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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 4th April, 2000.

OFFICE MEMORANDUM

SUB: Clarification as to whether 3 per cent reservation for persons with disabilities would be with reference to identified posts only or to the total sanctioned strength in the cadre.

The undersigned is directed to forward herewith a copy of DOP's OM No. 36035/4/99-Estt. (Res) dated 29.3.2000 on the subject mentioned above and to request that all Ministries/Departments may kindly bring the contents of the OM to the notice of all PSEs 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

Copy to:

1. Chief Executive of all the PSEs
2. Department of Personnel & Training (Sh. J. Kumar, DS) with reference to their OM cited above.
3. Ministry of Social Justice & Empowerment (Smt. Gauri Chatterjee, JS)

No. 36035/4/99-Estt. (Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

Dated the 29th March, 2000.

OFFICE MEMORANDUM

SUB: Clarification as to whether 3 per cent reservation for persons with disabilities would be with reference to identified posts only or to the total sanctioned strength in the cadre.

The undersigned is directed to invite a reference to this Department's OM No. 36035/17/85-Estt. (SCT) dated 1.4.1986, according to which 3 per cent of the vacancies are required to be reserved for physically handicapped persons in Group C & D posts with reference to total strength of the cadre. However, according to the instructions contained in this Department's OM No. 36035/16/91-Estt. (SCT) dated 18.2.1997, 3 per cent of the vacancies are required to be reserved for persons with disabilities in Group A & B posts with reference to the identified posts in a cadre.

2. A question has been raised as to whether the percentage of vacancies not less than 3 are required to be reserved for persons or class of persons with reference to the total strength of the establishment in each Ministry/Department/Office or only in the posts identified for each disability, subject of course to the exemption of any establishment from the provisions of the Act, if felt necessary.

3. The matter has been examined in consultation with the Ministry of Law, Department of Legal Affairs. In accordance with the clarification given by that Ministry, 3 per cent of the vacancies would continue to be reserved for persons or class of persons with disability with reference to total strength of the cadre in Group C & D posts as per the instructions issued vide this Department's OM No. 36035/17/85-Estt. (SCT) dated 1.4.86, keeping in view the provisions of the Section 72 of the PWD Act. However, in so far as Group A & B posts are concerned, 3 per cent reservation as laid down in terms of this Department's OM No. 36035/16/91-Estt. (SCT) dated 18.2.1997 which were issued after the provisions of

the PMWD Act came into force, would be with reference to only the identified posts in a cadre in accordance with Section 33 of the said Act and not the total strength of a cadre.

4. All the Ministries/Departments etc. are, therefore, requested to bring these instructions to the notice of all the Heads of Departments and appointing authorities under their control for necessary compliance.

Sd/.

(J. KUMAR)

Deputy Secretary to the Govt, of India

To

1. All the Administrative Ministries/Departments of the Government of India
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission./President's Secretariat/PM's Office/Planning Commission
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi,
8. Office of the Chief Commissioner for Disabilities, Room No.120, Institute for the Physically Handicapped Building, 4, Vishnu Digamber Marg, New Delhi.
9. Smt. Gauri Chatterjee, Joint Secretary, Ministry of Social Justice & Empowerment, Shastri Bhawan, w.r.t. her DO letter No.16-7/98-NI.1 dated the 7th February, 2000
10. Spare copies