

No.PER(AP)-C-F(4)-1/2022
Government of Himachal Pradesh
Department of Personnel (AP-III).

From Dated: Shimla-171002, the ^{22nd} June, 2023

To The Chief Secretary to the
Government of Himachal Pradesh.

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1. All the Administrative Secretaries to the Government of Himachal Pradesh.
 2. All the Divisional Commissioners in Himachal Pradesh.
 3. All the Heads of Departments in Himachal Pradesh.
 4. All the 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 to the Persons with Benchmark Disabilities (PwBDs).

Madam/Sir,

The Department of Personnel vide letter No.PER(AP)-C-F(4)-1/2020, dated 22.06.2020 and No.PER(AP)-C-E(3)-2/2020, dated 06.07.2022 has issued instructions governing reservation for the persons with benchmark disabilities in direct recruitment and in promotion, respectively. The para-3 and para-4 of abovementioned instructions contained the provisions regarding "Exemption from Reservation" and "Identification of Jobs/Posts and Annual Report".

2. The Department of Social Justice & Empowerment, Himachal Pradesh vide letter No.SJE-(B)-F(1)-2/2020-Vol-I, dated 05.04.2023 has adopted the Notifications No.38-16/2020-DD-III, dated 04.01.2021 & No.30-12/2020-DD-III, dated 24.08.2022 issued by the Government of India, Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan) vide which the Government of India has identified the services suitable to be offered to the persons with benchmark disabilities and the physical requirements for such services.

3. Consequently, the provisions of para-3 & para-4 of abovementioned instructions issued by this department regarding "Exemption from Reservation" and "Identification of Jobs/Posts and



Annual Report” may kindly be treated to be amended to the following extent:-

3. EXEMPTION FROM RESERVATION:-

- 3.1 Proviso to Section 20(1) of the Rights of Persons with Disabilities Act, 2016, states 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 establishment from the provisions of this Section.
- 3.2 Accordingly, if any Department/Establishment considers it necessary to exempt any post(s)/cadre(s) partly or fully from the provision of reservation in direct recruitment and promotion for persons with benchmark disabilities, it shall make a reference to the State Commissioner (Disabilities), Department of Social Justice & Empowerment, Himachal Pradesh giving full justification for the proposal. Thereafter, 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. While doing so, Notes 1 to 9 under the Notification No.38-16/2020-DD-III, dated the 4th January, 2021 issued and No.30-12/2020-DD-III, dated the 24th August, 2022 of the Government of India and adopted by the State Government vide letter dated 05.04.2023 may kindly be kept in view. The Department(s)/Establishment(s) shall not exclude any identified post(s)/Service(s) from the purview of reservation at its own discretion.
- 3.3 The Social Justice & Empowerment Department vide Notification No.SJE-B-A(4)-16/2018, dated 17.09.2018 has constituted an Expert Committee to guide the committees constituted by other Department(s) for Identification/Exemption of 4% posts for persons with benchmark disabilities in the State.



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

- 4.1 In respect of identification of posts suitable for persons with disabilities in Groups-A,B,C&D/Class-I,II,III&IV, the State Government has adopted the list circulated by the Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities (Divyangjan), Government of India vide their Notifications No.38-16/2020-DD-III, dated 04.01.2021 & No.30-12/2020-DD-III, dated 24.08.2022. The 'list' has been adopted by the Department of Social Justice & Empowerment, Himachal Pradesh vide their letter No.SJE-(B)-F(1)-2/2020-Vol-I, dated 05.04.2023 with prospective effect subject to the condition that in case the post(s)/service(s) notified by the Government of India is not identical with any of the post(s)/service(s) of the State of Himachal Pradesh, in that case the concerned department shall identify the posts/services through the Expert Committee.
- 4.2 Every appointing authority/establishment shall send an 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.

4. It is requested that selection of Persons with Disabilities in the services of the State may be done on priority and strictly as per job requirement of the post. All the Departments/Public Sector Undertakings/Corporations/Boards/Universities etc. are requested to



bring the above instructions to the notice of all appointing authorities under their control.

Yours faithfully,



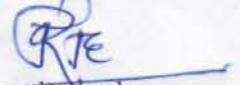
(Balbir Singh)

Deputy Secretary (Personnel) to the
Government of Himachal Pradesh.
Telephone No. 0177-2880851

Endst.No.PER(AP)-C-F(4)-1/2022 Dated: Shimla the 22ND June, 2023

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. All the Section Officers in H.P. Secretariat, Shimla-171002.



Deputy Secretary (Personnel) to the
Government of Himachal Pradesh
