

GOVERNMENT OF RAJASTHAN
Department of Personnel (A-5)

No.F.9(26)/Karmik/Ka-5/95

Dated: July 11, 2001

To,

The Collector & District Magistrate,
KOTA.

SUBJECT: Clarification regarding applicability of creamy layer in the matter of reservation for Other Backward Classes.

REFERENCE: Your letter No.Nyaya/Jati/2001/2900 dated May 21, 2001.

Dear Sir,

Kindly refer to your above-mentioned letter dated May 21, 2001 whereby you have sought certain clarifications regarding applicability of creamy layer regarding reservation for the Other Backward Classes. The two issues on which clarification has been sought by you are hereby clarified as follows :-

ISSUE: Applicability of the Rule of Exclusion under "II. SERVICE CATEGORY" of the schedule appended to Notification No.F.9(8)DOP/A-V/90 dated Sept 28, 1993..

The matter has been examined with reference to the Schedule appended to Notification No.F.9(8)DOP/A-V/90 dated Sept 28, 1993 and this department's Circular of even No. dated May 01, 1999 . The entry at (A) under Service Category states that Group A / Class I Officers of State Services are covered under this entry. Similarly, the entry at (B) under Service Category states that Group B / Class II Officers of the State Services are covered under this entry. Vide this department's above-mentioned Circular dated May 01, 1999 it has been clarified that all government servants who have been directly recruited on the posts in pay scale Nos. 13 to 22 and are drawing pay in Pay Scale Nos. 13 (8000-13500) to 22 (18400-22400) shall be deemed to be equivalent to Class I Officers of the Central Government. Similarly, it has been clarified that all government servants who have been directly recruited on the posts in pay scale Nos. 11 to 12-A and are drawing pay in Pay Scale Nos. 11 (5500-9000) to 12-A (7500-12000) shall be deemed to be equivalent to Class II Officers of the Central Government. This Circular does not refer to any particular Service. Therefore, it is hereby clarified that all the employees of the State Government who are drawing pay in the above-mentioned Pay Scales will

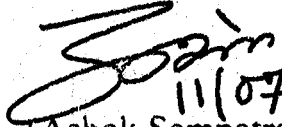
be covered under this Category provided they are directly recruited in any of these pay scales and their children shall not be eligible for availing the benefit of reservation for the Other Backward Classes.

ISSUE: Whether government servants will be covered only under Category II "SERVICE CATEGORY" or the "INCOME/WEALTH TEST" prescribed under Category VI will also be applicable to them.

This provision is an independent yardstick for determining eligibility for availing the benefit of reservation for Other Backward Classes and it is applicable to government servants also. In this connection attention is invited to Explanation (i) under Category VI "INCOME/WEALTH TEST" which clearly states that income from salaries / agricultural land shall not be clubbed for the purposes of calculating the gross annual income with reference to this Category. Therefore, if the gross annual income of a government servant, excluding the income from salary and from agricultural land, is more than Rs 2.50 lakhs per annum then the benefit of reservation for Other Backward Classes will not be admissible to his/her children. Similarly, if any government servant possesses wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years the children of such government servant will also not be eligible for availing the benefit of reservation for Other Backward Classes.

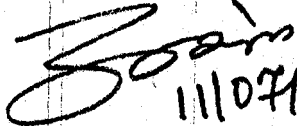
You may bring the above-mentioned clarifications to the knowledge of all concerned for ensuring compliance.

Yours faithfully,


11/07/2007
(Ashok Sampatram)
Secretary to Government

Copy for information and necessary action to :

All Divisional Commissioners
All Collectors & District Magistrates


11/07/2007
Secretary to Government