

No. 22/59/2020-1GS-III

**Government of Haryana
General Administration Department
(General Services-III Branch)**

Dated Chandigarh, the 25th March, 2022

To

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

SUBJECT: Grant of Reservation in Promotion to the Persons with Benchmark Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995.

Sir/Madam,

I am directed to invite your attention to the subject cited above and to say that various departments have been seeking clarification on various points pertaining to instructions issued by Government from time to time. The points raised by various Departments have been examined by Government and decision has been taken to issue consolidated instructions with the clarifications in supersession of all the instructions issued vide No. 22/10/2013-1GS-III, dated 17/19.04.2017, No. 22/10/2013-1GS-III, dated 11.08.2017, No. 22/10/2013-1GS-III, dated 15.12.2017, No. 22/10/2013-1GS-III, dated 23.01.2018 and No. 22/10/2013-1GS-III, dated 15.05.2018.

I. APPLICABILITY.—

These instructions pertain to Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995 which came into effect from 01.01.1996 but later on repealed vide Section 102 of the Rights of Persons with Disabilities Act, 2016 which was notified on 19.04.2017. The new Act came into force from 19.04.2017, therefore, these instructions shall be applicable to the disabled employees who covered under the PwD Act, 1995 for the period with effect from 01.01.1996 to 18.04.2017

II. QUANTUM OF RESERVATION.—

Three percent horizontal reservation in case of promotion to Group A, B, C and D posts shall be made for persons with benchmark disabilities with effect from 01.01.1996 to 18.04.2017. Out of this one per cent each 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. Horizontal vacancy based reservation @ 3% shall be computed on the basis of total number of vacancies to be filled by promotion occurring in the identified post/cadre of Group A,B, C & D.

III. EXEMPTION FROM RESERVATION.—

If any Department considers it necessary to exempt any post/cadre partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Department of Social Justice and Empowerment, Haryana giving full justification for the proposal. The grant of exemption shall be considered by a Committee set up by the Department of Social Justice and Empowerment, Haryana, constituted vide their notification No. 611/SW(4) 2011, dated 03.08.2011 in consultation with the State Commissioner.

IV. IDENTIFICATION OF JOBS/POSTS.—

- (i) In respect of identification of posts suitable for persons with disabilities in Groups A, B,C & D, the State Government has adopted the list circulated by Ministry of Social Justice & Empowerment (Department of Disability Affairs), Government of India, New Delhi vide their Notification No. 16-15/2010-DDIII dated 29th July, 2013. The adoption of such 'list' was conveyed vide notification bearing No.130-SW(4)/2017, dated 3rd February, 2017 of Social Justice & Empowerment Department, Haryana.
- (ii) The 'list' of posts is not an exhaustive list. The Departments, Public Sector Undertakings and the Autonomous Bodies can further supplement the list. If a post is already held by a person with disability, it shall be deemed to have been identified. The nomenclature used in the 'list' includes any other nomenclature used for comparable posts with functions identical to the posts identified in the said notification.

V. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO DISABILITY 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 in promotion shall not be reduced from 3% 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, alternatively. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the persons of specific categories of disabilities, as far as possible, may get equal representation.

VI. APPOINTMENT AGAINST UNRESERVED VACANCIES.—

A person with disability cannot be denied the right to appointment by promotion on seniority-cum-merit basis against an unreserved vacancy. Hence a person with disability can be appointed on his turn against an unreserved vacancy also, provided

the type of post is identified suitable for persons with disability of the relevant disability category.

VII. DEFINITIONS OF DISABILITIES.—

Definitions of categories of disabilities for the purpose of these instructions with respect to 3% reservation are given below:

(1) (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;

(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.

(2) Hearing Impairment:

'Hearing Impairment' means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

(3)(a) Locomotor disability: "Locomotor disability" means disability of the 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 pre-natal, peri-natal or infant period of development.

(c) All the cases of orthopedically handicapped persons would be covered under the category of "loco-motor disability or cerebral.

VIII. DEGREE OF DISABILITY FOR RESERVATION.—

Only such persons would be eligible for reservation in promotion who suffer from not less than 40 per cent of relevant disability. A person who wants to avail the benefit of reservation would have to submit a Disability Certificate issued by a duly constituted medical board in the prescribed format.

IX. COMPETENT MEDICAL AUTHORITY TO ISSUE DISABILITY CERTIFICATE.—

- (i) The competent medical authority to issue Disability Certificate shall be a Medical Board duly constituted by the State Government. The State Government may constitute Medical Board(s) consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor / cerebral/visual / hearing disability, as the case may be.

The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter as it thinks fit. At the time of promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the person is eligible to get the benefit of reservation.

- (ii) The Rules for the Disability certificate shall be followed in accordance with Government of Haryana Gazette notification No. 32/05/2019-6HB-I. dated 5th August, 2021.

X. COMPUTATION OF RESERVATION.—

In case of promotion, vacancy based horizontal reservation for the persons with disabilities shall be computed on the basis of total number of vacancies occurring in the cadre strength of each group i.e. Group A, B, C and D posts to be filled by promotion in the establishment. All vacancies in promotion quota shall be taken into account while computing reservation in promotion (identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in promotion may exceed 3 percent in a cadre due to unidentified posts of another cadre of same group. In order to ensure proper implementation of reservation in promotion to PwDs, number of vacancies should be assessed/computed as accurately as possible. All clear vacancies arising against promotional share/quota in a cadre of each group viz A, B, C and D posts, due to death, retirement, resignation should be taken into account while calculating the number of vacancies meant for PwDs.

XI. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS.—

- (i) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities -one point for each of the three categories of disabilities. The Appointing Authority shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.
- (ii) All the vacancies of promotion quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no.1 is not identified for the disabled or the Appointing Authority 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 2 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.

- (iii) 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.
- (iv) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- (v) 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 Appointing Authority, 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.
- (vi) A separate rosters shall be maintained. In the rosters maintained for each Group and also separate roster for direct recruitment and for appointment by promotion. All the posts of direct recruitment quota and vacancies of promotion quota arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

XII. CREATION OF SUPERNUMERARY POST OR REVERSION OF JUNIOR MOST.—

- (i) **Benefit to PwD who have retired:** In case of PwD employees those have been retired after 01.01.1996 and are found eligible for deemed date promotion, supernumerary post shall be created for limited period, if necessary.

For example, Mr. X, a PwD, retired from service as Assistant after 25 years' Government service on this post. He/She is to be granted applicable deemed date benefits of reservation in promotion under these instructions. Let us say as per service rules, the next promotional post(s) in the hierarchy are Deputy Superintendent, Superintendent and Administrative Officer and so on. His/her name will be considered for each promotional post next to Assistant, i.e. for the post of Deputy Superintendent, Superintendent and Administrative Officer and so on subject to his/her eligibility/entitlement. For this purpose supernumerary post may be got created, if necessary.

- (ii) **Benefit to PwD who are in service:** To grant the benefit of reservation in promotion to the eligible PwD employees who are in service, the junior-most may be reverted, if necessary, after following due procedure.

For example, Mr. X, a PwD, initially recruited as Junior Engineer in Government Services as on 01.01.1996 or working earlier than that, he/she is to be granted applicable deemed

date benefit of reservation in promotion under these instructions. Let us say as per service rules, the next promotional post(s) in the hierarchy are Junior Engineer-1, Assistant Engineer, Assistant Executive Engineer, Executive Engineer and Superintending Engineer and so on. His/her name will be considered for every promotional post next to Junior Engineer with applicable deemed dates, i.e. for the post of Junior Engineer-1, Assistant Engineer, Assistant Executive Engineer, Executive Engineer and Superintending Engineer and so on subject to his/her eligibility/entitlement. For this purpose supernumerary post may be got created, if necessary.

XIII. CONSIDERATION ZONE, INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION.—

- (a) Against the posts of promotion to be filled up by non-selection method, i.e. on seniority-cum-merit basis, the eligible persons with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible employee 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 post to be filled up by reservation shall be carried forward for a period upto three subsequent recruitment years whereafter it shall lapse.
- (b) Where the promotional posts are filled up by selection method, i.e. on merit basis, the disabled employees who are within the normal zone of consideration shall be considered for promotion. Where adequate number of disabled employees of the appropriate category of disability 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 a period upto three subsequent recruitment years, whereafter it shall lapse.

XIV. HORIZONTALITY OF RESERVATION FOR PERSONS WITH DISABILITIES:

- (a) Reservation for Scheduled Castes and Backward Classes 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 (which is called inter-locking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz.SC/BC/Unreserved category employees depending upon the category to which they belong in the roster meant for reservation of SCs/BCs.

- (b) 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 Unreserved (general) category then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and the Unreserved (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.
- (c) Since the persons with disabilities have to be placed in the appropriate category viz. SC/BC/ Unreserved in the roster meant for reservation of SCs/BCs, 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/BC or Unreserved category.

XV. BENEFIT OF RESERVATION TO THE EMPLOYEES WHO GET DISABLED IN SERVICE:

- (a) The PwD Act does not make any distinction between persons acquiring disability before or after entering into service. A Government employee who acquires disability after entering into service will be equally entitled to get the benefit of reservation as provided to the disabled employees at the time of entry into service, with effect from the date he produces a certificate of disability to the Appointing Authority issued by the competent medical authority.
- (b) To grant the benefit of reservation in promotion to persons of benchmark disabilities against their earmarked vacancy. who acquire any disability while in service, the junior most employee, if necessary, may be reverted after following due procedure.
- (c) If a person of benchmark disability is promoted on higher post against his earmarked vacancy, the original seniority for promotion on his normal line of hierarchy shall remain intact. Meaning thereby. the original seniority of a disabled employee shall not be disturbed even if he has been promoted to higher post.
- (d) Further promotion of disabled employee to the higher post shall again be subject to availability of earmarked vacancy for the person with disabilities.

XVI. NO BENEFIT OF STEPPING UP OF PAY TO OTHER EMPLOYEES.—

Where the benefit of promotion under these instructions has been granted to a person with disabilities who was junior to others in the seniority list, no benefit of stepping up of pay or pay scale shall be admissible to others who were senior to him in the feeder post.

XVII. APPOINTMENT OF GRO-cum-NODAL OFFICERS, THEIR DUTIES AND SUBMISSION OF ANNUAL REPORTS.—

XVIII. ANNUAL REPORTS REGARDING REPRESENTATION OF PwD.—

On 1st January of every year, all the Departments/Boards/Corporations shall continue to upload data every year on promotion of PwDs alongwith data on representation/direct recruitment of PwDs in respect of posts/services under the State Government on the URL, which will be informed in near future. All the Departments/Boards/Corporations will be provided respective user code and password with guidelines for operating the URL.

XIX. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE DEPARTMENTS. —

Each and every Department/Board/Corporation shall designate an officer of Group A level as Grievance Redressal Officer-cum-Nodal Officer for redressing the grievances of the Disabled Employees working in that establishment. Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer-cum-Nodal Officer of the respective Department. 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/PwD.

XX. REMOVAL OF ANY DOUBT.—

In case of any doubt the matter may be referred to the Chief Secretary to Government Haryana in General Administration Department for clarification.

2. These instructions may please be brought to the notice of all concerned for strict compliance in letter and in spirit.

Yours faithfully,



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



Endst. No. 22/59/2020-1GS-III

Dated: Chandigarh, the 25th March, 2022

A copy is forwarded to the State Commissioner for Persons with Disabilities, Haryana, for information.



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



Annexure-A**PROFORMA (FOR 3%)**

Reservation Roster for various posts in all cadres of each group A,B,C and D for PwDs w.e.f. 01.01.1996 to 18.04.2017 (for 3% under PwD Act, 1995).

DEPARTMENT: _____

POST: _____

Year of Promotion	Cycle No.	Point No.	Name of Post	Identified suitable for PwDs under following respective categories	Unreserved Or reserved	Name of person promoted and date of promotion			Whether the person promoted is VH/HH/OH Or none	Remarks, if any
						6	7	8		
1	2	3	4	5						9
01.01.1996				VH (1)	HH (34)	OH (67)	Name	Promotion Office Order No.	Date of occurrence of roster points for PwD	Date of entitlement for PwD
18.04.2017										

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 Orthopaedically Handicapped (persons suffering from locomotor disability or cerebral palsy).

Date: _____

Name of the Officer
Signature of the Officer

Annexure-B

PROFORMA (QUARTERLY REPORTS)

S.No.	Action to be initiated	Actual Realization in quarter w.e.f To	Limitations in achieving the set target	Remarks if any
1.	Marking the workplace and IT system accessible for PWDs			
2.	Awareness among all employees about Equal Opportunity Policy			
3.	Measures taken to prevent discrimination and harassment against PWDs			
4.	Monitoring of status of implementation of 3% reservation (direct-recruitment and Promotion) w.e.f. 01.01.1996 to 18.04.2017 and further 4% reservation (direct-recruitment and Promotion) from 19.04.2017 onwards.			
5.	Identification of jobs suitable for PWDs in the department from time to time.			
6.	Frequently updating of Roster-Registers as per annexed formats & combined seniority lists of all categories of PwDs as on 1st Jan, of every year.			
7.	Monitoring of status of implementation of backlog vacancies both in direct-recruitment and Promotion so that lapse of reservation shall be kept minimum.			

Date:

Name of the Officer

Signature of the Officer