

Copy of letter No. 1/41/93-RCI/459, dated 17th January, 1994 from Secretary to Government, Punjab Scheduled Caste and Backward Classes to All Heads of Departments, Commissioners of Divisions, District and Session Judges, Deputy Commissioners and Registrar, Punjab & Haryana High Court and Copy to others.

Category
No.

Subject.--Socio Economic Criteria for identification of Socially Advanced Persons (Creamy Layer) from the Other Backward Classes in the State of Punjab for their exclusion from the benefit of reservation meant for these classes in the State Services/posts-revision thereof.

I am directed to invite a reference to Punjab Government letter No. 8/113/88-SWA(4)9119, dated the 28th November, 1990, in which it was provided that the members of Backward Classes that is the Castes notified as backward by the State Government from time to time, whose income exceeds Rs. 10,000 per annum shall not be entitled to the benefit of reservation meant for them in the State Services. The State Government has given a fresh look to the matter. It has been decided to replace the above mentioned Socio-economic criterion with the criteria adopted by the Government of India that is now only these persons/sections belonging to the castes notified by the Punjab Government as backward from time to time, who are socially advanced (creamy layer) as enumerated in column 3 of the Schedule to this letter shall be excluded from the benefit of reservation meant for these classes in the services/posts of the State Government. Henceforth the persons/sections falling in column No. 3 of the Schedule to this letter shall not be entitled to any such benefits and reservation shall not apply to them.

2. The said rule of exclusion will, however, not apply to persons working as artisans or engaged in hereditary occupations, callings. The list of such occupations, callings will be issued separately.

3. This decision will take effect from the date of issue of these orders. It will, however, not apply to vacancies where recruitment process has already been initiated before the issue of these orders.

4. The Other Backward Classes for the purpose of reservation would comprise the castes and communities which have been notified or will be notified by the State Government from time to time as backward.

5. Similar instructions in respect of Public Sector Undertaking and Financial Institutions including Public Sector Banks will be issued by the Government in respective Departments from the date of issue of these orders.

6. The authorities which were earlier competent to issue the Backward Class Certificate shall now certify that the candidate does not belong to creamy-layer of other backward Classes and that he/she is eligible to be considered for posts reserved for other backward Classes. Revised proforma of the certificate to be issued to the candidates belonging to Backward Classes is enclosed as Annexure 'A'. Before issuing a certificate in favour of a Backward Class Candidate for eligibility for reservation in jobs under Backward Classes quota, the concerned authority shall satisfy himself/herself about the genuineness of his claim after obtaining application from him in the prescribed form as at Annexure 'B'.

7. The receipt of this letter may please be acknowledged.

SCHEDULE

Category No.	Description of Category	To whom rule of exclusion will apply
1	2	3
I	Constitutional Posts	Son(s) and daughter(s) of (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commission; Comptroller and Auditor General of India; (e) Persons holding Constitutional positions of like nature.
II	Service Category A. Group A/Class I officers of the All India, Central and State Services (Direct Recruits)	Son(s) and daughter(s) of (a) Parents, both of whom are Class I officer; (b) Parents, either of whom is a Class I officer; (c) Parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. (d) Parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit or employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. (e) Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has/had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. Provided that the rule of exclusion shall not apply in the following cases:

Category No.	Description of Category	To whom rule of exclusion will apply	Categ No.
1	2	3	1
B	Group B/Class II officers of the Central & State Services (Direct Recruitment).	<p data-bbox="830 451 1400 594">(a) Sons and daughters of parents either of whom or both of whom are Class-I officers and such parent(s) dies/die or suffer permanent incapacitation.</p> <p data-bbox="830 607 1400 749">(b) A lady belonging to OBC category has got married to a Class-I officer, and may herself like to apply for a job.</p> <p data-bbox="830 768 1210 795">Son(s) and daughter(s) of</p> <p data-bbox="830 814 1400 868">(a) Parents, both of whom are Class II officers.</p> <p data-bbox="830 881 1400 997">(b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.</p> <p data-bbox="830 1010 1400 1319">(c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has/had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation.</p> <p data-bbox="830 1333 1400 1534">(d) Parents, of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation and</p> <p data-bbox="830 1548 1400 1803">(e) Parents, of whom the wife is a Class I officers (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation: Provided that the rule of exclusion shall not apply in the following cases;</p> <p data-bbox="921 1817 1243 1843">Sons and daughters of</p> <p data-bbox="830 1857 1400 1921">(a) Parents both of whom are Class II officers and one of them dies</p>	11

Category No.	Description of Category	To whom rule of exclusion will apply
1	2	3
		<p>or suffers permanent incapacitation.</p> <p>Sons and daughters of</p> <p>(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 year before their death or permanent incapacitation.</p>
C.	Employees in Public Sector Undertakings etc.	<p>The criteria enumerated in A&B above in this Category will apply mutatis mutandi to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and position under private employment, Pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.</p>
III	<p>Armed Forces including Para Military Forces (Persons holding civil posts are not included)</p>	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and equivalent posts in the Navy and the Air Force and the Para Military Forces;</p> <p>Provided that :--</p> <p>(i) If the wife of an Armed Forces Officer is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;</p> <p>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;</p> <p>(iii) If the wife of an Officer in the Armed Forces is in civil employment, this will not be taken into account for applying</p>

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Category No.	Description of Category	To whom rule of exclusion will apply
1	2	3

Category No.

1

the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

IV. Professional Class and those engaged in trade and industry

- (I) Persons engaged in profession as a doctor, lawyer, Chartered Accountant, Income-tax Consultant, financial or management consultant, Surgeon, engineer, architect, computer specialist, film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status
- Criteria specified against Category VI will apply :--

- (II) Persons engaged in trade, business and industry
- Criteria specified against Category VI will apply:

Explanation:

- (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment. The income/wealth test will apply only on the basis of the husband's income.
- (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed within it.

V. Property Owners
A. Agricultural holdings

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns.

- (a) only irrigated land which is equal to or more than 85% of the statutory ceiling area; or

Category No.	Description of Category	To whom rule of exclusion will apply
1	2	3

(b) both irrigated & unirrigated land as follows:

The rule of excluding will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated (by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, than the rule of exclusion will apply and disentitlement will occur).

(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

B. Plantations

- (i) Coffee, tea, rubber etc. Criteria of income/wealth specified in category below will apply.
- (ii) Mango, citrus, apple plantations etc. Deemed as agricultural holding and hence criteria at a above under this.

C. Vacant land and/or buildings in urban areas or urban agglomerations.

Category will apply. Criteria specified in Category VI below will apply.

Explanation Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

Category No.	Description of Category	To whom rule of exclusion will apply
1	2	3
VI.	Income/Wealth test	<p data-bbox="839 450 1240 478">Son(s) and daughter(s) of—</p> <p data-bbox="839 491 1390 695">(a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p data-bbox="839 708 1390 939">(b) Persons in Categories I, II, III, and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p> <p data-bbox="852 945 1070 972">Explanation :--</p> <p data-bbox="863 994 1390 1075">(i) Income from salaries or agricultural land shall not be clubbed;</p> <p data-bbox="852 1094 1390 1292">(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however so demands, the interval may be less.</p> <p data-bbox="860 1306 1390 1455">Explanation: Whenever the expression "Permanent incapacitation" occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.</p>

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Annexure-A

FORM OF CERTIFICATE TO BE PRODUCED BY A CANDIDATE BELONGING TO A BACKWARD CLASS IN SUPPORT OF HIS CLAIM

FORM OF CERTIFICATE OF BACKWARD CLASS

This is to certify that Shri/Shrimati/Kumari..... son/daughter of.....village/town..... in district/division.....of the State of Punjab belongs to the..... caste which is recognised as a Backward Class in terms of Punjab Government letter No.....dated

2. This is also certified that he/she does not belong to any category of persons/sections mentioned in column 3 of the schedule to Punjab Government, Department of Welfare letter No. 1/41/93-RC1/459, dated 17th January, 1994.

3. Shri/Shrimati/Kumari.....and/or/his/her family ordinarily reside(s) in village/townof District/Division..... of the State of Punjab.

Place :

State

Date

Signature.....

Designation.....

(with office seal of the officer concerned)

Annexure-B

APPLICATION FORM FOR A CERTIFICATE FOR ELIGIBILITY FOR
RESERVATION OF JOBS FOR OTHER BACKWARD CLASSES IN
CIVIL POSTS AND SERVICES UNDER GOVERNMENT OF PUNJAB

To

Sir,

I request that a certificate in respect of reservation for other Backward Classes in Civil Posts and Services under Government of Punjab be granted to me.

1. I give below the necessary particulars :--

1. Full name of the applicant
(in block letters).
2. Date of birth.
3. Complete Residential address
 - (a) Present
 - (b) Permanent
4. Religion
5. Caste
6. Sub-caste
7. Occupational Group
8. Serial Number of the Caste in
the State List of OBCs.
9. Name of Father
10. Name of Mother .
11. Name of Husband
12. Status of parent (s)/Husband

Father Mother Husband

(A) Constitutional Posts.

(I) Designation

(B) Government Services.

- (i) Service (Central/State)
- (ii) Designation
- (iii) Scale of pay, including
classification, if any
- (iv) Date of appointment to
the post.
- (v) Age at the time of
promotion to Class I
Post (if applicable)

Father Mother Husband

II. Employment in international Organisation e.g. IN UNICEF WHO.

- (i) Name of Organisation
- (ii) Designation
- (iii) Period of service
(indicate date from.....to.....)

III. Death/permanent Incapacitation(omit if not applicable)

- (i) Date of death/permanent Incapacitation putting an officer out of service.
- (ii) Details of Permanent incapacitation.

(C) Employment in Public Sector Undertakings etc.

- (i) Name of Organisation
- (ii) Designation
- (iii) Date of appointment to the Post.

(D) Armed Forces including Para-military Forces

(This will not include persons holding civil posts)

- (i) Designation
- (ii) Scale of Pay

(E) Professional Class (other than those covered in item Nos. B&C) and those engaged in trade, Business and Industry

- (i) Occupation/Profession.

(F) PROPERTY OWNERS.

(F).I. Agricultural Land Holding: owned by mother, father & minor children.

- (i) Location
- (ii) Size of holding
- (iii) (a) Irrigated
(Type of irrigated land).
 - (i)
 - (ii)
 - (iii)

To be Certified by District Revenue Officer not lower than the rank of Tehsildar.

- (b) Unirrigated.
- (iv) Percentage of irrigated land holding to statutory ceiling limit under State land Ceiling Laws.
- (v) If land holding is both irrigated/unirrigated / total irrigated land holdings on the basis of conversion formula in State Land Ceiling Law.
- (vi) Percentage of total irrigated land holding to statutory ceiling limit as per. (iv).

(F) II. Plantation :

- (i) Crops/Fruit
- (ii) Location
- (iii) Area of Plantation

(F) III. Vacant land and/or buildings in Urban areas or urban agglomeration.

- (i) Location of Property.
- (ii) Details of Property.
- (iii) Use to which it is put.

FatherMotherHusband

(G) Income/Wealth

- (i) Annual family income from all sources (excluding salaries & Income from agricultural land).
- (ii) Whether Tax payer (Yes/No) (if yes, a copy of the last three years return be furnished).
- (iii) Whether covered in Wealth Tax Act (Yes/No) (If so, furnish details).

(E) Any other remarks.

(F) I certify that the above said particulars are true to the best of my knowledge and belief and that I do not belong to the Creamy Layer of OBCs and am eligible to be considered for posts reserved for O.B.Cs. In the event of any information being found false or incorrect, or ineligibility being detected before or after the selection, I understand that my candidature/appointment is liable to be cancelled and I shall be liable to such further action as may be provided under the law and/or Rules.

Yours faithfully,

Place :

Signature of the candidate

Date :