

GOVERNMENT OF PUNJAB
DEPARTMENT OF WELFARE
(RESERVATION CELL)

To

1. Chief Secretary, Punjab Government.
2. All the Additional Chief Secretaries/Financial Commissioners/Commissioners/Principal Secretaries/Administrative Secretaries to Government of Punjab.
3. Commissioners of Divisions.
4. All Heads of Departments.
5. All Deputy Commissioners
6. All Additional Deputy Commissioner (Dev.)
7. All Sub Divisional Magistrates.

No.1/28/2004-RC1/ 620446/1
Dated: 3-11-2015

Subject: Regarding reservation/representation of SC/BC communities in the category of persons, being hired on direct contract and indirect contract (through contractors/middlemen/service providers/out-sourcing agencies/ consultancy firms and such other intermediaries etc.).

Sir/Madam,

After different representations/meetings, it has been brought to the notice of Welfare Department, that many departments and their respective Corporations/boards/Autonomous institutions/Universities/Societies/Companies/Commissions and other Misc. Government bodies etc.; are not giving due representation/reservation to SC/BC communities in the category of persons being hired through direct contract and through indirect contract (through contractors/middlemen/service providers/outsourcing agencies/consultancy firms and other intermediaries etc.)

Your attention is invited to this Department's letter no. 2/236/79-SW1/8105, dated 18.08.1983, Endst No.1/9/2004-RC1/931-937, dated 11.08.2004, and also the provisions explained clearly in the the Section -4 (7) of "The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006" which is being reproduced here, for information and compliance please;

"Reservation shall be applicable to vacancies to be filled on adhoc basis, short term vacancies, work charged establishment, daily wages staff and the staff engaged on contract basis."

From the above, it has been clear, that reservation/representation of SCs/BCs are to be ensured not only in contractual jobs(Direct or indirect), but also on the vacancies to be filled on adhoc basis, short term vacancies, work charged establishment, daily wages staff etc.

Shanku
28/10/2015

2. The prime Employer (the Government organizations etc.) are responsible to ensure that the representation/reservation of SC/BC persons are done in line with the provisions of the Punjab SC/BC Act, 2006. The percentage of Reservation provided in the Act, has to be applied in case of the so called "outsourced" (Indirect Contract) categories also. Merely making an Intermediary Stand, in between, prime employer (Government organizations etc.) and the persons hired to do the Government job, does not absolve the prime employer, of its responsibility to see that the Constitutional provisions and provisions under relevant Acts, rules, instructions, meant for the purpose, are implemented.

3. Apart from the Regular Roster Register maintained by each government organization/Body; Another Roster register is required to be maintained (For description of Men power hired on contractual basis) with A and B columns (A) Would be for those persons, hired directly by department/organization and (B) Would be there, For the description of persons, hired through Contractor/Middlemen/outsourcing agency or any intermediary. The register for contractual (Direct and Indirect) should be maintained on the same pattern, as is done in case of regular employees. We would hold the prime employer (the competent authority of the government organization) responsible, for the implementation of State Government's reservation policy, as Provident Fund Commissioner holds the prime employer responsible, for the implementation of Provident Fund Act.

4. Apart from the existing teams, we would be preparing reasonable number of Roster Teams (which would take some time) and then these teams would start looking at these Registers/columns of each Department/organization, from the second week of February-2016. If due representation is lacking among the persons hired so far, then the competent official of each department/organization; under your supervision, may please be advised to make necessary amends among the persons, hired so far, through any intermediary (through Letter or via the agreement signed with individual, institution or any intermediary- Formally or informally) or additional persons be hired to fulfill the required percentage fixed for SC/BC categories, well before the end of January, 2016

5. These instructions may please be brought to the notice of all the concerned; under your control, as non compliance would attract action, under different provisions of law.

The receipt of this letter may please be acknowledged.

Yours faithfully,


(Kripa Shankar Saroj, IAS)

Secretary to the Government of Punjab
Department of Welfare.

30/10/2015

A copy is forwarded to the following for information and necessary action:-

1. Private Secretary to the Principal Secretary to Chief Minister, Punjab.
2. The Chairman, Scheduled Castes Commission, Punjab, Chandigarh.
3. The Chairman, Backward Classes Commission, Punjab.
4. Managing Directors, Directors, of Punjab Government Organizations.
5. Director Welfare, Punjab, Chandigarh.


(Kripa Shankar Saroj, IAS)

Secretary to the Government of Punjab
Department of Welfare.

I.D.No.1/28/2004-RC1/62 0446/2

Dated: 3-11-2015