

# शासकीय कर्मचारियों का क्रीमीलेयर निर्धारण उनके पद से होता है, वेतन से नहीं.

भारत सरकार कार्मिक मंत्रालय नई दिल्ली के निम्नलिखित आदेशों का अध्ययन करें व समझाएं

## (1) आदेश क्रमांक 1: क्रीमीलेयर मापदण्ड दिनांक 08.09.1993

Central

**हाइलाइट्स:** इस आदेश से तीन अलग-अलग श्रेणियों के लिए तीन अलग-अलग क्रीमीलेयर के नियम बनाये गए.

**अर्थात् किस का क्रीमीलेयर किस आधार पर तय होता है? वह निम्नानुसार है.**

- (i) शासकीय कर्मचारियों का:----- पद की श्रेणी से.
- (ii) किसानों का:----- जमीन से.
- (iii) व्यापारियों का:----- तीन वर्ष की वार्षिक आय से (रु. 8 लाख).

विशेष: (1) अतः वार्षिक आय का नियम मुख्यतः व्यापारियों के लिए बनाया गया है.

(2) क्रीमीलेयर हमेशा पिता के परिवार से निर्धारित होता है. उम्मीदवार या उसके पति/ पत्नी से नहीं.

**नियम क्रमांक II:** A (b) माता या पिता डायरेक्ट क्लास वन ऑफिसर----- (1)  
B (a) माता व पिता दोनों डायरेक्ट क्लास टू ऑफिसर----- (2)  
B (b) पिता डायरेक्ट क्लास टू ऑफिसर किन्तु 40 वर्ष की आयु के पूर्व क्लास वन में पदोन्नत----- (3)

टीप: उपरोक्त तीन शासकीय अधिकारियों के अतिरिक्त देश के अन्य सभी अधिकारी, कर्मचारी नॉन-क्रीमीलेयर हैं.

**नियम क्रमांक VI:** जब परिवार (माता, पिता एवं अवयस्क बच्चे) की वार्षिक आय पिछले तीन वर्षों में से किसी एक वर्ष भी 8 लाख रुपए से कम हो तो बच्चे नॉन-क्रीमीलेयर हैं. उदाहरण: 5 लाख, 1 करोड़ व 2 करोड़ आय होने पर भी आरक्षण मिलेगा.

**इस नियम का स्पष्टीकरण:** वार्षिक आय में "वेतन या कृषि भूमि की आय को नहीं जोड़ा जायेगा".

प्रश्न 1: कौन-कौन सी आय को वार्षिक आय में नहीं जोड़ा जायेगा?

उत्तर: वेतन और कृषि भूमि की आय अर्थात् दोनों को ही वार्षिक आय में नहीं जोड़ा जायेगा

प्रश्न 2: वेतन की आय को वार्षिक आय में क्यों नहीं जोड़ा जायेगा?

उत्तर: चूँकि शासकीय कर्मचारियों का क्रीमीलेयर उनके पद से निर्धारित होता है इसलिए वेतन की आवश्यकता नहीं है.

प्रश्न 3: कृषि भूमि की आय को वार्षिक आय में क्यों नहीं जोड़ा जायेगा?

उत्तर: चूँकि किसानों का क्रीमीलेयर उनकी जमीन से निर्धारित होता है इसलिए कृषि भूमि की आय की आवश्यकता नहीं है.

## (2) आदेश क्रमांक 2: पुराना रु. 4.50 लाख का आदेश दिनांक 14.10.2008

स्पष्टीकरण: वार्षिक आय में वेतन या कृषि भूमि की आय को नहीं जोड़ा जायेगा। (यह स्पष्टीकरण 2008 में भी अंकित था)

## (3) आदेश क्रमांक 3: क्रीमीलेयर स्पष्टीकरण आदेश दिनांक 14.10.2004

- (i) पैरा क्रमांक 07: तृतीय श्रेणी में नियुक्त कर्मचारी के प्रथम श्रेणी में पदोन्नत हो जाने पर भी बच्चों को आरक्षण मिलेगा.
- (ii) पैरा क्रमांक 10: वेतन कभी नहीं गिना जायेगा: किसी 1 ही परिवार की वेतन से आय 7 लाख रूपये, कृषि भूमि से आय 7 लाख रूपये व व्यापार से आय 7 लाख रूपये अर्थात् कुल वार्षिक आय 21 लाख रूपये होने पर भी आरक्षण मिलेगा.

## (4) आदेश क्रमांक 4: तहसील से ओबीसी प्रमाण पत्र लेने हेतु निर्धारित आवेदन पत्र के प्रारूप का आदेश दिनांक 15.11.1993

देखें: कॉलम क्रमांक 12 (जी): "सभी श्रोतों से परिवार की वार्षिक आय (वेतन एवं कृषि भूमि की आय को छोड़कर) = ....."

प्रश्न 1: इस कॉलम में शासकीय कर्मचारी कितनी आय लिखेगा?

उत्तर: शून्य, शून्य, शून्य (यदि व्यापार की कोई आय हो, तो केवल वह दर्शाना है)

प्रश्न 2: फिर ओबीसी प्रमाण पत्र लेने के लिए आवेदन पत्र में शासकीय कर्मचारियों को क्या विवरण दर्शाना है?

उत्तर: उन्हें कॉलम 12 (बी) में नौकरी संबंधी पाँच जानकारीयाँ दर्शाना है. (जो नौकरी ज्वाँइन करने के समय की होंगी)

## (5) आदेश क्रमांक 5: आय सीमा 8 लाख रूपये बढ़ाने का आदेश दिनांक 13.09.2017

प्रश्न: यह आय सीमा किस नियम क्रमांक की बढ़ाई गई है?

उत्तर: यह आय सीमा नियम क्रमांक 06 की बढ़ाई गई है अर्थात् बाकि 05 नियम अभी भी लागू हैं. अर्थात् शासकीय कर्मचारियों के लिए पद की क्लास वाला नियम अभी भी लागू है अर्थात् क्रीमीलेयर निर्धारण में वेतन की आवश्यकता नहीं है.

टीप: क्रीमीलेयर समझने व समझाने, इन आदेशों के प्रिन्ट अवश्य लें.

# Creamy layer of Government Servant-----by POST-----Not by salary income.

For Government servant's creamy layer:- Study & explain the following points of five Government orders of Ministry of Personnel Government of India.

**CENTRAL**

|     |  |
|-----|--|
| (1) | Order 1- Creamy layer Criteria dated 08-09-1993  |
|     | <p><b>HIGHLIGHTS</b>                      On what basis the creamy layer is decided?</p> <p>(i) Government Servant ----- by Post or by Class</p> <p>(ii) Farmers----- by land holding</p> <p>(iii) Businessman----- by Annual Income (Rs. 8 lakhs)</p> <p>Important----- So the rule of income is made for "business income" only.</p> <p><b>Rule No. II</b>                      A (b)- Father or mother direct Class-I officer,<br/> B (a)- Father &amp; mother both direct class II officers<br/> B (b)- Father direct class II officer but promoted to class I before the age of 40 years.</p> <p>Only above 3 Government servants are creamy layer, all other are non-creamy layer.</p> <p><b>Rule No. VI-</b>                      When annual family income (family- father mother and minor children) is less than Rs. 8 lakhs for ANY ONE of the last three years children is non-creamy layer.</p> <p><b>Explanation-</b> Income from salaries or agriculture shall not be clubbed with annual income (Important)</p> <p>Question 1- Which income will not be clubbed with the annual income?<br/> Answer- Both, salary &amp; agriculture incomes will not be clubbed with the annual income?</p> <p>Question 2- Why salary income will not be clubbed with annual income?<br/> Answer- Because the creamy layer of Government servant is decided by their post or class that's why salary income is "not needed", "never needed", "why needed" (See HIGHLIGHTS)</p> |
| (2) | Order 2- Old 4.50 lakhs order dated 14-10-2008:-   |
|     | <b>Explanation</b> of Rule no. VI- Income from salaries or agriculture shall not be clubbed with annual income   |
| (3) | Order 3- Creamy layer clarification dated 14-10-2004:-   |
|     | <p><b>Para 7-</b> If a class 3 employee promoted to any level even then children are non-creamy layer.</p> <p><b>Para10-</b> "Salary" never considered. Even if a single family earns salary Rs. 7 lakhs, agriculture income Rs. 7 lakhs &amp; business income Rs. 5 lakhs, total Rs. 19 lakhs in a year the children are non-creamy layer.</p>  |
| (4) | Order 4- Application FORM to get OBC certificate dated 15-11-1993:-  |
|     | <p><b>See Column 12 (G)</b> Annual family income (excluding salary &amp; agriculture income) = Rs.....</p> <p>Question 1- How much income a Government servant will mention in this column?<br/> Answer- "ZERO-ZERO-ZERO" (Only will mention business income, if any)</p> <p>Question 2- Then what details a Government servant parent will furnish to get OBC (NCL) certificate?<br/> Answer- Furnish 5 particulars in Column 12 (B) of "service joining time" &amp; creamy layer will be decided.</p>  |
| (5) | Order 5- 8.00 lakhs revision order dated 13-09-2017:-  |
|     | <p><b>Sentence</b> ---"Income limit of Rule VI (six) of order dt.08.09.1993 is revised from Rs. 6.00 to Rs.8 lakhs."</p> <p>Question- For which rule number the income limit is revised?                      Answer- For Rule number VI (six).</p> <p>It means that all other 5 rules are still alive &amp; applicable. For Government servant the Rule of 'post' i.e. Rule number II of order dated 08.09.1993 is still applicable and salary income is not considered.</p> <p>To explain creamy layer please take the printouts of all the 5 orders...</p>  |

**No. 36012/22/93-Estt. (SCT)**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**(Department of Personnel & Training)**

**New Delhi, the 8th September, 1993**  
**OFFICE MEMORANDUM**

**Subject:-Reservation for Other Backward Classes in Civil Posts and Services under the Government of India—Regarding.**

The undersigned is directed to refer to this Department's 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.

2. Consequent to the consideration of the Expert Committee's recommendations this Department's Office Memorandum No. 36012/31/90-Estt. (SCT), dated 13.8.90 referred to in para (1) above is hereby modified to provide as follows:

- (a) 27% (twentyseven 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.  
(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 OBCs 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.

3. 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.

Sd/-  
(Smt. Sarita Prasad)  
Joint Secretary to the Government of India.

To

All Ministries/Departments of Government of India.

Copy:

1. Department of Public Enterprises, New Delhi : It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks & Insurance Corporation.
2. Ministry of Finance (Banking & Insurance Divisions), New Delhi.

## SCHEDULE

| 1   | Description of category   | To whom rule of exclusion will apply   |
|-----|---|--|
| 1   | 2   | 3  |
| I.  | <b>CONSTITUTIONAL POSTS</b>   | <p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) President of India;</li> <li>(b) Vice President of India;</li> <li>(c) Judges of the Supreme court and of the High Courts;</li> <li>(d) Chairman &amp; Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller &amp; Auditor General of India;</li> <li>(e) persons holding Constitutional positions of like nature.</li> </ul>   |
| II. | <p><b>SERVICE CATEGORY</b></p> <p><b>A. Group A/Class I officers of the All India Central and State Services (Direct Recruits).</b></p> | <p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) parents, both of whom are Class I officers;</li> <li>(b) parents, either of whom is a Class I officer;</li> <li>(c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation.</li> <li>(d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.</li> <li>(e) parents, both of whom are class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.</li> </ul> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <ul style="list-style-type: none"> <li>(a) Sons and daughters of parents either of whom or both of whom are Class-I officers and such parent(s) dies/die or suffer permanent incapacitation.</li> <li>(b) A lady belonging to OBC category has got married to a Class-I officer, and may herself like to apply for a job.</li> </ul> |



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**B. Group B/Class II officers of the Central & State Services (Direct Recruitment)**

Son(s) and daughter(s) of

- (a) parents both of whom are Class II officers.
- (b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.
- (c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;
- (d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and
- (e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation

Provided that the rule of exclusion shall not apply in the following cases :

Sons and daughters of

- (a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.
- (b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

**C. Employees in Public Sector Undertakings etc.**

The criteria enumerated in A & B above in this Category will apply mutatis mutandi to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, Pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.

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### III. ARMED FORCES INCLUDING PARAMILITARY FORCES

(Persons holding civil posts are not included)

Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces;

Provided that:—

- (i) if the wife of an Armed Forces Officer is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;
- (ii) the service ranks below Colonel of husband and wife shall not be clubbed together;
- (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

### IV. PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY

(I) *Persons engaged in profession as a doctor, lawyer, chartered accountant, Income-Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.*

Criteria specified against Category VI will apply:—

(II) *Persons engaged in trade, business and industry.*

Criteria specified against Category VI will apply:

*Explanation :*

- (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.
- (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.

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## V. PROPERTY OWNERS

### A. Agricultural holdings

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns

(a) only irrigated land which is equal to or more than 85% of the statutory area, or

(b) both irrigated and unirrigated land, as follows :

(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.

(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

### B. Plantations

(i) Coffee, tea, rubber, etc.

(ii) Mango, citrus, apply plantations etc.

Criteria of income/wealth specified in Category VI below will apply.

Deemed as agricultural holding and hence criteria at A above under this Category will apply.

### C. Vacant land and/or buildings in urban areas or urban agglomerations

Criteria specified in Category VI below will apply.

*Explanation:* Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

Son(s) and daughter(s) of

(a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

## VI. INCOME/WEALTH TEST

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- (b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

**Explanation:**

- (i) Income from salaries or agricultural land shall not be clubbed;
- (ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interrugnum may be less.

**Explanation:** Wherever the expression "permanent incapacitation" occur in this schedule. it shall mean incapacitation which results in putting an officer out of service.

No.36033/3/2004-Estt. (Res.)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

New Delhi, dated the 14<sup>th</sup> October, 2008

**OFFICE MEMORANDUM**

**Subject:-** Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs).

The undersigned is directed to invite attention to this Department's O.M No.36012/22/93-Estt.(SCT) dated 8<sup>th</sup> September,1993 which inter alia provided that sons and daughters of persons having gross annual income of Rs.1 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. The limit of income for determining the creamy layer status was raised to Rs. 2.5 lakh vide this Department's OM of even number dated 9.3.2004. It has now been decided to raise the income limit from Rs. 2.5 lakh to Rs. 4.5 lakh per annum for determining the creamy layer amongst the OBCs. Accordingly the following entry is hereby substituted for the existing entry against Category VI in the Schedule to the above referred O.M.

| <u>Category</u> | <u>Description of Category</u> | <u>To whom the rule of exclusion will apply</u>   |
|-----------------|--------------------------------|---|
| VI              | Income/Wealth Test             | Son(s) and daughter(s) of<br><br>(a)Persons having gross annual income of Rs. 4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for period of three consecutive years.<br><br>(b)Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above. |

Explanation:

Income from salaries or agricultural land shall not be clubbed.

2. The provisions of this Office Memorandum take effect from the 3<sup>rd</sup> October, 2008.

3. All the Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all concerned.



(K.G Verma)  
Director

To

1. All the Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/ President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
11. Office of the Comptroller and Auditor General of India, 10 Bahadurshah Zafar Marg, New Delhi- 110002.
12. Information and Facilitation Centre, DOPT, North Block, New Delhi.  
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13. Spare copies – 400.

Copies forwarded to :

The Chief Secretaries of all the States/ UTs. for information and necessary action.



No. 36033/5/2004-Estt(Res)  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS  
DEPARTMENT OF PERSONNEL & TRAINING

\*\*\*\*\*

New Delhi, Dated : the 14<sup>th</sup> October, 2004

To

The Chief Secretaries of all the States /Union Territories.

**Subject:** Clarifications regarding creamy layer amongst OBCs.

Sir,

I am directed to invite your attention to the Schedule to this Department's OM No.36012/22/93-(SCT) dated 8<sup>th</sup> September, 1993 which contains the criteria to determine the creamy layer amongst the OBCs. In regard to the children of the persons in civil services of the Central and the State Governments, it provides that son(s) and daughter(s) of:

- (a) parents, both of whom are directly recruited Class I/Group A officers;
- (b) parents, either of whom is a directly recruited Class I/Group A officer;
- (c) parents, both of whom are directly recruited Class I/Group A officers, but one of them dies or suffers permanent incapacitation;
- (d) parents, either of whom is a directly recruited Class I/Group A officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (e) parents, both of whom are directly recruited Class I/Group A officers and both of them die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (f) parents both of whom are directly recruited Class II/Group B officers;
- (g) parents of whom only the husband is a directly recruited Class II /Group B officer and he gets into Class I//Group A at the age of 40 or earlier;

- (h) parents, both of whom are directly recruited Class II/ Group B officers and one of them dies or suffers permanent incapacitation and either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (i) parents of whom the husband is a Class I/ Group A officer (direct recruit or pre-forty promoted) and the wife is a directly recruited Class II /Group B officer and the wife dies; or suffers permanent incapacitation; and
- (j) parents, of whom wife is a Class I/Group A officer (Direct Recruit or pre-forty promoted) and the husband is a directly recruited Class II/Group B officer and the husband dies or suffers permanent incapacitation

shall be treated as falling in creamy layer.

2. The Schedule further provides that sons and daughters of:

- (i) parents either of whom or both of whom are directly recruited Class I/Group A officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation;
- (ii) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation;
- (iii) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

shall not be treated to be falling in creamy layer.

3. The criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities etc. and also holding equivalent or comparable posts and positions under private employment. The creamy layer status of the sons and daughters of employees of organizations where evaluation of the posts on equivalent or comparable basis has not been made is determined on the basis of 'Income/Wealth Test' given in the Schedule. The Income/ Wealth Test prescribes that the sons and daughters of persons having gross annual income of Rs.2.5 lakh or above or possessing wealth above the exemption limit as prescribed

in the Wealth Tax Act for a period of three consecutive years would be treated to fall in creamy layer. An explanation is given below the Income/Wealth Test which provides that 'income from salaries or agricultural land shall not be clubbed.'

4. Following questions have been raised from time to time about the application of the above provisions to determine creamy layer:

- (i) Will the sons and daughters of parents either of whom or both of whom are directly recruited Class I/Group A officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?
- (ii) Will the sons and daughters of parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?
- (iii) Will the sons and daughters of parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation after retirement even though either of them has had got the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation be treated to be excluded from the purview of creamy layer?
- (iv) Will the sons and daughters of parent(s) who retire from the service on the basis of which their sons and daughters fall in creamy layer, continue to fall in creamy layer after retirement of the parent(s)?
- (v) Will the sons and daughters of parents of whom husband is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer?
- (vi) Will a candidate who himself is a directly recruited Class I/Group A officer or a directly recruited Class II/Group B officer who got into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer on the basis of his service status?
- (vii) Will a candidate who has gross annual income of Rs.2.5 lakh or above or possesses wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years be treated to fall in creamy layer?

(viii) The instructions provide that a lady belonging to OBC category who has got married to a directly recruited Class I/Group A officer shall not be treated as falling in creamy layer on the basis of her marriage. Will a man belonging to OBC category who is married to a directly recruited Class I/Group 'A' officer be treated as falling in creamy layer on the basis of his marriage?

(ix) How will be the Income/Wealth Test apply in case of sons and daughters of parent(s) employed in PSUs etc. in which equivalence or comparability of posts has not been established vis-à-vis posts in the Government?

(x) What is the scope of the explanation, 'Income from salaries or agricultural land shall not be clubbed', given below the Income/Wealth Test?

5. It is clarified in regard to clauses (i), (ii) and (iii) of para 4 that the sons and daughters of:

(a) parents either of whom or both of whom are directly recruited Class I/Group A officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;

(b) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation while in service; and

(c) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

are not treated to be falling in creamy layer. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated to be falling in creamy layer and would not get the benefit of reservation.

6. In regard to clause (iv) of para 4, it is clarified that sons and daughters of parents who are included in the creamy layer on the basis of service status of their parents shall continue to be treated in creamy layer even if their parents have retired or have died after retirement.

7. In regard to clause (v) of para 4, it is clarified that the sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

8. In regard to clauses (vi), (vii) and (viii) of para 4, it is clarified that the creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.

9. In regard to clause (ix) of para 4, it is clarified that the creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-à-vis posts in Government has not been evaluated is determined as follows:

Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs.2.5 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs. 2.5 lakh per annum and income from other sources is also less than Rs.2.5 lakh per annum will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs.2.5 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.

10. In regard to clause (x) of para 4, it is clarified that while applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI of the Schedule to the OM, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs. 2.5 lakh per annum, income from agricultural land is more than Rs. 2.5 lakh per annum, but income from other sources is less than Rs. 2.5 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s)

-6-

do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

11. You are requested to bring the contents of this letter to all concerned in the State.

Yours faithfully,



(K.G. Verma)

Deputy Secretary to the Govt. of India

Copy to:-

1. All Ministries / Departments of Govt. of India
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurances Division), New Delhi
4. Department of Public Enterprises, New Delhi,
5. Railway Board,
6. Union Public Service Commission / Supreme Court of India / Election Commission / Lok Sabha Secretariat / Rajya Sabha Secretariat / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat / Prime Minister's Office / Planning Commission/ National Commission for Backward Classes.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

With the request to bring the contents of this letter to the notice of all concerned.



No. 36012/22/93-Estt. (SCT)

भारत सरकार

GOVERNMENT OF INDIA

कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS

कर्मिक और प्रशिक्षण विभाग

DEPARTMENT OF PERSONNEL &amp; TRAINING

नई दिल्ली

NEW DELHI

Dated the 15th Nov. 1993

To

The Chief Secretaries of  
all the State Governments/Union Territories.

Sub: Reservation for Other Backward Classes — exclusion of Creamy Layer for the purpose of appointment in services and posts under the Government of India — Certificate to be produced by the candidates.

Sir,

I am directed to say that the Government of India has issued instructions on 8.9.93 providing for reservation to Other Backward Classes in the services and posts under the Government of India (A copy of this O.M. is enclosed). The Other Backward Classes for the purpose of the above said 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 Government's list. A list of such castes and communities was notified in Resolution No. 12011/68/93-BCC(C), dated 10th Sept. 1993 published in the Gazette of India, Extraordinary Part I Section I dated 13.9.93. For the purpose of verification of the castes and communities the Government of India has prescribed a certificate from the following authorities as in the case of SC/ST vide this Department's O.M. No. 36012/22/93-Estt. (SCT), dated 22.10.93 (copy enclosed):

- (a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of 1st Class Stipendary Magistrate).
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (c) Revenue Officer not below the rank of Tehsildar; and
- (d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

2. In the light of the Supreme Court's judgement in the Indira Sawhney case, this Department has specified the persons/section ("Creamy Layer") to whom the benefit of reservation shall not apply vide column 3 of the Schedule to the Department of Personnel and Training O.M.No. 36012/22/93-Estt. (SCT), dated 8.9.93. It has been considered that the same authorities who are notified as competent to certify OBCs status should also be authorised to certify that a candidate does not belong to the "Creamy Layer". It is, therefore, requested that instructions may be issued to the District Authorities under your control to verify and issue the necessary certificate to the candidates regarding his OBCs status as well as exclusion from the "creamy layer". To enable the District Authorities to

examine the claims of the candidates a model format has been devised as in Annexure B. This may be suitably revised if considered necessary. The format of the certificate that may be given by the concerned district authorities may be as in Annexure A.

3. It is also requested that wide publicity may be given to the Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10-9-93 published in the Gazette of India/Extraordinary Part I Section I, dated 13-9-93 containing the list of Backward Castes as well as to DOPT O.M.No. 36012/22/93-Estt. (SCT), dated 8-9-93 which specifies the criteria which will determine the persons who belong to the creamy layer and to whom the reservation shall not apply. This will facilitate the candidates to ascertain their eligibility for reservation. It would also be advisable to appropriately brief the certifying Authorities and to provide them with sufficient number of copies of the above mentioned Gazette Notification and the Deptt. O.M. date 8-9-93 in order to ensure prompt and correct certification.

4. A copy of the orders issued by your Government in this regard may also be endorsed to this Department for information.

Yours faithfully,

Sd/

(Smt. Sarita Prasad).

Joint Secretary to the Government of India.

# FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES APPLYING FOR APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA

This is to certify that.....  
son of.....of village.....  
District/Division.....in the.....State.....  
belongs to the.....community which is recognised as a backward class under the  
Government of India, Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10th Sept.  
1993 published in the Gazette of India Extraordinary Part I Section I dated 13th Sept. 1993.  
Shri.....and/or his family ordinarily reside(s) in the.....District/Division of  
the.....State. This is also to certify that he/she does not belong to the persons/sections  
(Creamy Layer) mentioned in column 3 of the Schedule to the Government of India, Department of  
Personnel & Training O.M. No. 36012/22/93-Estt. (SCT), dated 8-9-93.

District Magistrate,  
Deputy Commissioner etc.

Dated :

Seal

- NB : (a) The term 'ordinarily' used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.
- (b) Where the certificates are issued by Gazetted Officers of the Union Government or State Governments, they should be in the same form but *countersigned* by the District Magistrate or Deputy Commissioner (Certificates issued by Gazetted Officers and attested by District Magistrate/Deputy Commissioner are not sufficient).

**APPLICATION FORM FOR A CERTIFICATE FOR ELIGIBILITY FOR RESERVATION OF JOBS FOR OTHER BACKWARD CLASSES IN CIVIL POSTS AND SERVICES UNDER GOVERNMENT OF INDIA.**

(This form, however, should be used only as a model. Additional items, if necessary, may be incorporated to suit to the local situation in the form.).

To

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Sir,

I request that a certificate in respect of reservation for other Backward Classes in Civil Posts and Services under Government of India be granted to me.

I give below the necessary particulars:—

1. Full Name of the applicant :  
(in Block letters).
2. Date of birth :
3. Complete Residential Address :  
(a) Present  
(b) Permanent
4. Religion :
5. Caste :
6. Sub-caste :
- 7 Occupational Group :
8. Serial Number of the Caste in the  
Central List of OBCs.
9. Name of Father :
10. Name of Mother :
11. Name of Husband :
12. Status of Parent (s)/Husband

Father

Mother

(A) Constitutional Posts.

(I) Designation

(B) Government Services.

(i) Service (Central/State).

(ii) Designation

(iii) Scale of Pay, including classification, if any,

(iv) Date of appointment to the post.

(v) Age at the time of promotion to Class I Post (if applicable)

II. Employment in International Organisation e.g. UN. UNICEF, WHO.

(i) Name of Organisation

(ii) Designation

(iii) Period of service  
(indicate date from.....to.....).

III. Death/Permanent Incapacitation (Omit if not applicable).

(i) Date of death/Permanent incapacitation putting an officer out of service.

(ii) Details of Permanent incapacitation.

(C) Employment in Public Sector Undertakings etc.

(i) Name of Organisation

(ii) Designation

(iii) Date of appointment to the Post.

(D) Armed Forces including Para-military Forces  
(This will not include persons holding civil posts.)

(i) Designation.

(ii) Scale of Pay.

(E) Professional class (other than these covered in Item Nos. B & C) and those engaged in trade, Business and Industry.

(i) Occupation/Profession.

(F) PROPERTY-OWNERS.

(F) I. Agricultural Land Holding: owned by mother, father & minor children.

(i) Location.

(ii) Size of holding

(iii) (a) Irrigated  
(Type of irrigated land).

(i)

(ii)

(iii)

(b) Unirrigated.

To be certified by District Revenue Officer not lower than the rank of Tehsildar. (iv) Percentage of irrigated land holding to statutory ceiling limit under State land Ceiling laws.

(v) If land holding is both irrigated/unirrigated total irrigated land holdings on the basis of conversion formula in State land Ceiling law.

(vi) Percentage of total irrigated land holding to statutory ceiling limit as per. (iv).

(F) II. Plantation:

(i) Crops/Fruit.

- (ii) Location
- (iii) Area of Plantation.

**(F) III. Vacant land and/or building in urban areas or urban agglomeration.**

- (i) Location of Property.
- (ii) Details of Property.
- (iii) Use to which it is put.

**(G) Income/Wealth.**

- (i) Annual family income from all sources  
(excluding salaries & income from agricultural land.)
- (ii) Whether Tax Payer (Yes/No.)  
(If yes, a copy of the last three years return be furnished).
- (iii) Whether covered in Wealth Tax Act (Yes/No.)  
(if so furnish details)

13. Any other remarks.

14. I certify that above said particulars are true to the best of my knowledge and belief and that I do not belong to the Creamy Layer of OBCs and eligible to be considered for posts reserved for OBC's. In the event of any information being found false or incorrect, or ineligibility being detected before or after the selection. I understand that my candidature/appointment is liable to be cancelled and I shall be liable to such further action as may be provided under the law and/or Rules,

Yours faithfully,

Place :

Signature of the candidate.

Date :



No. 36033/1/2013-Estt. (Res.)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training

North Block, New Delhi,  
Dated: September 13, 2017

**OFFICE MEMORANDUM**

Subject: Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs)-reg.

The undersigned is directed to invite attention to this Department's Office Memorandum No. 36012/22/93-Estt. (SCT) dated 8<sup>th</sup> September, 1993 which, inter-alia, provided that sons and daughters of persons having gross annual income of ₹ 1 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. The aforesaid limit of income for determining the creamy layer status was subsequently raised to ₹ 2.5 lakh, ₹ 4.5 lakh and ₹ 6 lakh vide this Department's OM No. 36033/3/2004-Estt. (Res.) dated 09.03.2004, OM No. 36033/3/2004-Estt. (Res.) dated 14.10.2008 and OM No. 36033/1/2013-Estt. (Res.) dated 27.05.2013 respectively.

2. It has now been decided to raise the income limit from ₹ 6 lakh to ₹ 8 lakh per annum for determining the creamy layer amongst the Other Backward Classes. Accordingly, the expression "**₹ 6 lakh**" under Category VI in the Schedule to this Department's aforesaid O.M. dated 8<sup>th</sup> September, 1993 would be substituted by "**₹ 8 lakh**".
3. The provisions of this office memorandum have effect from 1<sup>st</sup> September, 2017.
4. All the Ministries/Departments are requested to bring the contents of this office memorandum to the notice of all concerned.



(Debabrata Das)

Under Secretary to the Government of India  
Ph: 2304 0279

To:

1. All the Ministries/Departments of the Government of India.
2. Department of Financial Services, New Deihi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board, New Delhi.
5. Union Public Service Commission/Supreme Court of India/Election Commission of India/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Niti Aayog.
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
7. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.

8. National Commission for Scheduled Castes/National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi.
9. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi.
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi-110002.
11. Director General, Press Information Bureau, National Media Centre, 7E Raisina Road, New Delhi – with a request to give wide publicity to this OM
12. The NIC, DoPT with a request to upload it at the website of this Department in OMs & Orders > Estt. (Res.) > SC/ST/OBC and in 'What's New'

**Copies forwarded to:**

The Chief Secretaries of all the States/Union Territories for information and necessary action.



(Debabrata Das)

Under Secretary to the Government of India

# वास्तव में क्रीमीलेयर मापदंड क्या हैं?

## WHAT ARE THE ACTUAL CREAMY LAYER CRITERIA?

वास्तव में क्रीमीलेयर मापदंड (केन्द्रीय) दिनांक: 08-09-1993 में **अकेला वार्षिक आय का नियम नहीं है**, उसमें कुल **6 नियम हैं**, जैसे नौकरी हेतु 'पद' का व किसानों हेतु 'भूमि' का नियम है। इन नियमों के तहत **मुख्यतः** निम्नलिखित के पुत्र या पुत्री क्रीमीलेयर हैं—

Actually there are **6 rules** in creamy layer criteria (Central) Dated 08.09.1993, like rule of 'post' for service category & rule of 'land' for farmers **instead of having a single annual income rule**. As per these 6 rules **mainly** the sons & daughters of followings are creamy layer-

**नियम क्र. (I)** अतिविशिष्ट व्यक्ति— राष्ट्रपति, उपराष्ट्रपति, सर्वोच्च व उच्च न्यायालय के न्यायाधीश इत्यादि।

**Rule no. (I)** V.V.I.Ps.- President, Vice-President, Judges of the Supreme Court and of the High Courts etc.

**नियम क्र. (II)** केन्द्र या राज्य के शासकीय या सार्वजनिक उपक्रमों के कर्मचारी—

**Rule no. (II)** Government or PSU employees of Central or State-

(i) माता—पिता में से कोई एक डायरेक्ट क्लास वन ऑफिसर भर्ती हुआ हो,

(i) parents, either of whom is a Class I officer (direct recruits)

(ii) माता—पिता 'दोनों' डायरेक्ट क्लास टू ऑफिसर भर्ती हुए हों,

(ii) parents, both of whom are Class II officers (direct recruits)

(iii) पिता, डायरेक्ट क्लास टू ऑफिसर, परन्तु 40 वर्ष की आयु के पूर्व क्लास वन में पदोन्नत।

(iii) parents of whom only the father is a direct Class II officer and he gets into Class I at the age of 40 or earlier.

**नियम क्र. (III)** माता—पिता में से कोई एक मिलिट्री में कर्नल या उससे उपर के स्तर का अधिकारी।

**Rule no. (III)** In military, parents, either of whom is in the rank of Colonel and above.

**नियम क्र. (IV)** व्यापार, उद्योग और व्यवसाय में लगे ऐसे व्यक्ति जिनकी पिछले लगातार 3 वर्षों की कुल वार्षिक आय प्रति वर्ष अलग-अलग **8.00** लाख रुपये से अधिक हो।

**Rule no. (IV)** Persons engaged in Profession, Trade and Industry whose last three year's separate annual income is more than Rs. **8.00** lakhs per year.

**नियम क्र. (V)** कृषकों में ऐसे परिवार जिनके पास (i) सीलिंग लिमिट के 85 प्रतिशत से अधिक 'सिंचित' भूमि हो। अथवा (ii) कितनी भी असिंचित भूमि हो तो पुत्र/पुत्री क्रीमीलेयर में नहीं आएंगे।

**Rule no. (V)** Families own agriculture land having (i) 'irrigated land', more than 85% of the statutory ceiling area or (ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

**नियम क्र. (VI)** जिनकी वेतन एवं कृषि भूमि की आय को छोड़कर पिछले लगातार 3 वर्षों से कुल वार्षिक आय प्रति वर्ष अलग-अलग **8.00** लाख रुपये से अधिक हो।

**Rule no. (VI)** Persons having separate gross annual income of Rs. **8.00** lakhs per year or above for a period of last three consecutive years excluding income from salaries & agricultural land.

टीप— अधिक जानकारी हेतु भारत सरकार के केन्द्रीय क्रीमीलेयर मापदंड दिनांक: 08-09-1993 देखें।

Note- For details see Central creamy layer criteria of Govt of India Dt. 08.09.1993

क्रमशः / Continued



## विशेष टीप / Special Note

- (1) नियम क्रमोंक (IV) एवं (VI) हेतु वार्षिक आय की सीमा बढ़ाकर **8.00** लाख रुपये की गई। (आदेश दिनोंक: **13.09.2017**)  
(1) For Rule no. (IV) & (VI) the annual income limit enhanced to Rs. **8.00** lakhs. (O.M. dated **13.09.2017**)
- (2) भारत सरकार कार्मिक मंत्रालय द्वारा क्रीमीलेयर के संबंध में जारी महत्वपूर्ण स्पष्टीकरण (आदेश दिनोंक: 14-10-2004)-  
(2) Important creamy layer Clarifications by Government of India Ministry of Personnel (O.M. dated 14.10.2004)-
- (i) किसी उम्मीदवार के सम्पन्न वर्ग के दर्जे का निर्धारण करने के लिए आय/सम्पत्ति परीक्षण लागू करते समय वेतन से होने वाली आय तथा कृषि भूमि से होने वाली आय को नहीं गिना जाएगा। इसका तात्पर्य यह है कि यदि किसी उम्मीदवार के माता-पिता के वेतन से होने वाली आय **8.00** लाख रुपये प्रति वर्ष से अधिक हो, कृषि भूमि से होने वाली आय **8.00** लाख रुपये प्रति वर्ष से अधिक हो किन्तु अन्य श्रोतों (व्यापार) से होने वाली आय **8.00** लाख रुपये प्रति वर्ष से कम हो तो भी आय के आधार पर उम्मीदवार को सम्पन्न वर्ग (क्रीमीलेयर) नहीं माना जायेगा व आरक्षण की पात्रता रहेगी।
- (i) To determine creamy layer status of any candidate as given in Category-VI of the Schedule to the OM, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs.8.00lakh per annum, income from agricultural land is more than Rs.8.00lakh per annum, but income from other sources (business) is less than Rs.8.00lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test.
- (ii) उम्मीदवार के सम्पन्न वर्ग (क्रीमीलेयर) के दर्जे का निर्धारण उसके माता-पिता के दर्जे के आधार पर किया जावेगा न कि उसकी अपनी स्वयं की हैसियत अथवा आय अथवा उसके पति/पत्नी की हैसियत अथवा आय के आधार पर। अतः, किसी व्यक्ति के सम्पन्न वर्ग (क्रीमीलेयर) के दर्जे का निर्धारण करते समय उम्मीदवार की स्वयं की हैसियत अथवा आय अथवा उसके पति/पत्नी की हैसियत अथवा आय को ध्यान में नहीं रखा जाएगा।
- (ii) The creamy layer status of a candidate is determined on the basis of the status of his parents (Father-mother) and not on the basis of his own status or income or on the basis of status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.
- (3) केन्द्रीय ओ.बी.सी. जाति प्रमाण पत्र प्राप्त करने के लिए तहसील में प्रस्तुत किए जाने वाले, भारत सरकार के निर्धारित आवेदन-पत्र प्रारूप में 'वेतन की आय' व 'कृषि-आय' दर्शाने हेतु कोई कॉलम ही नहीं है।
- (3) There is no any column to show the 'salary-income' or 'agriculture-income' in application format prescribed by Govt of India to be produced in Tehsil to get central OBC caste certificate.
- (4) केन्द्रीय क्रीमीलेयर मापदंड दिनोंक: 08-09-1993 के-
- (4) As per Central creamy layer criteria Dt. 08.09.1993-
- (i) नियम (II) (ii) के तहत माता-पिता में से कोई एक डायरेक्ट क्लास टू ऑफिसर या माता-पिता में से कोई एक डायरेक्ट क्लास टू ऑफिसर व दूसरा तृतीय श्रेणी कर्मचारी या माता-पिता दोनों डायरेक्ट तृतीय श्रेणी कर्मचारी होने पर भी उम्मीदवार को क्रीमीलेयर नहीं माना जायेगा व आरक्षण की पात्रता रहेगी भले ही वेतन की आय कितनी भी हो।
- (i) Rule (II) (ii), if parents, either of whom is a direct Class II officer or parents, either of whom is a direct Class II officer & another is a Class III employee or parents, both of whom are Class III employees the candidate shall not be treated as creamy layer & will be eligible for OBC reservation irrespective of any salary income.
- (ii) नियम (II) (iii) के तहत पिता डायरेक्ट तृतीय श्रेणी कर्मचारी, परन्तु 40 वर्ष की आयु के पूर्व क्लास वन में पदोन्नत होने पर भी उम्मीदवार को क्रीमीलेयर नहीं माना जायेगा व आरक्षण की पात्रता रहेगी भले ही वेतन की आय कितनी भी हो।
- (ii) Rule (II) (iii), if parents of whom only the father is a direct Class III employee and gets into Class I at the age of 40 or earlier the candidate shall not be treated as creamy layer & will be eligible for OBC reservation irrespective of any salary income.
- (iii) नियम (II) के तहत सार्वजनिक उपक्रम, बैंक, बीमा संगठन, विश्वविद्यालय इत्यादि के कर्मचारियों का क्रीमीलेयर निर्धारण शासकीय पदों के समतुल्य अथवा समकक्षता के आधार पर किया जाएगा, भले ही वेतन की आय कितनी भी हो।
- (iii) Rule (II), creamy layer determination of employees under PSUs, Banks, Insurance Organisations, Universities, etc. will be done on equivalent or comparable basis to government posts irrespective of any salary income.
- (5) केन्द्रीय पदों या केन्द्रीय प्रवेश जैसे आई.ए.एस., आई.पी.एस., बैंक, रेलवे, आई.आई.टी., आई.आई.एम., एन.आई.टी. (ए.आई.ई.ई.ई.), एम्स, कृषि, मेडिकल महाविद्यालयों तथा केन्द्रीय विश्वविद्यालयों इत्यादि में ओ.बी.सी. आरक्षण प्राप्त करने के लिये भारत सरकार की पृथक से जारी जातियों की केन्द्रीय पिछड़ा वर्ग सूची के आधार पर केन्द्रीय प्रारूप (हर रोजगार समाचार में उपलब्ध) में पृथक जाति प्रमाण पत्र प्राप्त करना अनिवार्य है। राज्य की कई जातियाँ केन्द्रीय पिछड़ा वर्ग सूची में शामिल नहीं होने व कई स्थानों पर राज्य व केन्द्रीय क्रीमीलेयर मापदंडों में भिन्नता होने से राज्यों के आरक्षण हेतु जारी ओ.बी.सी. जाति प्रमाण पत्र केन्द्रीय आरक्षण हेतु मान्य नहीं हैं।
- (5) To get OBC reservation in central posts or central admissions like IAS, IPS, BANK, RAILWAYS, IIT, NIT(AIEEE), AIIMS, AGRICULTURE, MEDICAL COLLEGES & CENTRAL UNIVERSITY etc. a separate OBC certificate is required on the basis of central list of OBCs issued by Govt of India in central format (available in every Employment News). As some of the state OBC castes are not included in central list of OBCs & at many places there is a difference between state & central creamy layer criteria, the state OBCs certificates are not allowed in central reservation.



**संख्या 36033/5/2004 - स्थापना (आरक्षण)**

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नॉर्थ ब्लॉक, नई दिल्ली ।

दिनांक 14 अक्तूबर, 2004

सेवा में,

**सभी राज्यों/संघ राज्य क्षेत्रों के मुख्य सचिव ।**

**विषय:- अन्य पिछड़े वर्गों में से सम्पन्न वर्ग के संबंध में स्पष्टीकरण ।**

महोदय,

मुझे इस विभाग के दिनांक 08 सितम्बर, 1993 के कार्यालय ज्ञापन संख्या-36012/22/93-(एस.सी.टी.) की अनुसूची, जिसमें अन्य पिछड़े वर्गों में से सम्पन्न वर्ग का निर्धारण करने संबंधी मानदंड विहित हैं, की ओर आपका ध्यान आकर्षित करने का निदेश हुआ है । केन्द्र सरकार और राज्य सरकारों की सिविल सेवाओं में नियुक्त कार्मिकों के बच्चों के संबंध में इस कार्यालय ज्ञापन में यह प्रावधान है कि ऐसे पुत्र तथा पुत्री/पुत्रियाँ:-

- (क) जिनके माता-पिता, दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-1/समूह 'क' अधिकारी हैं;
- (ख) जिनके माता-पिता में से कोई एक सीधी भर्ती द्वारा नियुक्त श्रेणी-1/समूह 'क' अधिकारी है;
- (ग) जिनके माता-पिता, दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-1/समूह 'क' अधिकारी हैं, किन्तु उनमें से एक की मृत्यु हो जाए अथवा स्थायी अक्षमता का शिकार हो जाए;
- (घ) जिनके माता-पिता में से एक सीधी भर्ती द्वारा नियुक्त श्रेणी-1/समूह 'क' अधिकारी है और उसकी मृत्यु हो जाए अथवा वह स्थायी तौर पर अक्षमता का शिकार हो जाए और उसने ऐसी मृत्यु अथवा ऐसी अक्षमता से पूर्व संयुक्त राष्ट्र, अन्तरराष्ट्रीय मुद्रा कोष, विश्व बैंक इत्यादि जैसे किसी अन्तरराष्ट्रीय संगठन में कम से कम 5 वर्ष की अवधि के लिए नियोजन की प्रसुविधा प्राप्त की हो;
- (ङ) जिनके माता-पिता, दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-1/समूह 'क' अधिकारी हैं और जिनकी मृत्यु हो जाए अथवा जो स्थायी तौर पर अक्षमता का शिकार हो जाएँ और दोनों की ऐसी मृत्यु अथवा ऐसी स्थायी अक्षमता से पूर्व उनमें से किसी ने संयुक्त राष्ट्र, अन्तरराष्ट्रीय मुद्रा कोष, विश्व बैंक इत्यादि जैसे किसी अन्तरराष्ट्रीय संगठन में कम से कम 5 वर्ष की अवधि के नियोजन की प्रसुविधा प्राप्त की हो;

- (च) जिनके माता-पिता, दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-1/समूह 'ख' अधिकारी हैं;

.....2/-

- (छ) जिनके माता-पिता में से एक केवल पति सीधी भर्ती द्वारा नियुक्त श्रेणी-११/समूह 'ख' अधिकारी है और वह 40 वर्ष अथवा इससे पूर्व की आयु में श्रेणी-१/समूह 'क' अधिकारी बन जाए;
- (ज) जिनके माता-पिता, दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-११/समूह 'ख' अधिकारी हैं और उनमें से एक की मृत्यु हो जाए अथवा स्थायी तौर पर अक्षमता का शिकार हो जाए एवं उनमें से किसी एक ने ऐसी मृत्यु अथवा स्थायी अक्षमता से पूर्व संयुक्त राष्ट्र, अन्तरराष्ट्रीय मुद्रा कोष, विश्व बैंक इत्यादि जैसे किसी अन्तरराष्ट्रीय संगठन में कम से कम 5 वर्ष की अवधि के लिए नियोजन की प्रसुविधा प्राप्त की हो;
- (झ) जिनके माता-पिता में से केवल पति सीधी भर्ती द्वारा नियुक्त श्रेणी-१/समूह 'क' अधिकारी हो (सीधी भर्ती से नियुक्त अथवा 40 वर्ष से पूर्व पदोन्नत) एवं पत्नी सीधी भर्ती द्वारा नियुक्त श्रेणी-११/समूह 'ख' अधिकारी हो तथा पत्नी की मृत्यु हो जाए अथवा स्थायी तौर पर अक्षमता का शिकार हो जाए; तथा
- ( ) जिनके माता-पिता में से पत्नी सीधी भर्ती द्वारा नियुक्त श्रेणी-१/समूह 'क' अधिकारी हो (सीधी भर्ती से नियुक्त अथवा 40 वर्ष से पूर्व पदोन्नत) एवं पति सीधी भर्ती द्वारा नियुक्त श्रेणी-११/समूह 'ख' अधिकारी हो तथा पति की मृत्यु हो जाए अथवा वह स्थायी तौर पर अक्षमता का शिकार हो जाए

तो उन्हें सम्पन्न वर्ग में शामिल समझा जाएगा ।

2. अनुसूची में आगे यह भी प्रावधान है कि ऐसे पुत्र और पुत्रियाँ:-

- (i) जिनके माता-पिता में से कोई एक या दोनों सीधी भर्ती द्वारा नियुक्त श्रेणी-१/समूह 'क' अधिकारी हों और यथा नियोजित व्यक्ति (व्यक्तियों) की मृत्यु हो जाए अथवा वह (वे) स्थायी तौर पर अक्षमता का शिकार हो जाएँ;
- (ii) जिनके माता-पिता दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-११/समूह 'ख' अधिकारी हों और उनमें से एक की मृत्यु हो जाए अथवा स्थायी अक्षमता का शिकार हो जाए;
- (iii) जिनके माता-पिता दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-११/समूह 'ख' अधिकारी हों और दोनों की मृत्यु हो जाए अथवा दोनों ही स्थायी अक्षमता का शिकार हो जाएँ, चाहे उनमें से किसी ने ऐसी मृत्यु अथवा अक्षमता से पूर्व संयुक्त राष्ट्र, अन्तरराष्ट्रीय मुद्रा कोष, विश्व बैंक इत्यादि जैसे किसी अन्तरराष्ट्रीय संगठन में कम से कम 5 वर्ष की अवधि के लिए नियोजन की प्रसुविधा प्राप्त की हो -

सम्पन्न वर्ग में सम्मिलित नहीं समझे जाएँगे ।



3. सरकारी सेवा में कार्यरत व्यक्तियों के पुत्रों और पुत्रियों के सम्पन्न वर्ग के दर्जे के निर्धारण के लिए तय किए गए मानदण्ड सार्वजनिक क्षेत्र के उपक्रमों, बैंकों, बीमा संगठनों, विश्वविद्यालयों इत्यादि में समकक्ष अथवा समतुल्य पद धारण करने वाले अधिकारियों तथा साथ ही गैर सरकारी नियुक्ति के अंतर्गत समकक्ष अथवा समतुल्य पदों और स्तरों पर कार्य करने वाले अधिकारियों पर यथोचित परिवर्तन सहित लागू होते हैं। ऐसे संगठनों जहाँ पदों का मूल्यांकन समकक्ष अथवा तुलनीय आधार पर नहीं किया गया है, के कर्मचारियों के पुत्रों और पुत्रियों के संबंध में सम्पन्न वर्ग के दर्जे का निर्धारण अनुसूची में दिए गए आय/सम्पत्ति परीक्षण के आधार पर किया जाता है। आय/सम्पत्ति परीक्षण में यह निर्धारित किया गया है कि ऐसे व्यक्ति जिनकी सकल वार्षिक आय 2.5 लाख रुपये अथवा इससे अधिक है अथवा जिनकी सम्पत्ति, सम्पत्ति कर अधिनियम में निर्धारित छूट सीमा से लगातार तीन वर्ष तक अधिक रहती है तो उनके पुत्र और पुत्रियाँ सम्पन्न वर्ग में शामिल समझे जाएँगे। आय/सम्पत्ति कर परीक्षण के नीचे दिए गए स्पष्टीकरण में यह प्रावधान है कि वेतन से हुई आय अथवा कृषि से हुई आय को जोड़ा नहीं जाएगा।

4. सम्पन्न वर्ग का निर्धारण करने के लिए उपर्युक्त प्रावधानों के संदर्भ में समय-समय पर निम्नलिखित प्रश्न उठाए गए हैं :

- (i) क्या उन माता-पिता के पुत्र और पुत्रियों को सम्पन्न वर्ग से बाहर समझा जाएगा जिनमें से कोई एक अथवा दोनों सीधी भर्ती द्वारा नियुक्त श्रेणी I/समूह 'क' अधिकारी हों और सेवानिवृत्ति के पश्चात उनमें से एक की अथवा दोनों की मृत्यु हो जाए अथवा स्थायी तौर पर अक्षमता का शिकार हो जाएँ ?
- (ii) क्या उन माता-पिता के पुत्र और पुत्रियों को सम्पन्न वर्ग से बाहर समझा जाएगा जो दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-II/समूह 'ख' अधिकारी हों और उनमें से एक की मृत्यु हो जाए अथवा वह स्थायी तौर पर अक्षमता का शिकार हो जाए ?
- (iii) क्या उन माता-पिता के पुत्र और पुत्रियों को सम्पन्न वर्ग से बाहर समझा जाएगा जो दोनों ही सीधी भर्ती द्वारा नियुक्त श्रेणी-II/समूह 'ख' अधिकारी हों और सेवानिवृत्ति के पश्चात दोनों की मृत्यु हो जाए अथवा स्थायी तौर पर अक्षमता का शिकार हो जाएँ यद्यपि दोनों की ऐसी मृत्यु अथवा ऐसी स्थायी अक्षमता से पूर्व उनमें से किसी एक ने संयुक्त राष्ट्र, अन्तरराष्ट्रीय मुद्रा कोष, विश्व बैंक इत्यादि जैसे किसी अन्तरराष्ट्रीय संगठन में कम से कम 5 वर्ष की अवधि की नियुक्ति की प्रसुविधा प्राप्त की हो ?
- (iv) ऐसे माता-पिता के पुत्र और पुत्रियाँ जो अपने माता-पिता के सेवारत रहने के दौरान उनकी सेवा श्रेणी के कारण सम्पन्न वर्ग में आते थे, क्या अपने माता-पिता की सेवानिवृत्ति के पश्चात भी सम्पन्न वर्ग में बने रहेंगे ?



- (v) क्या ऐसे माता-पिता के पुत्र और पुत्रियाँ सम्पन्न वर्ग (क्रीमीलेयर) के अंतर्गत माने जाएँगे, जिनमें पति, सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'ग' अथवा श्रेणी IV/समूह 'घ' कर्मचारी हो और 40 वर्ष की आयु तक या इससे पूर्व वह श्रेणी- I/समूह 'क' अधिकारी बन गया हो ?
- (vi) क्या कोई ऐसा उम्मीदवार जो स्वयं सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'क' अधिकारी हो अथवा सीधी भर्ती से नियुक्त श्रेणी I/समूह 'ख' अधिकारी हो और 40 वर्ष की आयु तक अथवा उससे पहले श्रेणी I/समूह 'क' अधिकारी बन गया हो, अपनी सेवा के स्तर के आधार पर सम्पन्न वर्ग के अंतर्गत माना जाएगा ?
- (vii) क्या कोई ऐसा उम्मीदवार सम्पन्न वर्ग के अंतर्गत माना जाएगा जिसकी सकल वार्षिक आय 2.5 लाख रुपए अथवा उससे अधिक हो अथवा लगातार तीन वर्षों से सम्पत्ति कर अधिनियम में यथा निर्धारित छूट की सीमा से अधिक संपदा रखता रहा हो ?
- (viii) अनुदेशों में यह प्रावधान है कि अन्य पिछड़े वर्ग की किसी महिला को, जिसका विवाह, सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'क' अधिकारी के साथ हुआ है, विवाह के आधार पर सम्पन्न वर्ग के अंतर्गत नहीं माना जाएगा । अन्य पिछड़ा वर्ग श्रेणी का कोई ऐसा पुरुष जिसका विवाह, सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'क' अधिकारी महिला के साथ हुआ हो, क्या अपने विवाह के आधार पर सम्पन्न वर्ग के अंतर्गत माना जाएगा ?
- (ix) सार्वजनिक क्षेत्र के ऐसे उपक्रमों आदि में कार्यरत माता-पिता के पुत्रों और पुत्रियों के संबंध में आय/सम्पत्ति परीक्षण किस प्रकार लागू होगा, जिनके पदों की समकक्षता अथवा तुल्यता सरकार के पदों के साथ स्थापित नहीं है ?
- (x) आय/सम्पत्ति परीक्षण (संबंधी प्रावधान) के नीचे दिए गए स्पष्टीकरण "वेतन अथवा कृषि भूमि से होने वाली आय को मिलाया नहीं जाएगा " की व्याप्ति किस सीमा तक है ?

5. उपर्युक्त पैरा 4 के खंड (i), (ii), (iii) के संबंध में यह स्पष्ट किया जाता है कि ऐसे पुत्र और पुत्रियाँ जिनके :-

- (क) माता-पिता में से कोई एक अथवा दोनों सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'क' अधिकारी हैं और ऐसे नियोजित व्यक्ति (व्यक्तियों) की सेवा में रहते हुए मृत्यु हो जाए अथवा वह (वे) स्थायी रूप से अक्षम हो जाएँ;
- (ख) माता-पिता दोनों ही सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'ख' के अधिकारी हैं और उनमें से एक की सेवा में रहते हुए मृत्यु हो जाए अथवा वह स्थायी रूप से अक्षम हो जाए; और
- (ग) माता-पिता जो दोनों ही सीधी भर्ती से नियुक्त श्रेणी- I/समूह 'ख' के अधिकारी हैं और दोनों की ही सेवा में रहते हुए मृत्यु हो जाए अथवा वे स्थायी रूप से अक्षम हो जाएँ, भले ही उनकी ऐसी मृत्यु अथवा स्थायी अक्षमता से पूर्व उनमें से किसी एक ने संयुक्त राष्ट्र, अन्तरराष्ट्रीय मुद्रा कोष, विश्व बैंक आदि जैसे अंतरराष्ट्रीय संगठनों में कम से कम 5 वर्ष की अवधि की नियुक्ति की प्रसुविधा प्राप्त की हो -



सम्पन्न वर्ग (क्रीमी लेयर) के अंतर्गत नहीं आते । किन्तु यदि ऐसे मामलों में मृत्यु अथवा स्थाई अक्षमता सेवानिवृत्ति के पश्चात् हो तो ऐसे माता-पिता के पुत्र और पुत्रियाँ सम्पन्न वर्ग (क्रीमी लेयर) के अंतर्गत माने जाएँगे और उन्हें आरक्षण का लाभ प्राप्त नहीं होगा ।

6. पैरा 4 के खंड (iv) के संबंध में यह स्पष्ट किया जाता है कि ऐसे माता-पिता के पुत्र और पुत्रियाँ जिन्हें अपने माता-पिता के सेवा स्तर के आधार पर सम्पन्न वर्ग में शामिल माना गया है, सम्पन्न वर्ग में शामिल माने जाते रहेंगे, चाहे उनके माता-पिता सेवानिवृत्त हो गए हों अथवा सेवानिवृत्ति के बाद उनकी मृत्यु हो गई हो ।

7. पैरा 4 के खंड (v) के संबंध में यह स्पष्ट किया जाता है कि ऐसे पुत्र और पुत्रियाँ, जिनके माता-पिता में से केवल पति सीधी भर्ती से नियुक्त श्रेणी-I/समूह 'ख' अधिकारी है और जो 40 वर्ष की आयु तक अथवा उससे पूर्व श्रेणी-I/समूह 'क' अधिकारी बन जाए, सम्पन्न वर्ग के अंतर्गत माने जाएँगे । यदि पिता सीधी भर्ती से नियुक्त श्रेणी-I/समूह 'ग' अथवा श्रेणी-IV/समूह 'घ' कर्मचारी हैं और वह 40 वर्ष की आयु अथवा उससे पूर्व श्रेणी-I/समूह 'क' अधिकारी बन जाए तो उसके पुत्र और पुत्रियाँ सम्पन्न वर्ग के अंतर्गत नहीं माने जाएँगे ।

8. पैरा 4 के खंड (vi), (vii) और (viii) के संबंध में यह स्पष्ट किया जाता है कि उम्मीदवार के सम्पन्न वर्ग के दर्जे का निर्धारण उसके माता-पिता के दर्जे के आधार पर किया जाता है न कि उसकी अपनी हैसियत अथवा आय अथवा उसके पति/पत्नी की हैसियत अथवा आय के आधार पर । अतः, किसी व्यक्ति के सम्पन्न वर्ग के दर्जे का निर्धारण करते समय उम्मीदवार की स्वयं की हैसियत अथवा आय अथवा उसके पति/पत्नी की हैसियत अथवा आय को ध्यान में नहीं रखा जाएगा ।

9. पैरा 4 के खंड (ix) के संबंध में यह स्पष्ट किया जाता है कि ऐसे व्यक्तियों जो किसी ऐसे संगठन में कार्यरत हैं जिनके पदों की समकक्षता अथवा तुल्यता सरकार के अंतर्गत पदों के साथ मूल्यांकित नहीं की गई है, के पुत्र और पुत्रियों के सम्पन्न वर्ग के दर्जे का निर्धारण नीचे दिए गए अनुसार किया जाता है:-

माता-पिता की, वेतन तथा अन्य स्रोतों (वेतन तथा कृषि भूमि को छोड़कर) से होने वाली आय का पृथक् रूप से निर्धारण किया जाए । यदि माता-पिता की वेतन से होने वाली आय अथवा अन्य स्रोतों (वेतन तथा कृषि भूमि को छोड़कर) से होने वाली आय में से कोई भी लगातार तीन वर्षों तक 2.5 लाख रुपये प्रति वर्ष से अधिक रहती हो तो ऐसे माता-पिता के पुत्र और पुत्रियाँ सम्पन्न वर्ग के अंतर्गत माने जाएँगे । किन्तु ऐसे माता-पिता जिनकी वेतन से होने वाली आय 2.5 लाख रुपये प्रति वर्ष से कम है और अन्य स्रोतों से होने वाली आय भी 2.5 लाख रुपये प्रति वर्ष से कम है, के पुत्र और पुत्रियों को सम्पन्न वर्ग के अंतर्गत नहीं



माना जाएगा, चाहे उनके वेतन से होने वाली आय तथा अन्य स्रोतों से होने वाली आय का योग लगातार तीन वर्षों से 2.5 लाख रुपए प्रति वर्ष से अधिक ही क्यों न हो। यह भी ध्यान रखा जाए कि कृषि भूमि से होने वाली आय को यह परीक्षण लागू करते समय नहीं गिना जाएगा।

10. पैरा 4 के खंड (X) के संबंध में यह स्पष्ट किया जाता है कि कार्यालय ज्ञापन की अनुसूची की श्रेणी-VI में दिए गए अनुसार किसी उम्मीदवार के सम्पन्न वर्ग के दर्जे का निर्धारण करने के लिए आय/सम्पत्ति परीक्षण लागू करते समय वेतन से होने वाली आय तथा कृषि भूमि से होने वाली आय को नहीं गिना जाएगा। इसका तात्पर्य यह है कि यदि किसी उम्मीदवार के माता-पिता के वेतन से होने वाली आय 2.5 लाख रुपए प्रति वर्ष से अधिक हो, कृषि भूमि से होने वाली आय 2.5 लाख रुपए प्रति वर्ष से अधिक हो किन्तु अन्य स्रोतों से होने वाली आय 2.5 लाख प्रति वर्ष से कम हो तो आय/सम्पत्ति परीक्षण के आधार पर उम्मीदवार को सम्पन्न वर्ग के अंतर्गत नहीं माना जाएगा बशर्ते कि उसके माता-पिता (दोनों) के पास लगातार तीन वर्षों की अवधि से सम्पत्ति कर अधिनियम में यथा निर्धारित छूट सीमा से अधिक धन न रहा हो।

11. आपसे अनुरोध है कि इस पत्र की विषय-वस्तु राज्य के सभी संबंधित व्यक्तियों/कार्यालयों के ध्यान में ला दें।

भवदीय,



( के. जी. वर्मा )

भारत सरकार के उप सचिव

प्रति निम्नलिखित को इस अनुरोध के साथ प्रेषित है कि इस पत्र की विषय वस्तु सभी संबंधित पक्षों के ध्यान में ला दें।

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली।
3. आर्थिक कार्य विभाग (बीमा प्रभाग) नई दिल्ली।
4. लोक उद्यम विभाग, नई दिल्ली।
5. रेलवे बोर्ड।
6. संघ लोक सेवा आयोग/भारत का सर्वोच्च न्यायालय/निर्वाचन आयोग/लोक सभा सचिवालय/राज्य सभा सचिवालय/मंत्रिमंडल सचिवालय/केन्द्रीय सतर्कता आयोग/राष्ट्रपति सचिवालय/प्रधान मंत्री का कार्यालय/योजना आयोग/राष्ट्रीय पिछड़ा वर्ग आयोग।
7. कर्मचारी चयन आयोग, सी.जी.ओ. काम्प्लैक्स, लोदी रोड, नई दिल्ली।
8. भारत के नियंत्रक तथा महालेखा परीक्षक, 10 बहादुर शाह जफर मार्ग, नई दिल्ली।

**No. 36036/2/2013- Estt.(Res.)**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Personnel & Training**  
\*\*\*\*

North Block, New Delhi  
Dated: 30<sup>th</sup> May, 2014

To,  
The Chief Secretaries of  
all the State Governments/Union Territories

**Subject: Revision of format for OBC Caste Certificate**

Madam/Sir,

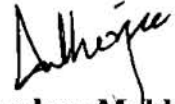
The Government of India had issued instructions on 8<sup>th</sup> September, 1993 vide DoPT O.M. No. 36012/22/93-Estt.(SCT) providing for reservation to Other Backward Classes in the services and posts under the Government of India. The format of the Caste Certificate was prescribed vide Annexure A of the O.M. No. 36012/22/93-Estt.(SCT) dated 15<sup>th</sup> November 1993. In the said format, the then Ministry of Welfare's Resolution No. 12011/68/93-BCC(C) dated 10<sup>th</sup> September 1993 was mentioned, which contained the list of castes and communities treated as OBCs till that time. Since then, a large number of castes and communities have been added to the Central List of OBCs through various resolutions of the Ministry of Social Justice and Empowerment. The details of the resolutions subsequent to the Resolution dated 10<sup>th</sup> September 1993 do not find mention in the existing format. The said format also prescribes that the certificate issuing authority should certify that the candidate does not belong to the persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the aforesaid O.M. dated 8.9.1993.

2. Representations have been received in this Department wherein candidates belonging to OBC Communities have reportedly faced difficulty in getting the benefits of reservation. This is because of the fact that in the caste certificate issued by the concerned district authorities, although the name of the caste/community is mentioned in the certificate, the specific resolution by which the said caste/community has been included in the Central List of OBCs is not indicated.

3. Keeping in view such problems faced by the candidates, this issue was examined in consultation with the National Commission for Backward Classes and it has been decided to revise the existing format of OBC Caste Certificate. A copy of the revised format is enclosed (**Annexure**). All the certificate issuing authorities are requested to invariably mention the details of the **Resolution (Number and Date) by which the caste/community of the candidate** has been included in the Central List of OBCs and also to ensure that he/she does not belong to the persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the aforesaid O.M. dated 8.9.1993 as amended from time to time.

4. I am to request that the revised format of the Certificate may please be brought to the notice of authorities under the State Governments/Union Territories who are empowered to issue the Caste Certificate.

Yours faithfully



(Sandeep Mukherjee)

Under Secretary to the Government of India

Phone- 011-23092110

Copy to:

1. All Ministries/ Departments of the Government of India
2. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi-110001
3. Department of Public Enterprises, Block No.14, CGO Complex, New Delhi-110003
4. Railway Board, Ministry of Railways, *Rail Bhavan*, New Delhi
5. Union Public Service Commission/ Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Planning Commission
6. Staff Selection Commission, CGO Complex. Lodhi Road, New Delhi
7. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi
8. National Commission for SCs/National Commission for STs, Lok Nayak Bhawan, New Delhi
9. National Commission for Backward Classes, Trikoort-1, Bhikaji Cama Place, R.K. Puram, New Delhi( w.r.t. their letter No.NCBC/7/32/2012-RW dated 16.5.2013)
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi – 110 002
11. Information and Facilitation Center, DoPT, North Block, New Delhi.
12. Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi 110067
13. The NIC, DoPT with a request to upload it at the website of this Department in OMs & Orders → Estt.(Reservation) → SC/ST/OBC and also under 'What's New'

**FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES  
APPLYING FOR APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA**

This is to certify that Shri/Smt./Kumari \_\_\_\_\_ son/daughter of \_\_\_\_\_ of village/town \_\_\_\_\_ in District/Division \_\_\_\_\_ in the State/Union Territory \_\_\_\_\_ belongs to the \_\_\_\_\_ community which is recognised as a backward class under the Government of India, Ministry of Social Justice and Empowerment's Resolution No. \_\_\_\_\_ dated \_\_\_\_\_. \*. Shri/Smt./Kumari \_\_\_\_\_ and/or his/her family ordinarily reside(s) in the \_\_\_\_\_ District/Division of the \_\_\_\_\_ State/Union Territory. This is also to certify that he/she does not belong to the persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the Government of India, Department of Personnel & Training O.M. No. 36012/22/93 – Estt.(SCT) dated 8.9.1993\*\*.

District Magistrate  
Deputy Commissioner etc.

Dated:

Seal

\*- The authority issuing the certificate may have to mention the details of Resolution of Government of India, in which the caste of the candidate is mentioned as OBC.

\*\*-. As amended from time to time.

Note:- The term "Ordinarily" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

No.36033/4/97-Estt.(Res.)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi.  
Dated:25<sup>th</sup> July 2003

OFFICE MEMORANDUM

**Subject:** Validity period of OBC certificate and verification of Community and 'non-creamy layer' status of OBC candidates.

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The undersigned is directed to say that a question has arisen about the validity period of certificates issued to the candidates belonging to other backward classes for the purpose of reservation in services. The OBC certificate consists of two parts – first part indicates that the concerned person belongs to a community listed as OBC and the second part indicates that the candidate does not fall in the creamy layer. While the OBC status of a candidate may change only when the community of the concerned candidate is removed from the OBC list, his/her creamy layer status may change any time. In view of it, it is not possible to determine a fixed validity period for the OBC certificate.

2. Every candidate seeking reservation as OBC is required to submit a certificate regarding his/her 'OBC status and non-creamy layer status' issued by an authority mentioned in Department of Personnel and Training Office Memorandum No.36012/22/93-Estt.(SCT) dated 15.11.1993. The 'OBC status' and /or 'non-creamy layer status' of the candidate, as pointed out in para above, may change after issue of the certificate making him/her ineligible for reservation. In order to ensure that candidates not eligible to get reservation do not seek reservation, a declaration, in addition to certificate issued by the competent authority, may be obtained from the candidates seeking reservation as OBCs in the following format:

"I, \_\_\_\_\_ son/daughter of Shri \_\_\_\_\_ resident of village /town/city \_\_\_\_\_ district \_\_\_\_\_ state \_\_\_\_\_ hereby declare that I belong to the \_\_\_\_\_ community which is recognized as a backward class by the Government of India for purpose of reservation in services as per orders contained in Department of Personnel and Training Office Memorandum No.36012/22/93-Estt.(SCT) dated 8.9.1993. It is also declared that I do not belong to persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the above referred Office Memorandum dated 8.9.1993."

3. The appointing authority, before appointing a person seeking appointment on the basis of reservation to OBCs should verify the veracity of the community certificate submitted by the candidate and also the fact that he/she does not fall in creamy layer on the crucial date. The crucial date for this purpose may be treated as the closing date for receipt of applications for the post except incases where crucial date is fixed otherwise.

4. It was decided vide this Department's Office Memorandum No.36033/9/95-Estt.(SCT) dated 10.5.1995 that in case of appointments against vacancies reserved for OBCs a clause in the offer of appointment would be inserted to the effect that appointment will be provisional and subject to verification of the community certificate. Since reservation is available only to such OBC candidates who do not fall in the creamy layer, it is necessary that the clause inserted in the offer of appointment should be modified so as to take care of creamy layer status of the candidate also. It is, therefore, decided that the following modified clause may be included in the offer of appointment in place of clause prescribed vide Office Memorandum dated 10.5.1995:

"The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to Other Backward Classes or not to belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of Indian Panel Code for production of false certificates."

5. All Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all authorities under them for information and compliance.

(K.G. Verma)



1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.

**Candidate's creamy layer status is always determined by parent's (father, mother) status and never by status of self, husband, spouse or brother/sister.**

- (1) For whole life of a candidate, creamy layer status is determined by parent's (father, mother) status and never by status of self, husband, spouse or brother/ sister.

Status or income of a "candidate" availing or applying for OBC reservation is never counted for creamy layer purpose.

- (2) Out of the six rules, each rule of creamy layer criteria dated 08.09.1993 issued by Ministry of Personnel Govt of India New Delhi starts from: -

**"SONS & DAUGHTERS OF SO & SO...will be treated as creamy layer".**

Means candidate's creamy layer status is always determined by parent's (father, mother) status.

- (3) Para No. 08 of creamy clarifications dated 14.10.2004 issued by Ministry of Personnel Govt of India New Delhi clearly speaks that: -

**8. "Creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income or on the basis or status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account."**

- (4) The Explanation (b) of Rule II A of creamy layer criteria dated 08.09.1993 issued by Ministry of Personnel Govt of India New Delhi clearly speaks that: -

**Provided that the rule of exclusion shall not apply in the following cases:-**

**(b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for job.**

- (5) OBC candidate has to submit the details (status/income) of "father" and "mother" only and not of the "self" in "Application form prescribed to get OBC certificate".

Kindly see the correct 'application form' prescribed by Ministry of Personnel Govt of India New Delhi vide Govt order dated 15.11.1993, available at [www.obcguru.com](http://www.obcguru.com).

- (6) EVEN THERE IS NO NEED TO LEAVE THE EXISTING JOB FOR A CANDIDATE, TO BECOME A NON-CREAMY LAYER CANDIDATE FOR ANY OBC RESERVATION.

- (7) This reservation facility is actually based on that "what status a father-mother has given to a child".

- (8) If you are selected for, the post of IPS through UPSC civil services examination and want to apply again to become an IAS, even though you are eligible for OBC reservation on the basis of parent's (father, mother) status.