

No. 6/21/95-DPE (SC/ST Cell)
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

Block No. 14, CGO Complex,
Lodi Road, New Delhi-110003
Dated the 11th March, 1997.

OFFICE MEMORANDUM

SUB: Reservation for the physically handicapped persons in Group 'A' and 'B' posts/services under the Central Government, PSUs, etc.

The undersigned is directed to enclose a copy of Department of Personnel & Training's OM No.36035/16/91-Estt.(SCT) dated 18th February, 1997 on the subject mentioned above and to request that all Ministries/Departments may kindly bring the contents of the OM under reference, to the notice of all Public Sector Enterprises under their administrative control for information and compliance.

Sd/-
(C.C. Unnikrishnan)
Deputy Secretary to the Govt. of India

End: As above

To
All the Administrative Ministries/Departments of the Government of India concerned with the Public Enterprises

Copy to:

1. Chief Executive of all the PSEs
2. Department of Personnel & Training with reference to their OM cited above
3. Ministry of Welfare, Shastri Bhawan, New Delhi.

No.36035/7/95—Estt(SCT)
Government of India
Department of Personnel & Training
Ministry of Personnel, Public Grievances & Pension

New Delhi, the 18th Feb., 1997

OFFICE MEMORANDUM

SUB: Reservation for the physically handicapped persons in Group A and B posts/services under the Central Government

The undersigned is directed to state that Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides that Government shall appoint in every establishment such percentage of vacancies not less than 3 per cent for persons or class of persons with disability of which 1 per cent each shall be reserved for persons suffering from

- (i) blindness or low vision;
- (ii) hearing impairment;
- (iii) locomotor disability or cerebral palsy

in the posts identified for each disability.

2. With the enactment of this law, the reservation to Physically Handicapped stood extended to identified Group A & B posts filled through Direct Recruitment.

3. For effecting the reservation for Physically Handicapped in Group A & B posts, a separate register of 100 points will be maintained in each identified post filled through Direct Recruitment in which Point No.33, 67 and 100 will be reserved for Physically Handicapped. Each Head of Department may start the Point No.33 with any category of disability. However, it must be ensured that there is proper rotation of reservation among the categories of disabilities if the post is identified for more than one category of disability. The Physically Handicapped persons appointed under reservation provided for them as per the point in the above mentioned register should be placed in appropriate category, viz. SC/ST/General candidates depending upon the category to which they belong in the reservation roster. This is because the utilization of the reservation point

will be in accordance with the principles of interlocking of vertical and horizontal reservations laid down in the Supreme Court Judgement in Indira Sawhney's case. (M.P. No. 930 of 1990). The reservation for SC/ST/OBCs, which is additive, is called vertical reservation and the reservation for physically handicapped persons is termed as Horizontal reservation. The horizontal reservation cuts across the vertical reservation (what is called inter-locking reservation) and the person selected against the Physically Handicapped quota will have to be placed in the appropriate category i.e. if he belongs to SC category he will be placed in that quota by making necessary adjustment and similarly, if he belongs to open competition category he will be placed in that category.

4. It may be also be mentioned that with a view to properly identifying the Group A & B posts considered suitable for reservation, and also to review the identification done in 1986, (vide this Department's OM No. 36034/4/86-Estt. (SCT) dated 25. 11. 1986) in the light of subsequent experience, an Expert Committee is proposed to be set up shortly. Orders on this will follow.

5. All the Administrative Ministries/departments are requested to bring the above instructions to the notice of all the Heads of Department and appointing authorities under their control for necessary compliance.

Sd/-
(Y.G. Parande)
Director

To

All Ministries/Departments of the Government of India