
O R D E R

When Special Leave Petition (C) No.30143 of 2009 came up for hearing on 26th April, 2012, this Court passed the following order, in view of the statement made by the learned counsel appearing for the State of Himachal Pradesh, and the special leave petition was disposed of:

"The State of Himachal Pradesh has issued a Circular on 07.09.2007 as regards the promotion of SCs/STs in the State service. The said circular was challenged by the respondent No.1 and the circular was quashed by the High Court by the impugned judgment. Learned counsel appearing for the State submits that the circular issued on 07.09.2007 has since been withdrawn as the State intends to collect more details with regard to representation of SCs/STs and to pass appropriate orders within reasonable time i.e. approximately within three months after collecting necessary details and datas. The petitioner would be at liberty to take appropriate steps, if any adverse order is passed. This Special Leave Petition and the Contempt Petition are thus disposed of finally."

Pursuant to the aforesaid order, it appears that the State of Himachal Pradesh has collected the necessary data as on 31.12.2011. This is evident from the answers given to the Assembly Question Unstarred No.196, to which the reply was given on 4.4.2012. The question was specific in the following terms:

- (a) How much is the present SC/ST backlog in the State; and
- (b) What steps the Government is taking to fill-up the backlog of these categories?

The answer to the aforesaid question (a) and (b) was that "The necessary information is at Annexure - "A"."

A perusal of the Annexure-A shows that the details of backlog position of Scheduled Castes/Scheduled Tribes in direct recruitment and promotion in the services of the State and Boards/Corporations/Public Sector Undertakings etc. as on 31.12.2011. That being the position, we are of the considered opinion that there should be no impediment in the way of the respondents in taking a final decision on the question of providing reservation to the members of Scheduled Castes and Scheduled Tribes in the matter of promotion within the State of Himachal Pradesh.

Learned counsel appearing for the State of Himachal Pradesh submits that the Government will require at least six months time to take the necessary decision. We are not inclined to accept the aforesaid submission. In our opinion, in the facts and circumstances of this case, it is necessary for the State of Himachal Pradesh to take the necessary policy decision on the question of providing reservation to the members of Scheduled Castes and Scheduled Tribes in the matter of promotion in the services within the State of Himachal Pradesh, within a period eight weeks from the date of receipt of a certified copy of this order.

The State of Himachal Pradesh is directed to place on record the compliance report before the next date of hearing.

This matter shall stand over for ten weeks.

(A.S. BISHT)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER