

No. 22/86/97-3GS-III

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, Commissioners/Ambala, Hisar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
3. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the 13th November, 1997.

Subject : C.W.P. 4150/97-Sushma Verma Vs. State of Haryana appointment of physically handicapped persons in Government jobs.

I am directed to invite your attention to the order of Hon'ble High Court Punjab & Haryana (CWP No. 4150/1997). The Hon'ble High Court of Punjab & Haryana has issued the following directives which are to be complied with immediately :

- (a) In accordance with directives issued by the Chief Secretary, Haryana vide circular dated 23-7-97, all those Heads of the Departments and other authorities, who have so far not identified the posts reserved for physically handicapped persons, shall now undertake this exercise and complete the process within one month from today.
- (b) Within next four months, the competent authorities shall take steps to make recruitment against all the vacant posts reserved for physically handicapped persons and appointments to be given to the selected candidates strictly in the order of their merit among physically handicapped persons.
- (c) The Government shall simultaneously issue instructions to all the authorities to identify the remaining vacancies posts reserved for physically handicapped persons and take prompt steps for making recruitment against such vacancies simultaneously with the recruitment of general category candidates so that the candidates belonging to the categories of physically handicapped are not adversely affected.

In the light of judgement of the Hon'ble High Court quoted above you are requested to ensure that the posts reserved for physically handicapped persons in your departments may be identified within one week under intimation to the office of Chief Secretary, Government of Haryana. All competent authorities shall also ensure (as desired by the Hon'ble High Court), recruitment against all vacant posts reserved for physically handicapped persons should be made and appointments be given to the selected candidates strictly in order of merit amongst the physically Handicapped persons. If necessary, relaxation from the Finance Department may be taken in case the vacancy comes under the ban imposed by the Finance Department.

As desired by the Hon'ble High Court it may be ensured that prompt steps are taken for making recruitment of physically handicapped persons against vacancies simultaneously with the recruitment of General Category candidates so that the candidates belonging to the category of physically handicapped are not adversely affected.

It may be noticed that the Hon'ble Supreme Court of India while deciding the case of the Excise Superintendent Malkapatnam, Krishna V/s K.B.N. Visweshwara Rao and others (Civil Appeal No. 11646-11724 of 1996) on 22.10.1996 had made the following observations :—

“Having regard to the respective contentions, we are of the view that contention of the respondents is more acceptable which would be consistent with the principles of fair play, justice and equal opportunity. It is common knowledge that many a candidates

are unable to have the names sponsored, though their names are either registered or are waiting to be registered in the employment exchange, with the result that the choice of selection is restricted to only such of the candidates whose names come to be sponsored by the employment exchange. Under these circumstances many a deserving candidates are deprived of the right to be considered for appointment to a post under the State. Bather view appears to be that it should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning Departments for selection strictly accordingly to seniority and reservation as per requisition. In addition, the appropriate Department or undertaking or establishment, should call for the names by publication in the newspapers having wider circulation and also display on their office notice boards or announce radio, television and employment news bulletins and then consider the case of all the candidates who have applied. If this procedure is adopted, fair play would be subserved. The equality of opportunity in the matter of employment would be available to all eligible candidates."

In view of the directions/guidelines given by the Hon'ble Supreme Court in the judgement quoted above, it may also be ensured that the physically handicapped persons should be appointed against reserved posts (Class III & IV posts) by sending requisitions to the Employment Exchange and also by publishing advertisement in the newspapers with a wide circulation. Care may also be taken to ensure that wherever local vernacular papers are widely read and circulated, advertisements may be published in those newspaper as well.

These instructions may be brought to the notice of all concerned for strict compliance.

Yours faithfully,

Sd/—

(R. D. Gugnani)

Under Secretary General Administration
for Chief Secretary to Government Haryana.