

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Backward Classes Welfare Department – Reservation for Other Backward Classes in Civil Posts and Services under the Government of India - Criteria to determine the Creamy Layer among Backward Classes as fixed by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Government of India (GOI) by raising the annual income limit from Rs.4.50 lakh to Rs.6.00 lakh – Orders – Issued.

BACKWARD CLASSES WELFARE (C) DEPARTMENT

G.O.Ms.No. 26

Date: 09-12-2013
Read the following:

1. From the Joint Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), New Delhi Office Memorandum No.36012/22/93-Estt.(SCT), dated 08.09.1993.
2. Govt. of Andhra Pradesh Memo.No.3047/P2/94-4, dated 28.03.1994.
3. From the Deputy Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi Office Memorandum No.36033/3/2004-Estt.(Res), dated 09.03.2004.
4. G.O.Ms.No.3, B.C. Welfare (C) Department, dt.04.04.2006.
5. From the Director, Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi Office Memorandum No.36033/3/2013-Estt.(Res.), dated 14.10.2008.
6. From the Under Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi Office Memorandum No.36033/1/2013-Estt.(Res), dated 27.05.2013.

ORDER

In the reference 1st read above, Govt. of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), New Delhi have issued orders regarding criteria for reservation for socially and educationally backward classes in Civil Posts and services under the Government of India. Further it was ordered that the gross annual income of Rs.1.00 lakh or above for a period of **three consecutive years would fall within the creamy** layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes.

2. The Government of India, issued the following guidelines:

- i) "The undersigned is directed to refer to the Department' O.M.No.36012/31/90-Estt.(SCT), dated the 13th August, 1990 and 25th September, 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and others Vs. Union of India and others case [Writ Petition (Civil) No.930 of 1990] the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

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- ii) Consequent to the consideration of the Expert Committee's recommendations this Department's (Department of Personnel and Training) Office Memorandum No.36012/31/90-Estt.(SCT), dated 13-08-1990 referred to in para (i) above is hereby modified to provide as follows:
- (a) 27% (twenty seven percent) of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
 - (b) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
 - (c) i) The aforesaid reservation shall not apply to persons/sections mentioned in column 3 of the schedule to this office Memorandum which is enclosed herewith.
 - ii) The rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, callings will be issued separately by the Ministry of Welfare.
 - d) The Other Backward Classes for the purpose of the aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists. A list of such castes and communities is being issued separately by the Ministry of Welfare.
 - e) The aforesaid reservation shall take immediate effect. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of this order.
- iii) Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this Office Memorandum."
3. In the reference 2nd read above, Government of Andhra Pradesh adopted all the criteria as fixed by the Government of India .
4. In the reference 3rd read above, Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi have raised the annual income limit from Rs.1.00 lakh to Rs. 2.5 lakh for determining the creamy layer amongst the Other Backward Classes.
5. In the reference 4th read above, Government have adopted all the criteria to determine the creamy layer among Backward Classes as fixed by Government of India, except the annual income limit, which is fixed by Government of India at Rs.2.50 lakhs per annum, was fixed at Rs.4.00 lakhs per annum in the State of Andhra Pradesh.

6. In the reference 5th read above, Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi have raised the income limit from Rs.2.50 lakh to Rs.4.50 lakh per annum for determining the creamy layer amongst the Other Backward Classes.

7. Subsequently, in the reference 6th read above, Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi has raised the income limit from Rs.4.50 to Rs.6.00 lakh per annum for determining the creamy layer amongst the other Backward Classes.

8. Government after careful examination of the matter, have decided to raise the income limit from Rs.4.50 lakh to Rs.6.00 lakh per annum for determining the creamy layer amongst the Backward Classes in Andhra Pradesh State.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. T. RADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Backward Classes Welfare, Andhra Pradesh, Hyderabad.
(jtdir_bcw@ap.gov.in)

The Member Secretary, Andhra Pradesh Commission for Backward Classes,
Hyderabad. (apcbc@gmail.com)

The Vice Chairman & Managing Director, A.P. Backward Classes, Co. operative
Finance Corporation Ltd., Hyderabad. (apbcfc@yahoo.com)

All Spl.Chief Secretaries / Principal Secretaries / Secretaries of the Departments in
Secretariat.

All Heads of Departments in the State.

All the District Collectors in the State.

General Administration (Cabinet) Department.

General Administration (Services) Department.

Copy to:

Special Secretary/Secretary to C.M.

OSD to Minister (Backward Classes Welfare).

All OSDs / P.Ss of Ministers

The Commissioner, Information & Public Relations. (publicitycell@gmail.com)

SF / SC

// FORWARDED : BY ORDER //

SECTION OFFICER