

Government of India  
Ministry of Railways  
(Railway Board)

R BEN<sup>No.</sup> 91/2023

No.2023-E(SCT)I/25/8

New Delhi, dated 14.07.2023

The General Managers (P)  
All Indian Railways  
& Production Units.  
(as per standard mailing list)

**Sub: Reservation in upgradation of pay structure of certain cadres - clarification**

**Ref: PCVII/2019/RSRP/3 dated 17.11.2022 & 01.12.2022**

References are being received from Zonal Railways seeking clarifications on letters referred above, whether Reservation is applicable in case of upgradation and cadre restructuring. The matter has been thoroughly examined in view of the judgment of Hon'ble Supreme Court in CA No.6934-6946 of 2005 in Union of India vs. Pushparani & others on 29.07.2008 in similar matters and clarified as under:

**Upgradation of posts (functional or otherwise) due to stagnation resulting in cadre review:**

1. In case of Mass Upgradation, where a grade of whole cadre is upgraded from existing grade to higher grade and where all the incumbents are placed in higher grade, without creation of new posts, **reservation shall not be applicable.**
2. However, in cases, where a portion of the sanctioned cadre strength is upgraded to an existing higher grade in that category or a new higher grade, resulting in increase in number of posts, **then the reservation is to be applied to parted strength in lower grade as well as upgraded strength.**
3. Accordingly instructions issued regarding application of reservation as per extant rules vide reference cited would hold good.

This disposes off references received from RCF/Kapurthala, South Western Railway and Eastern Railway vide letter nos. 2022-E/RCF/SCT&OBC/RES/RB dt. 18.04.2023, SWR/P.135/I/Upgradation/Ch.S&WI dt. 13.04.2023 & E.839/Upgradation/Ch.S&WI/HQ dt.17.04.2023 respectively.

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