

COURT MATTER
TIME BOUND

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 26 March, 2014

OFFICE MEMORANDUM

Sub: Computation of reservation – implementation of the judgment of Hon'ble Supreme Court in the matter of Union of India & Anr. Vs. National Federation of Blind & Ors.

In pursuance of the judgment dated 08.10.2013 of the Hon'ble Supreme Court 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, this Department issued O.M No. of even dated 3rd December, 2013 modifying para 14 of this Department's O.M dated 29.12.2005 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".

2. It was also requested to compute 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 judgement (8.10.2013) and implement the same without default. The Hon'ble Supreme Court directed that 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 Undertakings/Government Companies responsible for proper strict implementation of reservation for persons with disabilities be departmentally proceeded against for the default.

3. Vide this Department's OM of even number dated 24th February, 2014, it was informed that the Petitioner i.e. National Federation of the Blind has filed an application in the Hon'ble High Court of Delhi and the Hon'ble High Court has directed to file a status report giving details of steps taken to implement the judgement of the Hon'ble Supreme Court including the

appointments made, if any. Owing to inadequate response from the Ministries/Departments, progress report on implementation of the judgement of the Hon'ble Supreme Court could not be placed before the Hon'ble High Court during the last hearing held on 12th March, 2014. The Hon'ble High Court of Delhi has given three weeks time to file the status report which has to be complied with.

4. All the Ministries/Departments/Organisations of the Government of India are requested to compute the reservations for persons with disabilities at the earliest and immediately identify the posts for disabled persons and implement the same without default. However, the following points may be kept in view while computing reservations:-

- (i) Three percent of the vacancies in case of direct recruitment to Group A,B,C and D shall be reserved for persons with disabilities of which 1% 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. Three percent of the vacancies in case of promotion to Group D and Group C posts in which direct recruitment, if any, does not exceed 75% shall be reserved for persons with disabilities of which 1% 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) The computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in identical manner viz. "computing 3% reservation on total number of vacancies in the cadre strength". The Hon'ble Supreme Court has further directed 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 08.10.2013 and implement the same without default.
- (iii) As regards effecting reservation, Para 15 of this Department's O.M. No.36035/3/2004-Estt(Res) dated the 29th December, 2005 [<http://persmin.nic.in>>> OMs&Orders>> Establishment (Reservation)>> Persons with Disabilities], *inter alia*, stipulates that all establishments shall maintain separate 100 point reservation roster registers in the prescribed formant 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. Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities - one point each for three categories. 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 the relevant facts.

- (iv) Whereas reservation policy for SCs/STs/OBCs is post based, the reservation policy for persons with disabilities is vacancy based.
- (v) List of identified posts for the persons with disabilities issued by the Department of Disability Affairs, Ministry of Social Justice and Empowerment vide Notification No.16-15/2010-DD.III dated the 29th July, 2013 is available at the website of the Ministry of Social Justice and Empowerment.

5. Keeping in view the above, all the Ministries/Departments/Organisations of the Government of India are requested to furnish details of vacancies available and posts identified for persons with disabilities in all the cadres under their control including attached offices, subordinate offices, public sector undertakings, Government Companies, Cantonment Board, etc in the following format:-

Group	Name of Posts (both identified and non-identified)	Total vacancy available	Vacancy available for PwD at @ 3% of total vacancy (1% each for VH, HH & OH)			Name of Post identified for persons with disability	Proposed action plan to fill up the post identified for persons with disability
			VH	HH	OH		
A							
B							
C							
D							

[VH=Visually Handicapped; HH=Hearing Handicapped; OH=Orthopedically Handicapped]

It is requested that above information may be sent to this Department within two weeks i.e. by 27th March, 2014 so that a consolidated status report could be placed before the next date of hearing. It is clarified that the Departments who had earlier sent the information with reference to this Department's earlier communications may also send the information, in the format now prescribed keeping in view the details furnished in para 4 above. It may be noted that response of the Ministries/Departments together with

defaulters list would form part of the status report to be filed before next date of hearing in the Hon'ble High Court of Delhi.



(G.Srinivasan)

Deputy Secretary to the Government of India

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

Copy for similar action to:

- (i) Director (AIS), DOPT - in respect of computation of vacancies and identification of posts for persons with disabilities in All India Service.
- (ii) Director (CS-I), DOPT - in respect of computation of vacancies and identification of posts for persons with disabilities in CSS cadre.
- (iii) Director (CS-II), DOPT - in respect of computation of vacancies and identification of posts for persons with disabilities in CSCS and CSSS cadre.