

**GOVERNMENT OF HARYANA
GENERAL ADMINISTRATION DEPARTMENT
GENERAL SERVICES-III BRANCH
No. 22/10/2013-1GSIII**

To

Dated Chandigarh, the 25th April, 2018

1. All the Administrative Secretaries to Government of Haryana.
2. All the Heads of Departments and all the Divisional Commissioners in the State of Haryana.
3. The Registrar General of Punjab & Haryana, High Court.
4. All the Deputy Commissioners & Sub-Divisional Officers (Civil) in the state of Haryana.
5. Registrars of all the State Universities in the State of Haryana.
6. All Heads of Boards/Corporations/Public Service Undertakings in the State of Haryana.

Subject: Reservation for the Persons with Benchmark Disabilities:

Sir/Madam,

I am directed to invite your attention on the Government instructions issued vide No 22/10/2013-1GSIII dated 15.07.2014, on the subject noted above and to inform that with a view to consolidating the existing instructions, bringing them in line with the Rights of Persons with Disabilities Act, 2016 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 State of Haryana. If the guidelines contained in this instruction come in conflict with the provisions of any other instructions issued by this Department on this subject, the same shall be deemed to be modified to the extent provided herein.

A) QUANTUM OF RESERVATION:

Four percent of the posts/cadre in case of direct recruitment to Group A, B, C & D posts/services shall be reserved for persons with benchmark disabilities of which one per-cent each shall be reserved for persons with benchmark disabilities detailed below as a), b) & c) and one per-cent for persons with benchmark disabilities under clauses d) and e):

- 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 in the posts identified for each disabilities.

B) EXEMPTION FROM RESERVATION:

Any Department, in consultation with the State Commissioner, may, having regard to the type of work carried out in any Government Department, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from providing reservation to persons with benchmark disabilities.

C) IDENTIFICATION OF JOBS/POSTS AND ANNUAL REPORT:-

(i) Every Government Department shall (i) identify posts in the Departments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with para-2 above; (ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and (iii) undertake periodic review of the identified posts at an interval not exceeding three years.

(ii) Every appointing authority/Department shall send annual report regarding representation of Persons with Disabilities, showing position as on first of January every year to the Social Justice and Empowerment Department who will compile the data being the Nodal Department.

D) 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 4% 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.

E) 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 disabilities of the relevant category. The provision of identification of posts does not in any way debar or preclude a person with benchmark disabilities from applying and competing for any unreserved post subject to his/her eligibility and clearing the written test/interview successfully, without any relaxation.

F) DEFINITIONS OF DISABILITIES:

Definitions of categories of benchmark disabilities for the purpose of this Office Memorandum are as per Annexure-A, appended to this O.M.

G) 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 the relevant disability. A person who wants to avail benefit of reservation would have to submit a Disability Certificate issued by a competent authority. At the time of initial appointment against a vacancy reserved for persons with benchmark disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

H) COMPUTATION OF RESERVATION:

In view of directions of the Hon'ble Apex Court in the matter of Civil Appeal No.9096 of 2013 (arising out of SLP (C) No.7541 of 2009) titled as Union of India & /Anr. Vs. National Federation of Blind & Ors, reservation for persons with disabilities in case of direct recruitment to Group A, B, C and D posts/ services, shall be computed on the basis of total number of posts in the cadre minus existing PWD strength.

I) NON-DISCRIMINATION OF PERSONS WITH DISABILITIES IN GOVERNMENT EMPLOYMENT:

(i) No Government Department shall discriminate against any person with disability in any matter relating to employment. Provided that the appropriate Government may, having regard to the type of work carried on in any Department, by notification and subject to such conditions, if any, exempt any Department from the provisions of this section.

(ii) No promotion shall be denied to a person merely on the ground of disability.

(iii) No Government Department shall dispense with or reduce in rank, an employee who acquires a disability during his or her service. Provided that, 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. Provided further 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.

J) RELAXATION IN AGE LIMIT:

i) Upper age limit for persons with disabilities shall be relax able (a) by ten years (15 years for SCs/BCs) in case of direct, recruitment to Group 'C' and 'D' posts (b) by 5 years (10 years for SCs/BCs) 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 ten years (15 years for SCs/BCs) 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.

K) EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE:

Persons with disabilities shall be exempted from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Haryana Staff Selection Commission (HSSC), the Haryana Public Service Commission (HPSC) 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.

L) HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:

(i) Reservation for Scheduled Caste and Backward Classes is called vertical reservation and the reservation for categories such as persons with benchmark disabilities etc. is called horizontal reservation. The horizontal reservation cuts across vertical reservation (what is called interlocking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. General (Un-reserved)/SC/BC candidates, depending upon the category to which they belong in the roster meant for General(Un-reserved)/SCs/BCs. To illustrate, if in a given year there are two vacancies reserved and advertised for the persons with disabilities and out of two persons with disabilities appointed, one belongs to Scheduled Caste and the other to General/Unreserved 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/ earmarked for SCs in the roster.

(ii) Since the persons with benchmark disabilities have to be placed in the appropriate category viz. General (Un-reserved)/SC /BC in the roster meant for reservation of General (Un-reserved)SCs/BCs, the application form for the post should require the candidates applying under the quota reserved for persons with benchmark disabilities to indicate whether they belong to General (Un-reserved)/SC / BC category.

M) EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:

(i) Reservation for each of the four categories of persons with benchmark 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 four categories with the approval of the Social Justice & Empowerment Department and reservation may be determined and vacancies filled accordingly.

(ii) 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 be carried forward to the subsequent recruitment year.

(iii) In the subsequent recruitment year the carried forward 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 four categories of disabilities. In case no suitable person with benchmark disabilities 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.

N) PROTECTION TO THE PERSONS WITH DISABILITIES BELONGING TO STATE OF HARYANA:

(i) In order to give proper weightage to the persons with disabilities of Haryana, while filling up the posts reserved for persons with disabilities in respect of Group A, B, C and D by direct recruitment, the persons with disabilities of Haryana should only be considered eligible for applying for such reserved posts under the services of State Government.

The above instructions may please be brought to the notice of all concerned for strict compliance.



Secretary General Administration,
for Chief Secretary to Government, Haryana.

Internal distribution

Incharge NIC for hosting the above instruction on State Government Website.

Annexure-'A'

Reservation for the Persons with Benchmark Disabilities:

SPECIFIED DISABILITY

1. Physical disability:-

A Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including-

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from-

- (i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;
- (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
- (iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterized by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B Visual impairment:-

(a) "blindness" means a condition where a person has any of the following conditions, after best correction-

- (i) total absence of sight; or
- (ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or
- (iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditions, namely:-

- (i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections;
- or
- (ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C Hearing impairment:-

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterized by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior which covers a range of every day, social and practical skills, including-

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and 'includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviors.

3. Mental behaviour:- "mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterized by sub normality of intelligence.

4. Disability caused due to:-

(a) chronic neurological conditions, such as-

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder:-

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterized by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterized by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterized by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.