

No.PER(AP)-C-B(12)-3/2017  
Government of Himachal Pradesh  
Department of Personnel (AP-III).

Dated: Shimla-171002, the 22<sup>nd</sup> June, 2017

OFFICE MEMORANDUM

Subject: Reservation for the Persons with benchmark Disabilities.

With a view to consolidating the existing instructions, bringing them in line with the Rights of Persons with Disabilities Act, 2016 and clarifying certain issues including procedural matters, the following instructions are issued with regard to reservation for persons with disabilities in posts and services under the State of Himachal Pradesh. If the guidelines contained in this Memorandum come in conflict with the provisions of any other executive instructions issued by this Department on this subject, the same shall be deemed to be modified to the extent provided herein.

**2. QUANTUM OF RESERVATION:** Four percent of the posts/cadre in case of direct recruitment to Class-I, II, III & IV posts/services shall be reserved for persons with benchmark disabilities of which one per-cent each shall be reserved for persons with benchmark disabilities detailed below as a), b) & c) and one per-cent for persons with benchmark disabilities under clauses d) and e):

- 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 in the posts identified for each disabilities.

**3. EXEMPTION FROM RESERVATION:** Any establishment, in consultation with the State Commissioner, 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:-**

- (i) 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.
- (ii) 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.

**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. DEFINITIONS OF DISABILITIES:** Definitions of categories of benchmark disabilities for the purpose of this Office Memorandum are as per **Annexure-A**, appended to this O.M.
- 9. 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 would have to submit a Disability Certificate issued by a 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.



**10. COMPUTATION OF RESERVATION:** In view of directions of the Hon'ble Apex Court in the matter of Civil Appeal No.9096 of 2013 (arising out of SLP (C) No.7541 of 2009) titled as Union of India & Anr. Vs. National Federation of Blind & Ors, reservation for persons with disabilities in case of direct recruitment to Class-I,II,III and IV posts/services, shall be computed on the basis of total number of posts in the cadre.

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

(i) 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.

(ii) No promotion shall be denied to a person merely on the ground of disability.

(iii) 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.

**12. 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.

**13. AFFECTING RESERVATION:**

(i) Where the point falls to the share of persons with benchmark disabilities in proportion to the prescribed percentage of reservation provided to this category in direct recruitment posts/services, 1<sup>st</sup> point in each cadre shall be earmarked for persons with benchmark disabilities. While making recruitment against 4% reservation provided to the persons with benchmark disabilities, the reservation roster shall now be divided into 4 blocks as under:-

- 1<sup>st</sup> Block -point No.1 to point No.25
- 2<sup>nd</sup> Block -point No.26 to point No.50
- 3<sup>rd</sup> Block -point No.51 to point No.75
- 4<sup>th</sup> Block -point No.76 to point No.100

(ii) The roster points 1,26,52 and 76 of the roster shall be earmarked reserved for persons with benchmark disabilities, one point each for benchmark disabilities as detailed in para-2 above. The purpose of keeping points 1,26,52 and 76 as reserved is to fill up the first available suitable vacancy from 1 to 25, first available suitable vacancy from 26 to 50, first available suitable vacancy from 51 to 75 and first available suitable vacancy from 76 to 100 by persons with benchmark disabilities. It is also clarified that the 1<sup>st</sup> point in the roster may be given to the persons with benchmark disabilities only in such cadres where the cadre consists of 25 or more posts.

(iii) The head of the establishment shall decide the categories of disabilities for which the points 1, 26, 52 and 76 will be reserved keeping in view all relevant facts. 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 head of the establishment, who shall decide on the basis of the nature of post, the level of



representation of the specific disabled category in the concerned grade/post etc.

- (iv) The first Appendix to Annexure-“B” and Annexure-“C” of the instructions issued vide this department’s letter No.PER(AP)-C-B(12)-1/98, dated the 20<sup>th</sup> August, 1998 and instructions issued vide letter No.Per(AP)-C-B(12)-3/2010, dated the 2<sup>nd</sup> May, 2012 may be deemed to have been amended to this extent.

**14. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:**

- (i) 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 selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/ General 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.
- (ii) 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 General category.

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

- (i) Reservation for each of the four categories of persons with benchmark disabilities shall be made separately. But if the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the four categories with the approval of the Social Justice & Empowerment Department and reservation may be determined and vacancies filled accordingly.
- (ii) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall be carried forward to the subsequent recruitment year.
- (iii) In the subsequent recruitment year the carried forward 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 disability is not available, it may be filled by interchange among the four categories of disabilities. In case no suitable person with benchmark disabilities is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability.

**16. NOTICE OF VACANCIES:**

- (i) 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.

- (ii) 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:**

- (i) 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.
- (ii) 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.

  
(Tarun Shridhar) 22.6.2017

Additional Chief Secretary (Personnel) to the  
Government of Himachal Pradesh.  
Tele.No.2622382

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Heads of the Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/Managing Directors/Secretaries and Registrars of all the PSUs/Corporations/Boards/Universities in H.P.
6. The Secretary, H.P. Vidhan Sabha, Shimla-4.
7. The Registrar, H.P. High Court, Shimla-1.
8. The Secretary, H.P. Public Service Commission, Shimla-2.
9. The Special Secretary (GAD) to the Government of Himachal Pradesh, Shimla-2 w.r.t. item no.39 of CMM dated 05.06.2017.
10. The Secretary, H.P. SSS Commission, Hamirpur.
11. The All Section Officers in H.P. Secretariat, Shimla-2.
12. Spare Copies (100).

**SPECIFIED DISABILITY**

**1. Physical disability:-**

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterized by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

**B. Visual impairment:-**

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditions, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

**C. Hearing impairment:-**

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

**D. "speech and language disability"** means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterized by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviors.

**3. Mental behaviour:-** "mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterized by sub normality of intelligence.

**4. Disability caused due to:-**

(a) chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

**(b) Blood disorder:-**

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterized by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterized by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterized by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

**5. Multiple Disabilities** (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

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