

Most immediate

F. No.20/35/2015-Welfare
Government of India
Ministry of Finance
Department of Financial Services

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Jeevandeep Building, Parliament Street,
New Delhi, dated the 24th June, 2015

To

1. The Chairman & Managing Directors/MDs of All Public Sector Banks, MDS of SBI and it's Associate Banks / Public Financial Institutions and Public Sector General Insurance Companies.
2. The Chief General Manager (HRDD) RBI, Mumbai.
3. The Chairman, IBA/ IBPS.
4. Chairman PFRDA/IRDA.

Subject: - Clarification sought by Banks in respect of OBC Candidates belonging to JAT community after Supreme Court's Judgments dated 17.03.2015.

Sir,

I am directed to enclose herewith a copy of Office Memorandum No. 36028/2/2012-Estt.(Res.) dated 17.06.2015 from the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (DoPT), New Delhi, inter-alia addressed to the Department of Financial Services, on the subject mentioned above for information with the directions to ensure strict compliance to the instructions as contained in the enclosed O.M. in your respective organizations with the immediate effect.

2. Receipt of this letter may kindly be acknowledged.

Yours faithfully,



(Krishan Kumar)

Under Secretary of the Government of India
Tel. No. 23748736

Encl: As above.

Copy for information to:

1. JS (BA and P&I), JS (FI), JS (IF), Department of Financial Services.
2. CEO, Indian Bankers' Association, Mumbai
3. CEO, GIPSA, Jeevan Tara Building, Parliament Street, New Delhi.
4. NIC Cell for placing on website of DFS.

No.36028/ 2 /2012-Estt. (Res.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 17th June, 2015

OFFICE MEMORANDUM

Subject: - Clarification sought by Banks in respect of OBC candidates belonging to JAT community after Supreme Court's judgment dated 17.3.2015.

The undersigned is directed to refer to D/o Financial Services' O.M No. 20/35/2015-Welfare, dated 11.6.2015 on the subject cited above and to say that the notification dated 4.3.2014 providing reservation for 'Jat' as OBCs in respect of nine States was issued by the M/o Social Justice & Empowerment which was quashed by the Hon'ble Supreme Court.

2. This issue had been examined in DoPT in the context of reservation for 'Jat' community in the Civil Services Examination conducted by UPSC. D/o Legal Affairs, when consulted opined that " *the law is well settled that once the provisions of law have been declared unconstitutional and ultra vires, its effect would be as if the said provisions were never on the statute book. The declarations of provisions as ultra vires do not take effect from the date it is declared so but from the day of its inception. If the provision is unconstitutional and ultra vires and has been declared to be so by the Court, it was unconstitutional from the day it was enacted (Air 1994 Bom 261). This principle applies with equal force to the orders issued by the Govt. Since the Court has not saved the actions already taken, these actions will not survive because the order issued by the Govt. has been aside and quashed*".

3. Based on Department of Legal Affairs' opinion, UPSC was requested to take further necessary action.

4. This issues with the approval of JS (AT&A).

R. Saraswat
(Raju Saraswat)
Under Secretary (Res-I)
Tel: 23092110

✓ Department of Financial Services
[Kind Attn: Shri Gulab Singh, Dy. Secretary (Welfare)]
3rd Floor Jeevan Deep Building, 10 Parliament Street
New Delhi.

Received
today.
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18/6/15

JS