

No.PER(AP)-C-F(4)-1/2020
Government of Himachal Pradesh
Department of Personnel (AP-III).

From Dated: Shimla-171002, the 22nd June, 2020
The Chief Secretary to the
Government of Himachal Pradesh.

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Divisional Commissioners in Himachal Pradesh.
3. All Head of Departments in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh
5. All the Chairmen/Managing Directors/Secretaries & Registrars of all the Public Sector Undertakings/Corporations/Boards/Universities, etc. in H.P.

Subject: Reservation for the Persons with benchmark Disabilities.

Madam/Sir,

The Government of Himachal Pradesh vide Department of Personnel Office Memorandum No.PER(AP)-C-B(12)-3/2017, dated the 22nd June, 2017 had issued instructions for the management of reservation in direct recruitment for the persons with disabilities as defined in clause (r) of Section 2 read with the Schedule appended to the Rights of Persons with Disabilities Act, 2016. Matter for re-consideration of these instructions was engaging attention of the State Government from some time past. The State Government has decided to prescribe henceforth the management of reservation in direct recruitment for the persons with disabilities in the services of the State Government in the following manner, namely:-

2. QUANTUM OF RESERVATION:-

- 2.1 In case of direct recruitment, four per cent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group/class of posts i.e. Group/Class-I,II,III and IV posts/ services shall be reserved for persons with benchmark disabilities.
- 2.2 Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under



clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 herein under:-

- 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.

3. EXEMPTION FROM RESERVATION:-

Any establishment, in consultation with the State Commissioner (Disabilities), may, having regard to the type of work carried out in any Government establishment, 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. However, the State Government has exempted the posts of Drivers (Light and Heavy Vehicles) in all departments/Himachal Road Transport Corporation, Police Constables and Firemen in Civil Defence & Home Guards for the purpose of reservation to the Persons with Disabilities vide letter No.Karmik (NI-II)B(12)-11/76, dated 20.02.1982.

4. IDENTIFICATION OF JOBS/POSTS AND ANNUAL REPORT:-

- 4.1 Every Government establishment shall (i) identify posts in the establishments 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.
- 4.2 Every appointing authority/establishment 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.

- 4.3 The structure of the expert committee for the identification of posts which are to be reserved for persons with benchmark disabilities has been notified by the Directorate of Empowerment of SCs, OBCs, Minorities and the Specially Abled, Himachal Pradesh vide letter No.4-1/2016-(43)-SOM-WEL-(Identification)-19895-20015, dated 31.10.2018.

5. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES:-

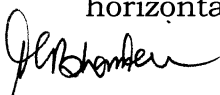
If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 4% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it 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.

6. 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.

7. ADJUSTMENT OF CANDIDATES SELECTED ON THEIR OWN MERIT:-

There is no own merit concept for the candidates competing under horizontal reservation. The candidates belonging to reserved categories



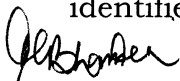
falling under horizontal reservation i.e. Persons with benchmark Disabilities, Ex-servicemen/Wards of Ex-servicemen, Wards of Freedom Fighters, Distinguished Sportspersons and Antodaya/B.P.L. who acquire merit/marks at par with the purely general candidates shall not be selected/appointed against general/unreserved posts and will be adjusted against the post reserved for respective category falling under horizontal reservation.

8. 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 will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such persons for any post, will be subject to such verification/re-verification as may be decided by the 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.

9. COMPUTATION OF RESERVATION:-

Reservation for persons with benchmark disabilities shall be computed on the basis of total number of vacancies occurring in all Class-I, II, III and IV posts, as the case may be, in the establishment, although the recruitment of the persons with benchmark disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to all groups in an establishment shall be computed by taking into account the total number of vacancies arising in Class-I, II, III and IV posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. Since, reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified post as well as unidentified posts), it is possible that number of



persons appointed by reservation in an identified post may exceed four percent.

10. NON-DISCRIMINATION OF PERSONS WITH DISABILITIES IN GOVERNMENT EMPLOYMENT:-

10.1 No Government establishment shall discriminate against any person with disability in any matter relating to employment.

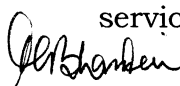
Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

10.2 No promotion shall be denied to a person merely on the ground of disability.

10.3 No Government establishment 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.

11. RELAXATION IN AGE LIMIT:-

The upper age limit for appointment to Class-I,II,III&IV posts/services as prescribed in the respective Recruitment & Promotion Rules may be allowed to be relaxed by 5 years in respect of persons with benchmark disabilities. This relaxation in upper age limit is also available to the persons with benchmark disabilities in the H.P. Administrative Services, H.P. Police Services and H.P. Judicial Services, to which the upper age limit is regulated under separate service Rules.



12. EFFECTING RESERVATION-MAINTENANCE OF ROSTERS:-

- 12.1 Every Government establishment shall maintain Class-wise a separate 100 point vacancy based reservation roster in the format given in "Annexure" for determining/effecting reservation for the persons with benchmark disabilities-one each for Class-I posts, Class-II posts, Class-III posts and Class-IV posts filled by direct recruitment.
- 12.2 Each register shall have cycle of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:-
- 1st Block -point No.1 to point No.25
 - 2nd Block -point No.26 to point No.50
 - 3rd Block -point No.51 to point No.75
 - 4th Block -point No.76 to point No.100
- 12.3 Points 1,26,51 and 76 of the roster shall be earmarked for persons with benchmark disabilities-one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at Sl.No.1,26,51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.
- 12.4 All the vacancies arising irrespective of vacancies reserved for person with benchmark disabilities shall be entered in the relevant roster. If the vacancy falling at point no.1 is not identified for the person with benchmark disability or the Head of the establishment considers it desirable not fill it up by persons with benchmark disabilities or it is not possible to fill up that post by the persons with benchmark disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the person with benchmark disability and filled as such.



- 12.5 Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the persons with benchmark disabilities. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy.
- 12.6 There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the person with benchmark disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block.
- 12.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- 12.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.
- 12.9 The Annexure-"D" of the instructions issued vide this department's letter No.PER(AP)-C-B(12)-1/2019, dated the 11th June, 2019 may be deemed to have been amended to this extent.

13. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:-

- 13.1 Reservation for backward classes of citizens (SCs, STs and OBCs) 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

J. B. Bhandari

selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/unreserved candidates, depending upon the category to which they belong in the roster meant for General/SCs/ STs/OBCs. 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 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.

- 13.2 Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General in the roster meant for reservation of SCs/STs/OBCs, 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 SC/ST/OBC or unreserved.

14. CERTIFICATE BY REQUISITIONING AUTHORITY:-

- 14.1 In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency:-

“It is certified that the requirements of the ‘THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016’ which has become effective from 19th April, 2017 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no..... of cycle no..... of 100 point



reservation roster out of which number of vacancies are reserved for persons with benchmark disabilities.”

15. EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:-

- 15.1 Where in any recruitment year any vacancy cannot be filled up due to non availability of a suitable person with benchmark disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the four categories of disabilities, at one percent each to each category.
- 15.2 Only when there is no person with benchmark disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with benchmark disability.
- 15.3 If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Scheduled Castes, Other Backward Classes, Minorities and Empowerment of Specially Abled, among the above mentioned four categories.
- 15.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.
- 15.5 In the subsequent recruitment year the 'backlog reserved 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 benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation.
- 15.6 In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may



fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years where after the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

15.7 The Government establishment shall interchange vacancies only if due process of recruitment viz. proper advertisement of vacancy to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

15.8 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants.

16. NOTICE OF VACANCIES:-

16.1 In order to ensure that persons with disabilities get a fair opportunity in consideration for appointment to an identified post, while making recruitments to Class-III&IV posts/services, the concerned department would send the requisition to the "Special



Cell” constituted for the placement of persons with benchmark disabilities in the Directorate of Labour, Empowerment & Training, Himachal Pradesh for the posts which are reserved for the Persons with benchmark Disabilities. While sending requisition to this “Cell” it may specifically be made clear that from which category of the persons with benchmark disabilities the post(s) in-question is required to be filled.

- 16.2 While making recruitments to Class-I&II posts/services, the requisition will be sent by the concerned department to the H.P. Public Service Commission/any other recruiting agency, as the case may be, as per roster points earmarked to the persons with benchmark disabilities, by making it specifically clear that to which category of persons with benchmark disabilities, the post(s) in-question is required to be filled in by direct recruitment.

17. LIAISON OFFICER FOR PERSONS WITH DISABILITIES:-

Liaison Officers appointed to look after reservation matters for SCs/STs/OBCs and other reserved categories shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions.

18. PROTECTION TO THE PERSONS WITH DISABILITIES BELONGING TO STATE OF HIMACHAL PRADESH:-

- 18.1 In order to give proper weightage to the persons with disabilities of Himachal Pradesh, while filling up the posts reserved for persons with disabilities in respect of Class-I,II,III and IV, by direct recruitment, the persons with disabilities of Himachal Pradesh should only be considered eligible for applying for such reserved posts under the services of State Government.

- 18.2 The visually impaired persons are provided the facilities of an extra time of 20 minutes, exemption from examination fee and exclusion of Geometry and Mathematics from curriculum and prescribing of



some alternative questions in lieu of Geometry and Mathematics for visually impaired candidates.

19. All the Departments/Public Sector Undertakings/Corporation/Boards/Universities etc. are requested to bring the above instructions to the notice of all appointing authorities under their control.

Yours faithfully,


(R.D. Dhiman)

Additional Chief Secretary (Personnel) to the
Government of Himachal Pradesh.
Telephone No. 0177-2621911

Endst.No.Per(AP)-C-F(4)-1/2020 Dated: Shimla the 22nd June, 2020

Copy forwarded for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
3. The Registrar, H.P. High Court, Shimla-171001.
4. The Secretary, H.P. Public Service Commission, Shimla.
5. The Secretary, H.P. Staff Selection Commission, Hamirpur.
6. All the Section Officers in H.P. Secretariat, Shimla-171002.


(O.F. Bhandari)

Deputy Secretary (Personnel) to the
Government of Himachal Pradesh
Telephone No.0177-2626097

RESERVATION ROSTER FOR PERSONS WITH BENCHMARK DISABILITIES

Year of Recruitment	Cycle No.	Point No.	Name of Post	Identified suitable for persons with benchmark disabilities covered under the following respective categories.				Unreserved or Reserved**	Name of the person appointed and date of appointment	Whether the person appointed is in a,b,c and (d&e) or None***	Remarks, if any
				a	b	c	(d&e)				

Respective Categories

- (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

** If identified reserved, write a/b/c/(d & e) as the case may be, otherwise write UR

***Write a/b/c/(d & e) or None, as the case may be.

