

Reference Page 16-174/C

68 The PUC is memorandum No.AM/Admn/2008/27 dated 25/12/2008 from Shri Patel Dhirubhai, General Secretary, Ambedkar Mission, Diglipur regarding Policy of A & N Administration on reservations in Govt. Service. As per PUC, they are of opinion that the "Tribal Communities are equally defined under Article 366(25) of the Constitution of India and hence the Tribal Communities are equally eligible for an appointment and promotion against reserved posts under the any Government which posts reserved for Scheduled Tribes".

69 Similarly they have stated that UT of A & N Islands is notified as Department of Central Government and hence there shall not be any discrimination between the SCs and STs of one State or another and in case of employment "all the posts under A & N Administration are Central Civil posts and all employees are also Central Government Servants. For Central Government jobs, all SC/ST candidates other than A & N Islands are also equally eligible for reserved posts for SCs and STs under A & N Administration on the analogies of central Govt. Servant because all posts of A & N Administration are also Central Civil Posts".

20 In this context it is stated that the views of Shri Patel Dhirubhai, General Secretary, Ambedkar Mission, Diglipur is his own and not acceptable as A & N Administration is following the policy of recruiting members from amongst the STs of these islands (the original inhabitants of Andaman and Nicobar Islands). Govt. of India has notified six aborigines of these islands as Scheduled Tribes in relation to Union territory vide constitutional Order No. 58 dated 31.3.1959 (Copy at page 154/c). Since no migrant Scheduled Tribe from the mainland have been included in the Constitution (Andaman and Nicobar Islands) Scheduled Tribes order 1959, they cannot be treated as Scheduled Tribes in the UT of Andaman and Nicobar Islands. In this UT no Scheduled Caste Community has been declared in this UT and hence no Scheduled Caste reservation is followed.

21 Regarding posts under A & N Administration is concerned it may state that the Central Civil posts and posts under A & N Admn. are different and the employees of A & N Administration and employees of Central Government can not be treated as equal or same. Therefore SC/ST candidates other than A & N Islands are not eligible for reserved posts for SCs and STs under A & N Administration.

22 If approved, we may inform the petitioner accordingly. A draft reply is putup for approval please.

27/10/09

Research officer (J)
(t6-Ranchi Association)

Assistant Commissioner (TW)

Secretary (TW)

AC (TW)

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21/23/AC (ms)
04/10/09

138/Secy (TW)
5/2/09
2164/AC (ms)
07/10/09