

Urgent

F.No.2-1/2022-STG.II
 Government of India
 Ministry of Communications
 Department of Telecommunications

419-Sanchar Bhawan, 20-Ashoka Road,
 New Delhi-110001, Dated the December,2022

Office Memorandum

Subject: Reservation to Persons with Benchmark Disabilities (PwBDs) for promotion in SDE of TES Group 'B' from JTOs.

Please refer to Department of Personnel & Training's OM No.36012/1/2022-Estt (Res.II), dated 17.05.2022 (copy enclosed) which provides for reservation in promotion to persons with disability. Para 4.2 & 4.3 of the said OM stipulates as below :

4.2 *An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD.*

4.3 *No benefit of reservation shall be given on the basis of temporary certificate of disability."*

2. As per DoT OM dated 6-1/2018-STG.II, dated 13.11.2019 (copy enclosed) the following categories of Benchmark Disability are eligible for the post of JTO of Group 'B' :

(a) Low Vision;

(b) Locomotor Disability (one arm/one leg & one arm one leg) including leprosy cured, cerebral palsy dwarfism, acid attack victims,

(c) Multiple disabilities from amongst (a) & (b)

3. Further, DEPwD vide their notification dated 29.08.2022 has which they have clarified the the position of Persons with Spine Injury(SI)/Spine Deformity (SD) by classifying them into two categories :

(i) persons with SI/SD without any associated neurological/limb dysfunction and

(ii) persons with SI/SD with associated neurological/limb dysfunction

Now, a separate sub category i.e. Spinal Deformity (SD) and Spinal Injury (SI) without any associated neurological/limb dysfunction has been incorporated under Locomotor Disability in addition to OA, OL, BA, BL, OAL, BLOA and BLA. Thus, all the posts identified in the list stands identified suitable for persons with SD/SI without neurological/limb dysfunction. However, Persons with SD/SI with associated limb dysfunction are now being covered under the respective sub category such as OA, OL, BA, BL, OAL, BLOA and BLA, as the case may be. For example, if a post is identified suitable for OA and OL, the post is also identified suitable for persons with SD/SI with associated limp dysfunction of OA/OL respectively.

3. All such JTOs who have acquired disability after entering into service, are requested to provide the requisite information in the following format alongwith a copy of disability certificate issued by a competent authority, to the email ID suneet.dhillon@nic.in positively by 14.12.2022 :

Name	Designation	DoB	Staff No.	Cateogry	Type of	Disability-
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I/3073827/2022

				(UR/SC/ST/EWS)	Disability and % of disability	Permanent or Temporary

Encl : As above

**Signed by Subodh Kumar
Jayaswal****Date: 13-12-2022 10:57:11****Reason: Approved**

(Subodh Kumar Jayaswal)

Under Secretary to the Govt of India

To

All JTOs of this Department

No. 36012/1/2020 -Estt.(Res.-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated, the 17th May, 2022.

OFFICE MEMORANDUM

Subject: - Reservation in promotion to Persons with Benchmark Disabilities (PwBDs).

The undersigned is directed to say that the matter regarding reservation in promotion for Persons with Benchmark Disabilities (PwBDs) had been under litigation before various courts of law for quite some time, and the Hon'ble Supreme Court, in its order, dated 28.9.2021, delivered in the '*Application for Clarification*' in the matter of '*Siddaraju vs. State of Karnataka*', Civil Appeal No.1567/2017, directed the Government to issue instructions on 'Reservation in Promotion', as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016.

1.2 Accordingly, the following instructions are issued for grant of reservation in promotion to PwBDs, in the posts and services of the Central Government, as defined under Section 2(r) of the said Act, notified by the Department of Empowerment of Persons with Disabilities (DEPwD).

2. QUANTUM OF RESERVATION

2.1 In case of promotion, four per cent of the total number of vacancies in the cadre strength within Group 'C', from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' shall be reserved for PwBDs. Reservation in promotion shall be applicable in the cadres in which the element of direct recruitment, if any, does not exceed 75%.

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2.2 Against the posts identified for each disability, one per cent each shall be reserved for PwBDs under clauses (a), (b) and (c), respectively, and one per cent combined, under clauses (d) and (e) below, unless otherwise excluded under the provisions of Para 3 hereinafter: -

- a. blindness and low vision;
- b. deaf and hard of hearing;
- c. locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- d. autism, intellectual disability, specific learning disability and mental illness;
- e. multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

2.3 The authenticity of any certificate, issued by the competent medical authority, may be got verified/re-verified by the appointing authority at the time of appointment.

3. EXEMPTION FROM RESERVATION IN PROMOTION

3.1 Proviso to Section 20(1) of the Right of Persons with Disabilities Act, 2016, states that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this Section.

3.2 Accordingly, if any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation in promotion for PwBDs, it shall make a reference to the DEPwD, giving full justification for the proposal. The DEPwD, having regard to the type of work carried out in any Government establishment, by notification, and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD), may exempt any Establishment or any cadre(s), fully or partly, from the provisions of reservation for PwBDs. While doing so, Notes 1 to 9 under the Notification No.38-16/2020-DD.II, dated the 4th

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January, 2021, issued and as modified from time to time by the DEPwD, may kindly be kept in view.

4. NO DENIAL OF PROMOTION MERELY ON THE GROUND OF DISABILITY

4.1 In terms of Section 20(3) of the Rights of Persons with Disabilities Act, 2016, no promotion shall be denied to a person merely on the ground of disability. Further, in terms of Section 20(4) of the Act, no Government establishment shall dispense with or reduce in rank an employee who acquires a disability during his/her service. As per the proviso to this sub-section, if an employee, after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits. This section further provides that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier. However, in case the PwBDs for whom the supernumerary post was created is eligible for next promotion to higher pay level, and it is not possible to adjust the employee against any post, a fresh creation of supernumerary post in next higher level will be required by surrendering the previously created supernumerary post at the lower level, and the proposal for the same may be submitted to the Department of Expenditure.

4.2 An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, his seniority among PwBDs will be counted from the date of certification of his/her disability, i.e., disability of 40% or more in the categories covered under Section 34(1) of the Rights of Persons with Disabilities Act, 2016.

4.3 No benefit of reservation shall be given on the basis of temporary certificate of disability.



5. IDENTIFICATION OF POSTS:

5.1 The DEPwD has already identified posts suitable for being held by PwBDs and the physical requirement for all such posts, have been notified, vide their Notification No. 38-16/2020-DD-III, dated the 4th January, 2021. The posts mentioned in Annexure-C of the said notification (to be read in conjunction with Notes 1 to 9 mentioned under the main Notification, dated 4th January, 2021) shall be used by the Cadre Controlling Authorities to give effect to reservation in promotion to the PwBDs.

6. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES

6.1 If in a Ministry/Department/Organization, a post is identified suitable only for one category of disability, reservation in promotion in that post shall be given to persons with that category of benchmark disability only. However, reservation of 4% for PwBDs shall not be reduced in such cases and total reservation in the cadre will be given to PwBDs 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 PwBDs, as far as possible, get equal/fair representation. The points used in the 100-point Roster after a gap of 25 points shall be used to give reservation. In other words, it will be given only at the points reserved for PwBDs, and not in a bunched manner.

7. ADJUSTMENT OF PwBD CANDIDATES WHO ARE IN THE ZONE OF CONSIDERATION AGAINST GENERAL VACANCY

7.1 In case of promotions by seniority-cum-fitness, if a PwBD is otherwise eligible and is in the list of candidates finally approved for promotion, he/she may be promoted against the vacancy not specifically reserved for PwBD. In other words, a PwBD cannot be denied promotion on the ground that the vacancy is not earmarked for his category.

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7.2 In the case of promotion by selection, PwBDs selected without relaxed standards, along with 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 benchmark disabilities who are lower in merit than the last candidate in merit list but, otherwise found suitable for appointment, if necessary, by relaxed standards.

8. RELAXATION OF STANDARD OF SUITABILITY:

8.1 If sufficient number of PwBD candidates with benchmark disabilities are not available on the basis of prescribed standard to fill all the vacancies (in case of promotion through Limited Departmental Competitive Examination/Departmental Examination, etc.) 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. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of benchmark disability.

8.2 The same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/SC/ST/OBC category. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

9. COMPUTATION OF NUMBER OF VACANCIES TO BE RESERVED

9.1 Number of vacancies in a recruitment year to be reserved for PwBDs in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in the cadre strength, although the PwBDs would be posted against the category of posts identified as suitable for them.



10. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS

10.1 Every Government establishment shall maintain, cadre-wise and group-wise, a separate 100-point vacancy-based reservation roster/register, as in the case of direct recruitment, for determining/effecting reservation for the PwBDs in promotion. There will be separate roster / register, in each cadre in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable. There shall be separate roster/register for promotion and direct recruitment.

10.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

- 1st Block - Point No. 01 to point No. 25
- 2nd Block - Point No. 26 to point No. 50
- 3rd Block - Point No. 51 to point No. 75
- 4th Block — Point No. 76 to point No.100

10.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for PwBDs - one point each for category under (a), (b), (c) of Para 2.2 above, respectively, and one point for category (d) and (e) conjointly. The Head of the establishment shall ensure that vacancies identified at SI. No.1, 26, 51 and 76 are earmarked for the respective categories of the PwBD. However, the Head of the Department shall decide the placement of the selected candidate in the roster/ register. In other words, the category to be appointed first will be decided by the Head of the Department based on the functional requirement.

10.4 All the vacancies in each recruitment year in a grade, arising irrespective of vacancies reserved for PwBDs, shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the PwBD, or if the Head of the Department feels that it is not possible to fill up that post by the PwBDs for any other reason, to be recorded in writing, one of the vacancies

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falling at any of the points from 2 to 25 shall be treated as reserved for the PwBD and filled, as such.

10.5 Likewise, one vacancy out of the total vacancies falling at points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the PwBDs. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy by the PwBD candidate of the category for which the post is earmarked.

10.6 There is a possibility that none of the vacancies from 1 to 25 is found suitable for any category of the PwBD. In that case, two vacancies from 26 to 50 shall be filled from amongst the PwBDs. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies in the third block 51 to 75 shall be filled as reserved. This means that if no vacancy can be reserved in a particular block, it shall be carried over to the next block.

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

10.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies, including PwBD quota, if any) or two (say 50 vacancies, including the quota, if any), the category of the PwBDs should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category of disability, the Head of the Department shall decide the category on the basis of the nature of the post, the level of representation of the specific category in the grade/post concerned, etc.

11. CERTIFICATE BY REQUISITIONING/CADRE CONTROLLING AUTHORITY WHILE SENDING APPLICATION FOR SELECTION BY PROMOTIONS/DEPARTMENTAL EXAMINATION INCLUDING LIMITED COMPETITIVE DEPARTMENTAL EXAMINATION:

11.1 In order to ensure proper implementation of the provisions of reservation for PwBDs, the requisitioning/cadre



controlling authority, while sending the requisition/proposal to the recruiting agency/DPC, as the case may be, for filling up of vacancies through promotion by selection/Departmental Examination/Limited Competitive Departmental Examination, shall furnish the following certificate to the recruiting agency/DPC: -

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 which has become effective from 19th day of April, 2017 and Rules made thereupon, vide Rights of Persons with Disabilities Rules, 2017, and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition/proposal. The vacancies reported in this requisition/proposal fall at points no..... of cycle no..... of 100-point reservation roster out of which number of vacancies are reserved for persons with benchmark disabilities."

12. NOTICE OF VACANCIES FOR PROMOTION BY SELECTION

12.1 In order to ensure that PwBDs get a fair opportunity in consideration for appointment against an identified post, the following points shall be kept in view while sending the requisition notice/proposal to the recruiting agencies (SSC, UPSC etc.) and DPCs-

- (i) Number of vacancies reserved for SCs, STs and each category of PwBDs should be indicated clearly.
- (ii) In respect of vacancies in posts identified suitable for being held by PwBD, it shall be indicated that the post is identified for that respective category of PwBDs from amongst the categories, as mentioned in (a) to (e) of Para 2.2 above, as the case may be. Functional classification for performing the duties attached to such post(s), shall also be indicated clearly.
- (iii) The PwBDs belonging to the category/categories for which the post is identified shall be allowed to apply for the post advertised for being filled up by Limited Departmental Competitive Examination, even if no vacancy is reserved for



them. However, they will not be allowed any relaxed standard. Such PwBD candidates will be considered for selection for appointment to the post by general standards of merit.

- (iv) It shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability.

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

13.1 While filling up the reserved vacancies by promotion by selection, those PwBD candidates who are within the normal zone of consideration, shall be considered for promotion. However, if adequate number of PwBD candidates of the respective category are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the PwBD candidate falling within the extended zone may be considered for promotion. In the event of non-availability of candidates even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year. In the subsequent year, if a PwBD of the required category is not available, the reservation can be exchanged with the other categories, so that post can be filled by a person with other category of disability, if possible. If a PwBD candidate of other category is within the zone of consideration and within the number of vacancies available, he cannot be denied promotion on the grounds of disability. If it is not possible to fill up the post by reservation even in the 2nd year, the post may be filled by a person other than a PwBD, and the reservation shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.

13.2 While filling up vacancies by promotion by non-selection, the eligible candidates with benchmark disabilities within the normal zone of consideration shall be considered for promotion

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against the reserved vacancies. In case no eligible candidate of the respective category of disability is available in the normal zone of consideration, additional PwBD candidates of respective category to the extent required shall be considered by going down the seniority list, provided they are eligible, and that the post is identified for them. In the event of non-availability of PwBD candidates for promotion even in the extended zone, the vacancy shall not be filled and shall be carried forward. In the subsequent year, if PwBD of respective category is not available, the same can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the vacancy by reservation even by exchange, the reservation shall be carried forward for two subsequent recruitment years, where-after it shall lapse.

13.3 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the PwBD candidates shall first be counted against the vacant posts brought forward from previous years, if any, in the chronological order. If candidates are not available for all the vacancies, the older carried-forward posts shall be filled first, and the current vacancies shall be carried forward, if not filled up, provided that in every recruitment, the number of vacancies reserved for PwBD, including the carried forward vacancies, shall be announced beforehand, for the information of all aspirants.

14. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES

14.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called 'vertical' reservation and the reservation for categories such as PwBDs and ex-servicemen is called 'horizontal' reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved, depending upon the category to which they belong in the roster meant for reservation of

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SCs/STs/OBCs. To illustrate, if in a given year, there are two vacancies reserved for the PwBDs, and out of two PwBDs promoted, one belongs to Scheduled Caste and the other belongs to Unreserved, the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

14.2 Since the PwBDs have to be placed in the appropriate category, viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form (in respect of Departmental examination for promotion) for the post should require the candidates applying under the quota reserved for PwBDs to indicate whether they belong to SC/ST/OBC or unreserved.

15. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES

15.1 The Ministries/Departments shall continue to upload data on promotion of PwBDs, along with data on representation/direct recruitment of PwBDs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in, as on 1st January of every year. All Ministries/Departments have been provided respective user code and password with guidelines for operating the URL.

16. LIAISON OFFICER FOR PERSONS WITH BENCHMARK DISABILITIES:

16.1 Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to PwBDs and shall ensure compliance of instructions, as contained in DoPT OM No.43011/153/2010-Estt (Res), dated 4.1.2013.



17. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT

17.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

17.2 The Grievance Redressal Officer shall maintain a register of complaints of Persons with Benchmark Disabilities with the following particulars, namely: -

(a) date of complaint;

(b) name of complainant;

(c) the name of the establishment or person against whom the complaint is made;

(d) gist of the complaint;

(e) date of disposal by the Grievance Redressal Officer; and any other information.

17.3 Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

17.4 Every complaint filed, shall be inquired into within two months of its registration, and outcome thereof or action taken thereon, shall be communicated to the complainant / PwBD.

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


(S.P. Pant)

Deputy Secretary to the Government of India
Ph.No.011-23093074

To

- (i) The Secretaries of all Ministries/Departments of the Government of India.



- (ii) The Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi, with a request to issue similar instructions for compliance by Public Sector Banks/Financial Institution/Insurance Companies.
- (iii) The Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi, with a request to issue similar instructions for compliance by all Central Public Sector enterprises.
- (iv) The Secretary, Railway Board, Rail Bhavan, New Delhi,
- (v) The Secretary, President Secretariat, Rashtrapati Bhavan, New Delhi.
- (vi) The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.
- (vii) The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.
- (viii) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- (ix) The Registrar (Administration), Supreme Court of India, New Delhi.
- (x) The Joint Secretary (Administration), Prime Minister's Office, South Block, New Delhi.
- (xi) The Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, New Delhi.
- (xii) The Joint Secretary (Administration), Lok Sabha Secretariat, Parliament House Annexe, New Delhi.
- (xiii) The Joint Secretary (Administration), Rajya Sabha Secretariat, Parliament House Annexe, New Delhi.
- (xiv) The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
- (xv) The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.
- (xvi) The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi
- (xvii) Officer of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi-110001

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- (xviii) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate Offices of this Ministry.
- (xix) Director, NIC, DOPT – with the request to immediately place this OM on the website of this Department (“what’s new” tab) for information of all concerned.

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F.No. 6-1/2018-STG.II
Government of India
Ministry of Communications
Department of Telecommunications
(STG.II Section)

421, Sanchar Bhavan, 20- Ashoka Road, New Delhi - 110001
Dated the 13th Nov. ~~October~~, 2019

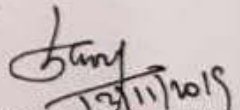
OFFICE MEMORANDUM

Subject: Compliance of the order of the Hon'ble Supreme Court in the matter of Sh. Anuj Goya vs UoI and others- reg.

The undersigned is directed to refer to Department of Empowerment of Persons with Disabilities (Divyangjan)'s OM No. 34-16/2018-DD-III dated 16.08.2019 and to state that Group 'A' (Assistant Divisional Engineer (Telecom) and Group 'B' (Junior Telecom Officer) posts of Department of Telecommunications have been Identified U/s 34(1) of the Rights of Persons with Disability Act, 2016 for filling up of 4% PH quota vacancies suitable under following benchmark disabilities:

- (a) Low Vision
- (b) Locomotor Disability (one arm/one leg and one arm one leg) including leprosy cured, cerebral palsy, dwarfism, acid attack victims.
- (c) Multiple Disabilities from amongst (a) & (b).

2. This issues with the approval of the competent authority.

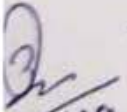

[Subodh Kumar Jayaswal]
Under Secretary to the Govt of India
Tele No. 23036226

To,

DS(SCT), SCT Section, Department of Telecommunications(DoT) HQ --- w.r.t No. 17-1/2019-SCT dated 27.09.2019

Copy to:
Shri N K Sharma for uploading on DoT website

o/c


13/11/19

No. 01-02/2021-SCT
Government of India
Ministry of Communications
Department of Telecommunications
(SCT Section)

Room No. 415, Sanchar Bhawan,
New Delhi, 28-09-2022

To:

1. The Chairman-cum-Managing Director, MTNL, New Delhi
2. The Chairman-cum-Managing Director, BSNL, New Delhi
3. The Chairman-cum-Managing Director, TCIL, New Delhi
4. The Chairman-cum-Managing Director, ITI Ltd., New Delhi
5. Chairman, Telecom Regulatory Authority of India
6. Executive Director, C-DoT
7. The Chairman-cum-Managing Director, BBNL, New Delhi
8. Deputy CGCA (Admin.), O/o CGCA, Ghitorni
9. Director, Wireless Monitoring Organisation

Subject: Inclusion of persons with spine deformity/spine injury in the list of posts identified to be reserved for persons with benchmark disabilities – amendment to the notification dated 04.01.2021 issued by DEPwD - regarding

Sir,

I am directed to refer to this department's O.M / letter of even number dated 09.02.2021 vide which a copy of DEPwD O.M No. 38-16/2020 dated 20.01.2021 regarding the list of posts identified to be reserved for various categories of Persons with Benchmark Disabilities was circulated among all cadre controlling authorities for compliance. In this connection, please find enclosed a copy of DEPwD ibid. O.M dated 07.09.2022 on the captioned subject and which inter-alia emphasises the following salient points:

A. In compliance of Hon'ble HC of Delhi's order dated 18.04.2022, DEPwD vide notification dated 29.08.2022 has clarified the position in respect of persons with Spine Injury (SI)/ Spine Deformity (SD) by classifying them into two categories:

- i. *Persons with SI/SD without any associated neurological/ limb dysfunction*
- ii. *Persons with SI/SD with associated neurological/ limb dysfunction*

B. As per the notification dated 29.08.2022, it has now been mandated that a separate sub-category i.e, **SD and SI without any associated neurological/ limb dysfunction** shall be incorporated under Locomotor Disability in addition to OA, OL, BA, BL, OAL, BLOA and BLA. Thus, all the posts identified in the list stands identified suitable for persons with SD/SI without neurological/ limb dysfunction.

However, **Persons with SD/SI with associated limb dysfunction** shall be covered under the respective sub category such as to OA, OL, BA, BL, OAL, BLOA and BLA as the case maybe. For example, if a post is identified suitable for OA and OL, the post is also to be identified suitable for persons with SD/SI with associated limb dysfunction of

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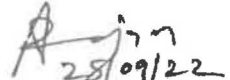
OL/OA respectively.

C. DEPWD has requested all administrative Ministries/Departments to issue appropriate instructions to adhere to the aforesaid notification dated 04.01.2021 read with amendment notification dated 29.08.2022 while filling up vacancies to be reserved for PwBDs including revision of application and online portals so as to reflect all sub-categories/ categories of PwBDs as notified vide DEPWD notification dated 04.01.2021 r/w amendment notification dated 29.08.2022.

2. The contents of the DEPWD O.M dated 07.09.2022 are hereby brought to the attention of all cadres controlling authorities for strict compliance and necessary action.

Encl.: as above

Yours faithfully,


28/09/22
(Amit Rajan)

Under Secretary to the Govt. of India,
amit.rajana@nic.in
Tel.: 2303 6837

Copy for necessary action to all cadre controlling authorities in DoT (as indicated):

- i. Sr. DDG (PAF), Dak Bhawan
- ii. DDG (C&A), DoT Hqrs.
- iii. JS (Admin.), DoT Hqrs.
- iv. DDG (Pers.), DoT Hqrs. 106
- v. DDG (Estt. & Trg.), DoT Hqrs.
- vi. DDG (Estt.), DoT Hqrs.

DDG/JSR

17/9

F.No. 30-12/2020-DD-III

Government of India

Ministry of Social Justice and Empowerment

Department of Empowerment of Persons with Disabilities (Divyangjan)

5th Floor, Antyodaya Bhavan, CGO Complex, Lodhi Road, New Delhi

Dated: 07.09.2022

OFFICE MEMORANDUM

Subject: Inclusion of persons with spine deformity/spine injury in the list of posts identified to be reserved for persons with benchmark disabilities - amendment to the notification dated 04.01.2021 issued by DEPwD - regarding

The undersigned is directed to refer to this Department's OM No. 38-16/2020 dated 20.01.2021 regarding the list of posts identified to be reserved for various categories of persons with benchmark disabilities notified on 04.01.2021 and to say that Spine Injury (SI)/Spine Deformity (SD) was not clearly indicated in the said list. Hon'ble High Court of Delhi in its order dated 18.04.2022 directed this Ministry to elaborate the various categories under which persons with different disabilities could apply in recruitment of government posts.

2. In compliance of the said directions, the Department has issued a notification on 29.08.2022 (copy enclosed) amending the earlier notification dated 04.01.2022 to clarify the position in this regard. Persons with spine injury/spine deformity can be classified into the following two categories:

- (i) persons with SD/SI without any associated neurological/limb dysfunction and
- (ii) persons with SD/SI with associated neurological/limb dysfunction

3. As per the notification dated 29.08.2022, it has now been mandated that a separate sub category i.e. **Spinal Deformity (SD) and Spinal Injury (SI) without any associated neurological/limb dysfunction** shall be incorporated under Locomotor Disability in addition to OA, OL, BA, BL, OAL, BLOA and BLA. Thus, all the posts identified in the list stands identified suitable for persons with SD/SI without neurological/limb dysfunction.

Persons with SD/SI with associated limb dysfunction shall be covered under the respective sub category such as OA, OL, BA, BL, OAL, BLOA and BLA, as the case may be. For example, if a post is identified suitable for OA and OL, the post is also to be suitable for persons with SD/SI with associated limb dysfunction of OL/OA.

4. All Central Ministries/Departments are requested to adhere to the notification dated 4.1.2021 read with amendment notification dated 29.08.2022 and issue appropriate instructions to the organisations under their administrative control while filling up vacancies to be reserved for persons with benchmark disabilities. Appropriate instructions may also be issued to revise the application form including online portals so as to include all sub-categories/categories of persons with benchmark disabilities as envisaged in the notification dated 04.01.2021 read with notification dated 29.08.2022 for strict compliance.

Encl: As above

(Mrityunjay Jha)
Deputy Secretary to the Government of India
Tel: 24369045
Email: mrityunjay.jha@nic.in

Dis (JSR)
19/9

To,
The Secretaries of all Central Ministries

Pl. circulate
Hand
20/9

20.9.22
60(SCT)/ASO

File No. 38-16/2020-DD-III
Government of India
Department of Empowerment of Persons with Disabilities
Ministry of Social Justice & Empowerment

Room No. 4, 5th Floor,
Pt. Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road, New Delhi
Dated 20 January, 2021

OFFICE MEMORANDUM

Sub: Identification of posts suitable for Persons with benchmark disabilities under the Rights of Persons with Disabilities Act, 2016- Notification regarding.

The undersigned is directed to say that the central Government has enacted the Rights of Persons with Disabilities Act, 2016, which came into effect from 19.4.2017. As per Section 34(1) of the said Act, every Government establishment is required to reserve not less than four percent of vacancies for various categories of persons with benchmark disabilities namely, (a) blindness and low vision (b) deaf and hard of hearing (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy (d) autism, intellectual disability, specific learning disability and mental illness (e) multiple disabilities from amongst persons under (a) to (d) above including deaf-blindness.

2. Section 33 of the said Act mandates the appropriate Government to identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34 of the Act. In accordance with the said provision, the Department has notified the list of posts suitable for various categories of persons with benchmark disabilities across all group of posts (A,B,C&D) on 4.1.2021 on the basis of the recommendations of an Expert Committee. This list supersedes earlier list of identified posts notified by this Ministry vide Notification No. 16-15/2010-DD III dated 29th July, 2013 in terms of the repealed Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act, 1995.

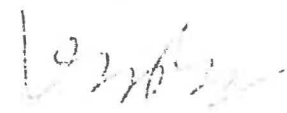
3. A copy of the notification dated 4.1.2021 (without annexure) is enclosed. Details of the notification with annexures are available on the website of the Department i.e. www.disabilityaffairs.gov.in. It can also be downloaded from the link <http://egazette.nic.in/WriteReadData/2021/224370.pdf>.

4. It may be noted that the list is not exhaustive and the Central Ministries and Departments, autonomous bodies/Central Public Sector Undertakings may supplement the list. In case a post in any organisation is not included in the notified list, the same may be identified on the basis of functional requirement vis-à-vis nature of duties.

2

5. All Central Ministries/Departments are requested to adhere to the notification dated 4.1.2021 while filling up vacancies to be reserved for persons with benchmark disabilities and issue appropriate instructions to all autonomous bodies/ central public sector undertakings under their respective administrative control for compliance.

For A. S. Abhishek


(K.V.S. Rao)
Director
Tel: 24369054

To,

1. All Central Ministries/Departments as per list attached.
2. Secretary, UPSC
3. Secretary, SSC
4. Secretary, UGC
5. JS & CEO, National Trust
6. CMD, ALIMCO
7. CMD, NHFDCL
8. Member Secretary, RCI
9. Directors of All NIs of DEPwD

Copy to:
 Joint Secretary, Administration, DEPwD



भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग I—खण्ड I
PART I—Section I

प्राधिकार से प्रकाशित
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नई दिल्ली, सोमवार, अगस्त 29, 2022/भाद्र 7, 1944
NEW DELHI, MONDAY, AUGUST 29, 2022/BHADRA 7, 1944

सामाजिक न्याय और अधिकारिता मंत्रालय
(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 24 अगस्त, 2022

फा. सं. 30-12/2020-डीडी-III.—दिव्यांगजन अधिकार अधिनियम, 2016 की धारा 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार अधिसूचना संख्या 38-16/2020-डीडी-III दिनांक 04.01.2021 में एतद्वारा निम्नलिखित संशोधन करती है:

नोट 9 के बाद निम्नलिखित नोट को अंतः स्थापित किया जाएगा अर्थात्:

"नोट 10: लोकोमोटर दिव्यांगता के तहत ओए, ओएल, बीए, बीएल, ओएएल, वीएलओए और वीएलए के अलावा एक अलग उपश्रेणी अर्थात् किसी भी संबद्ध तंत्रिका संबंधी / लिंग डिफंक्शन के बिना स्पाइनल डिफॉर्मिटी (एसडी) और स्पाइनल इंजरी (एसआई) को शामिल किया जाएगा। इस प्रकार, सूची में अभिचिन्हित सभी पदों को तंत्रिका संबंधी / लिंग डिफंक्शन के बिना एसडी / एसआई वाले व्यक्तियों के लिए उपयुक्त अभिचिन्हित किया गया है। संबंधित तंत्रिका संबंधी / लिंग डिफंक्शन वाले एसडी / एसआई वाले व्यक्तियों को संबंधित उपश्रेणी जैसे ओए, ओएल, बीए, बीएल, ओएएल, वीएलओए और वीएलए जैसा भी मामला हो, के तहत कवर किया जाएगा।"

राजेश कुमार यादव, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

[Department of Empowerment of Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 24th August, 2022

F. No. 30-12/2020-DD-III.—In exercise of powers conferred upon by Section 33 of the Rights of Persons with Disabilities Act, 2016, the Central Government hereby makes the following amendments in the notification number 38-16/2020-DD-III dated 04.01.2021 as under:

After Note 9 the following Note shall be inserted namely;

“Note 10: A separate sub category i.e. Spinal Deformity (SD) and Spinal Injury (SI) without any associated neurological/limb dysfunction shall be incorporated under Locomotor Disability in addition to OA, OL, BA, BL, OAL, BLOA and BLA. Thus, all the posts identified in the list stands identified suitable for persons with SD/SI without neurological/limb dysfunction. Persons with SD/SI with associated limb dysfunction shall be covered under the respective sub category such as OA, OL, BA, BL, OAL, BLOA and BLA. as the case may be.”

RAJESH KUMAR YADAV, Jt. Secy

