

Controller General of Defence Accounts
Ulan Batar Road, Plam, Delhi Cantt-110010

No. AN/VIII/8200/2/PH/Annual

Dated: 21/01/2014.

To

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All PCA(Fys)/CsDA/PCsDA

SUB:- Implementation of the Order of the Hon'ble Supreme Court in the matter of Civil Appeal No. 9096 of 2003 arising out of SLP(Civil) No. 7541 of 2009 titled union of India & Anr.Vs National Federation of the Blind & Ors.-regarding.

A copy of D.O. No. 36012/24/2009-Estt.(Res) dated 16.12.2013 received from Secretary, DoP &T, along with a self-contained O.M. No. 36012/24/2009-Estt.(Res) dated 03.12.2013, received under MoD ID Note No. 24(4)/2013/D(JCM) dated 24.12.2013 on the above subject, are enclosed herewith for further necessary action.

It is requested that direction of the Hon'ble Supreme Court may be strictly complied with.

It is also requested to download the same on the official website for necessary action.

Encls: 22 Pages

(R.Renganathan)
For CGDA

Copy to:-

1. AN-IV(Local) For necessary action as stated above
2. EDP Section(Local) Please upload the same on the official web-site.

— Sd —
(R.Renganathan)
Sr. Accounts Officer (AN)

Ministry of Defence
D(JCM)

AN-VI

Subject:- Implementation of the Order of the Hon'ble Supreme Court in the matter of Civil Appeal No. 9096 of 2003 arising out of SLP(Civil) No. 7541 of 2009 titled Union of India & Anr. Vs. National Federation of the Blind & Ors.- regarding.

A copy of D.O. No. 36012/24/2009-Estt.(Res) dated 16.12.2013 received from Secretary, DoP&T, along with a self-contained O.M. No. 36012/24/2009-Estt.(Res) dated 03.12.2013, on the above subject, is enclosed.

2. The Hon'ble Supreme Court in its judgement dated 08.10.2013, inter-alia held:

" Thus, after thoughtful consideration, we are of the view that the computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in an identical manner viz., 'computing 3% reservation on total number of vacancies in the cadre strength, which is the intention of the legislature."

3. It is, therefore, requested that direction of the Hon'ble Supreme Court may be strictly complied with.

(R.K.jaiswal)

Under Secretary (JCM)

☎ 2301 1260

Dir (E), MoD Sectt.
Dir (Pers-3), DRDO
PDPC, Air HQ
DDG(CP), Army HQ
Dir, Coast Guard
Pr. Director, ATVP

DCP, Naval HQ
✓ Sr. CGDA (Admn), CGDA
Dir(HR), JS(Trg) & CAO,
Dir(Plg), DG AFMS
DDG (Admn), DG:DE
Pr. Director, HQ IDS

MoD I.D. Note No. 24(4)/2013/D(JCM) dated 24.12.2013

डा. एस. के. सरकार

Dr S. K. Sarkar

सचिव

SECRETARY

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सत्यमेव जयते

भारत सरकार

कार्मिक और प्रशिक्षण विभाग

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

नोर्थ ब्लॉक, नई दिल्ली - 110001

GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES
AND PENSIONS
NORTH BLOCK, NEW DELHI - 110001
Website : http://persmin.gov.in

16th December 2013.

Dear Secretary,

This is regarding implementation of the Order of the Hon'ble Supreme Court in the matter of Civil Appeal No. 9096 of 2003 arising out of SLP (Civil) No. 7541 of 2009 titled Union of India & Anr. Vs. National Federation of the Blind & Ors. The Hon'ble Supreme Court in its judgement dated 08.10.2013, inter alia, held:

"Thus, after thoughtful consideration, we are of the view that the computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in an identical manner viz., 'computing 3% reservation on total number of vacancies in the cadre strength' which is the intention of the legislature."

Accordingly, this Department has issued OM No. 36012/24/2009-Estt.(Res) dated 03.12.2013 (copy enclosed) to implement the directions of the Hon'ble Supreme Court. I would be grateful if you could kindly ensure the compliance of the direction of the Hon'ble Supreme Court by your Ministry/Department.

With regards,

Yours sincerely,

(S.K. Sarkar)

Shri Radha Krishna Mathur
Secretary
Department of Defence
South Block,
New Delhi

O/o Director (MIS)

Dy. No. 5985

Date 24/12/13

Office of Director (CP)
Dy. No. 662
Date 24/12/13

Office of Secretary (A)'s Office
Dy. No. 6813
Date 24/12/13



सूचना का अधिकार

US (SEM) for immediate action
24/12/13
M. DP

Office of Secretary (A)'s Office

Diary No. 16962
Date 20/12/13

27/11
As/Am leave
J (e)
2
Dir (MIS)
24/12
Dir (CP)

By No. 117413
Date 23/12

IMMEDIATE/COURT MATTER

No.36012/24/2009-Estt(Res)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated the 3rd December 2013

OFFICE MEMORANDUM

Subject: Reservation for persons with disabilities- Computation of reservation- implementation of the judgement of Hon'ble Supreme Court in the matter of Union of India & Anr. Vs. National Federation of Blind & Ors.

The undersigned is directed to refer to this Department's OM No.36035/3/2004-Estt.(Res) dated 29.12.2005, a copy of which is enclosed for ready reference, through which this Department had issued consolidated instructions regarding reservation for persons with disabilities. The instructions were in consonance with the provisions of the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995.

2. Para 13 of the Office Memorandum of 29.12.2005 provides that reservation for persons with disabilities in case of direct recruitment as well as promotion for Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in Group C and Group D posts as the case may be in the establishment although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. Para 14 of the said O.M. provides that Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

3. The Hon'ble Supreme Court in its judgement dated 8.10.2013 in the matter of Civil Appeal No.9096 of 2013 (arising out of SLP (Civil) No.7541 of 2009) titled Union of India & Anr. Vs. National Federation of Blind & Ors. has, inter-alia, held :

"Thus, after thoughtful consideration, we are of the view that the computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in an identical manner viz., "computing 3% reservation on total number of vacancies in the cadre strength" which is the intention of the legislature."

4. The Hon'ble Supreme Court has, inter alia, directed that the following action be taken in order to ensure proper implementation of the reservation policy for the disabled and to protect their rights:-

(i) to issue an appropriate order modifying the O.M. dated 29.12.2005 and the subsequent O.Ms consistent with this Court's Order within three months from the date of passing of the judgment.

(ii) the "appropriate Government" to compute the number of vacancies available in all the "establishments" and further identify the posts for disabled persons within a period of three months from today and implement the same without default.

(iii) the DoPT shall issue instructions to all the departments/public sector undertakings/Government companies declaring that the non observance of the scheme of reservation for persons with disabilities should be considered as an act of non-obedience and Nodal Officer in department/public sector undertakings/Government companies, responsible for the proper strict implementation of reservation for person with disabilities, be departmentally proceeded against for the default.

5. Keeping in view the directions of the Hon'ble Supreme Court, Para 14 of the OM dated 29.12.2005 is modified to the following extent:

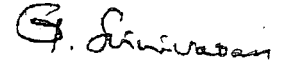
"Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group A posts or Group 'B' posts respectively, in the cadre."

6. Other provisions of the OM viz. quantum of reservation, horizontality of reservation, effecting reservation and maintenance of rosters etc. would remain the same.

7. All the Ministries/Departments/Organisations of the Government of India are requested to compute the number of vacancies available in all the cadres under their control including attached offices, subordinate offices, public sector undertakings, Government companies, cantonment Board etc. in the aforesaid manner and further identify the posts for disabled persons within a period of three months from the date of the judgement of the Hon'ble Supreme Court (i.e. 8.10.2013) and implement the same without default.

8. This is for strict compliance in accordance with the directions of the Hon'ble Supreme Court in respect of all the Ministries/Departments including their Public Sector Undertakings/Government companies, Cantonment Boards etc. Non-observance of the provisions of reservation for persons with disabilities shall be considered as an act of disobedience and the Nodal Officer concerned in Department/Public Sector Undertaking/Government company, responsible for the

proper strict implementation of reservation for person with disabilities, be departmentally proceeded against for the default.



(G. Srinivasan)

Deputy Secretary to the Government of India

Tel.No.23093074

To

- (i) The Secretary, All the Ministries/Departments of the Government of India
- (ii) The Secretary, Department of Financial Services (Banking and Insurance Division), New Delhi
- (iii) The Secretary, Department of Public Enterprises, New Delhi
- (iv) The Secretary, Railway Board, Rail Bhavan, New Delhi.
- (v) Union Public Service Commission, Supreme Court of India, Election Commission of India, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Prime Minister's Office, Planning Commission.
- (vi) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- (vii) Office of the Chief Commissioner of Disabilities, Sarojini House, 6 Bhagwan Das Road, New Delhi-110001;
- (viii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (ix) All officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all the attached/subordinate offices of this Ministry.
- (x) Information and Facilitation Centre, North Block, New Delhi - 25 copies.

Copy to Chief Secretaries of all States/Union Territories - for information

Copy to Director (NIC), DOP&T- with a request to place this on the website of this Ministry for information of all concerned.

No. 36035/3/2004-Estt(Res)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, Dated the 29th December, 2005

OFFICE MEMORANDUM

Subject- Reservation for the Persons with Disabilities.

With a view to consolidating the existing instructions, bringing them in line with the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and clarifying certain issues including procedural matters, the following instructions are issued with regard to reservation for persons with disabilities (physically handicapped persons) in posts and services under the Government of India. These instructions shall supercede all previous instructions issued on the subject so far.

2. QUANTUM OF RESERVATION

- (i) Three percent of the vacancies in case of direct recruitment to Group A, B, C and D posts shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability;
- (ii) Three percent of the vacancies in case of promotion to Group D, and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.

3. EXEMPTION FROM RESERVATION : If any Department / Ministry considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Ministry of Social Justice and Empowerment giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Ministry of Social Justice and Empowerment.

4. **IDENTIFICATION OF JOBS / POSTS:** The Ministry of Social Justice and Empowerment have identified the jobs / posts suitable to be held by persons with disabilities and the physical requirement for all such jobs / posts vide their notification no. 16-25/99.NI.I dated 31.5.2001. The jobs / posts given in Annexure II of the said notification as amended from time to time shall be used to give effect to 3 per cent reservation to the persons with disabilities. It may, however, be noted that:

- (a) The nomenclature used for any job / post shall mean and include nomenclature used for other comparable jobs / posts having identical functions.
- (b) The list of jobs / posts notified by the Ministry of Social Justice & Empowerment is not exhaustive. The concerned Ministries / Departments shall have the discretion to identify jobs / posts in addition to the jobs / posts already identified by the Ministry of Social Justice & Empowerment. However, no Ministry / Department / Establishment shall exclude any identified job / post from the purview of reservation at its own discretion.
- (c) If a job/ post identified for persons with disabilities is shifted from one group or grade to another group or grade due to change in the pay-scale or otherwise, the job/ post shall remain identified.

5. **RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES:** If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified. Likewise in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the persons of three categories of disabilities, as far as possible, get equal representation.

6. **APPOINTMENT AGAINST UNRESERVED VACANCIES:** In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

7. **ADJUSTMENT OF CANDIDATES SELECTED ON THEIR OWN MERIT :** Persons with disabilities selected on their own merit without relaxed

standards alongwith other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with disabilities which will thus comprise physically handicapped candidates who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards. It will apply in case of direct recruitment as well as promotion, wherever reservation for persons with disabilities is admissible.

8. **DEFINITIONS OF DISABILITIES** : Definitions of categories of disabilities for the purpose of this Office Memorandum are given below:

(i)(a)**Blindness**: "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:-

- (i) total absence of sight; or
- (ii) visual acuity not exceeding 6/60 or 20/200(snellen) in the better eye with correcting lenses; or
- (iii) limitation of the field of vision subtending an angle of 20 degree or worse;

(b) **Low vision**: "Person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.

(ii) **Hearing Impairment**:- "Hearing Impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

(iii)(a) **Locomotor disability** : "Locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.

(b) **Cerebral Palsy** :- "Cerebral Palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development.

(c) All the cases of orthopaedically handicapped persons would be covered under the category of "locomotor disability or cerebral palsy."

9. **DEGREE OF DISABILITY FOR RESERVATION** : Only such

persons would be eligible for reservation in services / posts who suffer from not less than 40 per cent of relevant disability. A person who wants to avail of benefit of reservation would have to submit a Disability Certificate issued by a competent authority in the format given in Annexure I.

10. **COMPETENT AUTHORITY TO ISSUE DISABILITY CERTIFICATE** :-

The competent authority to issue Disability Certificate shall be a Medical Board duly constituted by the Central or a State Government. The Central / State Government may constitute Medical Board(s) consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor / cerebral / visual / hearing disability, as the case may be.

11. The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter as it thinks fit.

12. At the time of initial appointment and promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

13. **COMPUTATION OF RESERVATION:** Reservation for persons with disabilities in case of Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in all Group C or Group D posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. The same procedure shall apply for Group 'D' posts. Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in Group 'C' and Group 'D' posts. Since reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in an identified post may exceed 3 per cent.

14. Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

15. **EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:**

(a) All establishments shall maintain separate 100 point reservation roster registers in the format given in **Annexure II** for determining / effecting reservation for the disabled - one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment, Group 'C' posts filled by promotion, Group 'D' posts filled by direct recruitment and Group 'D' posts filled by promotion.

(b) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising the following points:

- 1st Block - point No.1 to point No.33
- 2nd Block - point No. 34 to point No.66
- 3rd Block - point No.67 to point No.100

(c) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities - one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.

(d) All the vacancies in Group C posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no. 1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(e) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

(f) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

(g) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

(h) A separate roster shall be maintained for group C posts filled by promotion and procedure as explained above shall be followed for giving reservation to persons with disabilities. Likewise two separate rosters shall be maintained for Group D posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

(i) Reservation in group A and group B posts is determined on the basis of vacancies in the identified posts only. Separate rosters for Group A posts and Group B posts in the establishment shall be maintained. In the rosters maintained for Group A and Group B posts, all vacancies of direct recruitment arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

16. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:

(a) Reservation for each of the three categories of persons with disabilities shall be made separately. But if the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Ministry of Social Justice & Empowerment and reservation may be determined and vacancies filled accordingly.

(b) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

(c) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability. If the

vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

17. In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the relatively later carried forward reservation would be further carried forward.

18. CONSIDERATION ZONE, INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION

(a) While filling up the reserved vacancies by promotion by selection, the disabled candidates who are within the normal zone of consideration shall be considered for promotion. Where adequate number of disabled candidates of the appropriate category of handicap are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within the extended zone may be considered. In the event of non availability of candidates even in the extended zone, the reservation can be exchanged so that post can be filled by a person with other category of disability, if possible. If it is not possible to fill up the post by reservation, the post may be filled by a person other than a person with disability and the reservation shall be carried forward for upto three subsequent recruitment years, whereafter it shall lapse.

(b) In posts filled by promotion by non-selection, the eligible candidates with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible candidate of the appropriate category of disability is available, the vacancy can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the post by reservation even by exchange, the reservation shall be carried forward for upto three subsequent recruitment years whereafter it shall lapse.

19. HORIZONTALITY OF RESERVATION FOR PERSONS WITH DISABILITIES: Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such

as persons with disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of two persons with disabilities appointed, one belongs to a Scheduled Caste and the other to general category then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and the general candidate against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

20. Since the persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/ General in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC/ST/OBC or General category.

21. **RELAXATION IN AGE LIMIT :**

- (i) Upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group A and Group B posts through open competitive examination.
- (ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

22. **RELAXATION OF STANDARD OF SUITABILITY:** If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up

the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post / posts in question.

23. **MEDICAL EXAMINATION:** As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

24. **EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE:** Persons with disabilities shall be exempt from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission etc. for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

25. **NOTICE OF VACANCIES:** In order to ensure that persons with disabilities get a fair opportunity in consideration for appointment to an identified post, the following points shall be kept in view while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. and while advertising the vacancies:-

- (i) Number of vacancies reserved for SCs/STs/OBCs/Ex-Servicemen/ Persons suffering from Blindness or Low Vision/Persons suffering from Hearing Impairment/Persons suffering from Locomotor Disability or Cerebral Palsy should be indicated clearly.
- (ii) In case of vacancies in posts identified suitable to be held by persons with disability, it shall be indicated that the post is identified for persons with disabilities suffering from blindness or low vision; hearing impairment; and/or locomotor disability or cerebral palsy, as the case may be, and that the persons with disabilities belonging to the category/categories for which the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit.
- (iii) In case of vacancies in posts identified suitable for persons with disabilities, irrespective of whether any vacancies are reserved or

- (iv) not, the categories of disabilities viz blindness or low vision, hearing impairment and locomotor disability or cerebral palsy, for which the post is identified suitable alongwith functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.
- (v) It shall also be indicated that persons suffering from not less than 40% of the relevant disability shall alone be eligible for the benefit of reservation.

26. **CERTIFICATE BY REQUISITIONING AUTHORITY :** In order to ensure proper implementation of the provisions of reservation for persons with disabilities, the requisitioning authority while sending the requisition to the UPSC, SSC etc. for filling up of posts shall furnish the following certificate to the recruiting agency:-

"It is certified that the requirements of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the policy relating to reservation for persons with disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no. of cycle no. of 100 point reservation roster out of which number of vacancies are reserved for persons with disabilities."

27. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH DISABILITIES :**

(i) Soon after the first of January of every year, each appointing authority shall send to its administrative Ministry/Department:-

- (a) PWD Report-I in the prescribed proforma (Annexure III) showing the total number of employees, total number of employees in the posts which have been identified suitable for persons with disabilities and number of employees suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy as on the 1st January of the year, and
- (b) PWD Report-II in the prescribed proforma (Annexure IV) showing the number of vacancies reserved for persons suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy and number of such persons actually appointed during the preceding calendar year.

(ii) The administrative Ministry/Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed proformae in respect of the Ministry/Department including information in respect of all attached and

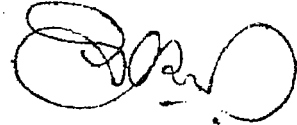
subordinate offices under its control to the Department of Personnel and Training by the 31st March of each year.

(iii) The following points may be kept in view while sending the reports to the Department of Personnel & Training:-

- (a) The reports sent to the DOPT should not include information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies. Statutory, semi-Government and autonomous bodies shall furnish consolidated information in the prescribed proforma to the administrative Ministry/Department concerned who may scrutinize, monitor and maintain it at their own level. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings.
- (b) The attached/subordinate offices shall send information to their administrative Ministry/Department only and shall not send it direct to this Department.
- (c) The figures in respect of persons with disabilities shall include persons appointed by reservation as well as appointed otherwise.
- (d) The PWD Report I relates to persons and not to posts. Therefore, while furnishing this report the posts vacant etc. should not be taken into account. In this report persons on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent establishment. Persons permanent in one grade but officiating or holding temporary appointment in the higher grade shall be included in the figures relating to the Class of service to which the higher grade belongs.

28. **LIAISON OFFICER FOR PERSONS WITH DISABILITIES** : Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions.

29. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.



(K.G. Verma)

Deputy Secretary to the Govt. of India

To

- (i) All Ministries/Departments of the Govt. of India.
- (ii) Department of Economic Affairs (Banking Division), New Delhi
- (iii) Department of Economic Affairs (Insurance Division), New Delhi
- (iv) Department of Public Enterprises, New Delhi
- (v) Railway Board.
- (vi) 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.
- (vii) Staff Selection Commission, CGO Complex, Lodi Road, New Delhi
- (viii) Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi - 110 001
- (ix) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (x) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
- (xi) Information and Facilitation Centre, DOPT, North Block, New Delhi.
- (xii) 200 spare copies for Estt(Res)Desk.

NAME & ADDRESS OF THE INSTITUTE / HOSPITAL

Certificate No. _____ Date _____

DISABILITY CERTIFICATE

Recent Photograph
of the candidate
showing the
disability duly
attested by the
Chairperson of the
Medical Board.

This is certified that Shri / Smt / Kum _____
son/wife/daughter of Shri _____ age _____
sex _____ identification mark(s) _____ is suffering from
permanent disability of following category:

- A. Locomotor or cerebral palsy:
- (i) BL-Both legs affected but not arms.
 - (ii) BA-Both arms affected (a) Impaired reach
(b) Weakness of grip
 - (iii) BLA-Both legs and both arms affected
 - (iv) OL-One leg affected (right or left) (a) Impaired reach
(b) Weakness of grip
(c) Ataxic
 - (v) OA-One arm affected (a) Impaired reach
(b) Weakness of grip
(c) Ataxic
 - (vi) BH-Stiff back and hips (Cannot sit or stoop)
 - (vii) MW-Muscular weakness and limited physical endurance.
- B. Blindness or Low Vision:
- (i) B-Blind
 - (ii) PB-Partially Blind

C. Hearing impairment:

- (i) D-Deaf
- (ii) PD-Partially Deaf

(Delete the category whichever is not applicable)

2. This condition is progressive / non-progressive / likely to improve / not likely to improve. Re-assessment of this case is not recommended / is recommended after a period of _____ years _____ months.*

3. Percentage of disability in his/her case is percent.

4. Sh./Smt./Kum.....meets the following physical requirements for discharge of his/her duties:-

- | | |
|--|--------|
| (i) F-can perform work by manipulating with fingers. | Yes/No |
| (ii) PP-can perform work by pulling and pushing. | Yes/No |
| (iii) L-can perform work by lifting. | Yes/No |
| (iv) KC-can perform work by kneeling and crouching. | Yes/No |
| (v) B-can perform work by bending. | Yes/No |
| (vi) S-can perform work by sitting. | Yes/No |
| (vii) ST-can perform work by standing. | Yes/No |
| (viii) W-can perform work by walking. | Yes/No |
| (ix) SE-can perform work by seeing. | Yes/No |
| (x) H-can perform work by hearing/speaking. | Yes/No |
| (xi) RW-can perform work by reading and writing. | Yes/No |

(Dr. _____)
Member
Medical Board

(Dr. _____)
Member
Medical Board

(Dr. _____)
Chairperson
Medical Board

Countersigned by the
Medical Superintendent / CMO/Head of
Hospital (with seal).

*Strike out which is not applicable.

ANNEXURE - II
RESERVATION ROSTER FOR PERSONS WITH DISABILITIES

Year of Recruitment	Cycle No. and Point No.	Name of Post	Whether identified for Persons with Disabilities suffering from			Unreserved or Reserved *	Name of the person appointed and date of appointment	Whether the person appointed is VH/HH/OH or None **	Remarks, if any.
			VH	HH	OH				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

* If identified reserved, write VH/HH/OH, as the case may be, otherwise write UR
 ** Write VH, HH, OH or None, as the case may be.
 *** VH, HH, OH stand for visually handicapped, Hearing Handicapped and Orthopaedically Handicapped.

ANNEXURE III

PWD Report I

**ANNUAL STATEMENT SHOWING THE REPRESENTATION OF THE PERSONS
WITH DISABILITIES IN SERVICES
(As on 1ST January of the year)**

**MINISTRY / DEPARTMENT
ATTACHED / SUBORDINATE OFFICE:**

Group	Number of Employees				
	Total	In Identified posts	VH	HH	OH
1	2	3	4	5	6
Group A					
Group B					
Group C					
Group D					
Total					

- Note:** (i) VH stands for Visually Handicapped (persons suffering from blindness or low vision)
(ii) HH stands for Hearing Handicapped (persons suffering from hearing impairment)
(iii) OH stands for Orthopaedically Handicapped (persons suffering from locomotor disability or cerebral palsy)

PWD REPORT II

STATEMENT SHOWING THE NUMBER OF PERSONS WITH DISABILITIES APPOINTED DURING THE YEAR

(For the Year _____)

MINISTRY / DEPARTMENT
ATTACHED / SUBORDINATE OFFICE:

GROUP	DIRECT RECRUITMENT					PROMOTION										
	No. of vacancies reserved			No. of Appointments Made		No. of vacancies reserved			No. of Appointments Made							
	VH	HH	OH	Total	In Identified Posts	VH	HH	OH	Total	In Identified Posts	VH	HH	OH			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Group A									NIL	NIL	NIL					
Group B									NIL	NIL	NIL					
Group C																
Group D																

Note: (i) VH stands for Visually Handicapped (persons suffering from blindness or low vision)
(ii) HH stands for Hearing Handicapped (persons suffering from hearing impairment)
(iii) OH stands for Orthopaedically Handicapped (persons suffering from locomotor disability or cerebral palsy)
(iv) There is no reservation for persons with disabilities in case of promotion to Group A and B posts. However, persons with disabilities can be promoted to such posts, provided the concerned post is identified suitable for persons with disabilities.