

**GOVERNMENT OF ANDHRA PRADESH  
BACKWARD CLASSES WELFARE DEPARTMENT**

From  
Sri. A. Koteswara Rao, I.A.S.,  
Director of B.C. Welfare  
Andhra Pradesh,  
Hyderabad.

To  
1. All the Dist. Collectors  
in the State.  
2. All the Dist. B.C. Welfare Officers  
in the State.

**Lr. Rc No. E2/2702/2009, Date: 02-06-2009.**

**Sir / Madam,**

**Sub:** BCWD – Reservations to BCs / OBCs – Exclusion of Creamy Layer for extension of Reservation benefits – Issue of clarifications on certain issues raised - Reg.

**Ref:** Representation of Sri K. Kumara Swamy, General Secretary, Electricity B.C. Employees Association, Hyderabad.

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I have to inform that in the reference cited, Sri K. Kumara Swamy, General Secretary, Electricity B.C. Employees Association, Hyderabad has requested clarification on certain issues connected with Creamy Layer among BCs, as raised in his representation.

The clarifications sought by the individual are useful to all the authorities connected with issue of BC / OBC Cast certificates.

The sources for giving the clarifications on the issues raised are mentioned below and the copies are also enclosed herewith for ready reference.

- 1) Office Memo. No. 36012/22/1993 – Estt.(SCT), Ministry of Personnel, Public Grievances & Pensions, Dated: 8-9-1993. Govt. of India.
- 2) Office Memo. No.36033/5/2004 – Estt. (Res.), Ministry of Personnel, Public Grievances & Pensions, Dated: 14-10-2004, Govt. of India.
- 3) Office Memo.No.36033/3/2004 – Estt. (Res.), Ministry of Personnel, Public Grievances & Pensions, Dated: 14-10-2008, Govt. of India.
- 4) G.O. Ms. No.3, BC Welfare (C2) Dept., Dated: 4-4-2006.

Sl. No.	Query	Clarification
1.	Whether the sons and daughters of parents either of whom or both are directly recruited into Class-II / Group-B / Group-II and not got promotion into Class-I / Group-A / Group-I at the age of 40 or earlier be treated to be falling in Creamy Layer (i.e. Rule of exclusion)?	<p>If both the parents are directly recruited into Class-II / Group-B / Group-II then their children will automatically fall under Creamy Layer, irrespective of their subsequent promotion to Class-I / Group-A / Group-I. Their children are disentitled to reservation.</p> <p>If only one of the parents is directly recruited into Class – II /Group – B / Group-II, the children will fall in the Creamy Layer only when the parent gets promotion into Class – I/ Group – A /Group-I at the age of 40 or earlier. On the contrary, if the promotion to Class-I / Group-A / Group-I is after 40 years, then the children will not fall in the Creamy Layer category.</p> <p><b>(Source of this clarification: Point No. I (f) and I (g) of the Office Memo. Dt. 14.10.2004 cited above)</b></p>

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2.	Whether the sons and daughter of parents either of whom or both are directly recruited into Class-III / Group-C / Group-III will fall in Creamy Layer (i.e. Rule of exclusion)?	<p>No.</p> <p>Only when either of the parents is recruited into Class-I / Group-A / Group-I or when both the parents are recruited into Class-II / Group-B / Group-II, the children will fall in the Creamy Layer.</p> <p>When either of the or both the parents are recruited into Class-III / Group-C / Group-III or Class-IV / Group-D / Group-IV, the children will not fall in the Creamy Layer. This position remains the same even when one of the or both the parents get promotion to Class-I / Group-A / Group-I before the age of 40 years itself.</p> <p><b>(Sources of this clarification: Point No. 1(a), 1(b) and 1(f) of the Office Memo. 2004 cited above)</b></p>
3.	Whether the sons and daughters of parents of whom husband is directly recruited into Class-III / Group-C / Group-III or Class-IV / Group-D / Group-IV and he got promotion at the age of 40 or earlier be treated to be falling in creamy Layer (i.e. Rule of exclusion)?	<p>No.</p> <p>The same clarification given above will hold good.</p> <p><b>(Sources of this clarification: Point No. 7 of the Office Memo. Dt. 14.10.2004 cited above)</b></p>
4.	Whether a candidate who himself is a directly recruited Class-I/Group-A /Group-I or Class-II / Group-B /Group-II officer who got into Class-I / Group-A / Group-I at the age of 40 or earlier be treated to be falling in Creamy Layer (i.e. Rule of exclusion) on the basis of his own service status?	<p>No.</p> <p>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 of his / her spouse. 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.</p> <p>(Source of this clarification: Point No.8 of the Office Memo. Dt. 14.10.2004 cited above)</p>
5.	Whether a candidate whose annual gross income is more than Rs. 4.5 Lakh per annum (Rs.4.00 Lakh only in the case of Govt. of A.P.) be treated to be falling in the Creamy Layer (i.e. Rule of exclusion) on the basis of his own income?	<p>No.</p> <p>The clarification given above will hold good.</p> <p><b>(Source of this clarification: Point No.8 of the Office Memo. Dt. 14.10.2004 cited above)</b></p>
6.	What is the scope of the explanation "income from salaries and agricultural land shall not be clubbed" given under income / wealth test?	<p>The scope of the explanation is that while applying the income / wealth test to determine Creamy Layer status of any candidate, the income from the salaries and income from the agricultural land shall not be taken into account. In addition, they shall not be clubbed with the income from other sources also.</p>

<p>What is its implication to the sons and daughters of employees working under State and Central Govts, Public under-takings, Universities, Banks, Insurance organizations etc?</p>	<p>It means, if the income from salary / salaries of the parents of a candidate is more than Rs.4.50 Lakh per annum (Rs.4.00 Lakh only under Govt. of A.P), income from agricultural land is also more than Rs.4.50 Lakh per annum (Rs.4.00 Lakh only under Govt. of A.P),but income from other sources is less than Rs. 4.50 Lakh per annum (Rs.4.00 Lakh only under Govt. of A.P), the candidate shall not be treated to be falling in the Creamy Layer on the basis of income / wealth test, provided his parents do not possess wealth above the exemption limit prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p>It clearly indicates that income from salaries and agriculture shall not be taken into account or they be clubbed with income from other sources while applying the income / wealth test.</p> <p>It is very likely that the authorities connected with issue of caste certificates may club the income from salary and income from agriculture also and deny BC / OBC Caste Certificates to eligible candidates on the basis of income criterion i.e. income exceeding the prescribed limit. It is, in fact, against the existing rule position.</p> <p>This has relevance particularly to the sons and daughter of employees working under State and Central Govts, Public undertakings, Universities, Banks, Insurance organizations etc. The salary and agricultural income of the parents shall not be taken into account for determining the Creamy layer status for their children. But, if they have income more than Rs. 4.50 Lakh per annum (Rs.4.00 Lakh only under Govt. of A.P) from other sources, only then they be treated to come in the Creamy Layer category.</p> <p><b>(Source of this clarification: Point No.10 of the Office Memo. Dt. 14.10.2004 cited above)</b></p>
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- Note:**1) The monitory limit for the Creamy Layer is **Rs.4.50 Lakh** per annum in the case of Central Government.
- 2) The monitory limit for the Creamy Layer is **Rs.4.00 Lakh** per annum in the case of Govt. of Andhra Pradesh.

**Encl:** As above.

**Yours faithfully,**

**Sd/-**

**A.Koteswara Rao**  
**DIRECTOR OF B.C. WELFARE**

**Sd/-**

**For DIRECTOR OF B.C. WELFARE**

**Copy to Sri.K.Kuamara Swamy, General Secretary, Electricity B.C. Employees Association, Hyderabad. Cell. No:- 09490959625.**