

GOVT OF PUNJAB
DEPARTMENT OF SOCIAL SECURITY AND WOMEN & CHILD DEVELOPMENT
(DISABILITY BRANCH)

Dated 24th June, 2015

OFFICE MEMORANDUM

Subject:- Reservation for the Persons With Disabilities.

With a view to consolidating the existing instructions, bringing them in the line with the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995, directions given by Hon'ble Supreme Court of India in the matter of Civil Appeal No. 9096 of 2003 arising out of SLP (Civil) No. 7541 of 2009 titled Union of India & another Vs. National Federation of the Blind & Ors. and Hon'ble Punjab & Haryana High Court in CWP No. 22813 of 2013 – National Federation of the Blind Punjab Branch Versus State of Punjab and another and clarifying certain issues including procedural matters, the following instructions are issued with regard to reservation for persons with disabilities in posts and services under the Government of Punjab. All the previous instructions on the subject shall be superseded to the extent they are inconsistent with these instructions.

2. QUANTUM OF RESERVATION

Three percent of the vacancies in case of direct recruitment and promotion 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.

3. EXEMPTION FROM RESERVATION

If any Department 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 Department of Social Security and Women & Child Development giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Department of Social Security and Women & Child Development.

4. **IDENTIFICATION OF JOBS / POSTS**

The Ministry of Social Justice and Empowerment, Government of India has 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.16-15/2010-DD-III dated 29.7.2013 (Available on website-www.socialjustice.nic.in). Government of Punjab vide its letter No. 3/39/2014-3Dis.Br./972-980 dated 10.07.2014 has adopted this list. The jobs/ posts given in **Annexure-II** shall be used to give effect to 3 % 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 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 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 its 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 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 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;⁴
- (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 9. 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 characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the prenatal, peri-natal or infant period of development.

(c) All the cases of orthopedically 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 percent 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***.

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.

10. COMPUTATION OF RESERVATION

Reservation for persons with disabilities in case of Group 'A', 'B', 'C' and 'D' posts shall be computed on the basis of total number of vacancies occurring in all Group 'A', 'B', 'C' and 'D' posts, in the cadre, 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 'D' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'A' 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 'A', 'B', and 'C' posts. Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in Group 'A', 'B', 'C' and 'D' posts.

11. 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 'A' posts filled by promotion, Group 'B' posts filled by direct recruitment, Group 'B' posts filled by promotion, 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. Each Department will ensure that the Roster Register is got checked and verified from the Department of Social Security and Women & Child Development.

(1) **For filling up posts in Group 'A' and Group 'B'**

- (i) Separate roster registers will be maintained for Group 'A' and Group 'B' and these registers shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising of 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
- (ii) Points 11, 40 and 71 of the roster shall be earmarked reserved for persons with disabilities — one point for each of the three categories of disabilities as described in para 7 above. The head of the establishment shall decide the categories of disabilities for which the points 11, 40 and 71 will be reserved keeping in view all relevant facts.
- (iii) All the vacancies in Group 'A' 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. 11 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 12 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.
- (iv) 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.
- (v) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- (vi) 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

- (vii) Separate rosters shall be maintained for Group 'A' and Group 'B' 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 A posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

(2) For filling up posts in Group 'C' and Group 'D'

- (i) Separate roster registers will be maintained for Group 'C' and Group 'D' and these registers shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising of the following points:

1st Block — point No.1 to point No.33

2st Block — point No. 34 to point No.66

3st Block — point No.67 to point No.100

- (ii) Points 10, 40 and 70 of the roster shall be earmarked reserved for persons with disabilities — one point for each of the three categories of disabilities as described in para 7 above. The head of the establishment shall decide the categories of disabilities for which the points 10, 40 and 70 will be reserved keeping in view all relevant facts.
- (iii) All the vacancies in Group 'C' and Group 'D' 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. 10 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 11 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.
- (iv) 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.

- (v) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- (vi) 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
- (vii) Separate rosters shall be maintained for Group 'C' and Group 'D' 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 'C' and Group 'D' posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

12. 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 Department of Social Security and Women and Child Development 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 where after 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.

13. 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.

14. 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, where after 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 where after it shall lapse.

15. 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.

16. 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.

17. 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.

18. 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 SSSB, the PPSC 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 Locomotors 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 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.

19. 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 PPSC, SSSB 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."

20. 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 Department:-
 - (a) PWD Report-I in the prescribed Performa (**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 Performa (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 Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed Performa in respect of the Department including information in respect of all attached and subordinate offices under its control to the Department of Social Security and Women and Child Development by the 31st March of each year.
- (iii) The following points may be kept in view while sending the reports to the Department of Social Security and Women and Child Development:-
 - (a) The reports sent to the Department of Social Security and Women and Child Development 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 Performa to the administrative Department concerned who may scrutinize, monitor and maintain it at their own level. The Directorate of Public Enterprises & Disinvestment, Punjab may collect similar information in respect of all public sector undertakings.

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- (b) The attached/subordinate offices shall send information to their administrative 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 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.

21. All the Administrative Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.



(Jaspal Singh) I.A.S
Secretary to Govt. of Punjab

Endst. No. 9/23/15-3DC/507-515

Dated, Chandigarh 24/6/15

A copy is forwarded to the following for information and necessary action:-

1. All the Financial Commissioners/Principal Secretaries, Punjab.
2. Registrar, Punjab and Haryana High Court, Chandigarh.
3. Commissioners of Divisions, Punjab
4. All the Heads of Department, Punjab
5. Deputy Commissioners in the State
6. District & Sessions Judges State of Punjab.
7. Heads of all Boards/ Corporations.
8. Chairman, Punjab Public Service Commission, Patiala.
9. Chairman, State Services Selection Board, Chandigarh.



Secretary to Govt. of Punjab

(x) H-can perform work by hearing/speaking.

Yes/No

(xi) RW-can perform work by reading and writing.

Yes/No

(Dr-----)

(Dr.-----)

(Dr.-----)

Member

Member

Chairperson

Medical Board

Medical Board

Medical Board

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

GROUP _____

RECRUITMENT/PROMOTION

ANNEXURE –II

RESERVATION ROSTER FOR PERSONS WITH DISABILITIES

Year of Recruitment	Cycle No. and Point No.	Name of Post	Whether identified suitable for Persons with Disabilities			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				
(*)	(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 Orthopedically Handicapped.

ANNEXURE III**PWD Report I****ANNUAL STATEMENT SHOWING THE REPRESENTATION OF THE
PERSONS WITH DISABILITIES IN SERVICES****(As on 1 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 Orthopedically 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		
	V H	H H	O H	Tota l	In Identifie d Posts	V H	H H	O H	VH	HH	O H	Tota l	In Identifie d Posts	V H	H H	O H
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:

VH stands for Visually Handicapped (persons suffering from blindness or low vision)

HH stands for Hearing Handicapped (persons suffering from hearing impairment)

OH stands for Orthopaedically Handicapped (persons suffering from locomotor disability or cerebral palsy)

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.

