

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL:: PERSONNEL (B)
DISPUR :::::GUWAHATI

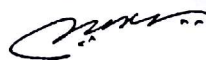
No: ABP 144/95/121

Dated Dispur the 23rd October, 2015.

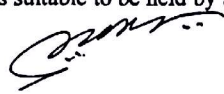
OFFICE MEMORANDUM

In continuation of this Departments OM No ABP 144/95/110 dated 5th November 2011, the Government of Assam after careful consideration of the matter relating the reservation of posts for persons with disabilities and in pursuance of the provisions laid down in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (henceforth referred to as "Disabilities Act 1995") and the Supreme Court's judgment dated 08.10.2013, in the matter of Civil Appeal No. 9096 of 2G3 ' (arising out of SLP (Civil) No. 7541 of 2009) titled Union of India & Anr. Vs. National Federation of the Blind & Ors., is pleased to make the following additional provisions in regard to the Reservation Policy for Persons with Disabilities.

- i) The OM issued vide No.ABP.144/95/110 dated 5th November 2011, laid down that three percent of the vacancies in case of direct recruitment to Grade- I,II,III & IV posts shall be reserved for persons with disabilities as specified in the aforementioned OM. Now with the decision of the Government to extend these facilities of reservation to promotion, it has now become necessary to issue further guidelines on the matter. Accordingly, it has been decided that the benefit of reservation in promotion for persons with disabilities will be limited to the Grade-III and Grade-IV posts only, where three percent of posts shall be reserved for persons with disabilities of which one percent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.
- ii) The Social Welfare Department being the administrative Department for the matters related to the Persons with disabilities, it will act as the Nodal Department for the purpose and accordingly constitute a Committee taking members from Personnel, Finance and Judicial Departments to identify the Grade-III and Grade IV posts which could be reserved for promotion for the persons with disabilities and issue notification accordingly. Apart from the above Members, the Department may also nominate any one Member from the concerned Department whose posts are under consideration for reservation in promotion. These Grade-III and Grade-IV posts, so identified for reservation in promotion shall be notified and shall be updated from time to time.
- iii) The Committee shall also consider the matter relating to promotion of PWD to the Grade II and Grade III posts and identify such posts from time to time which are suitable for them without reservation but on normal basis. A person with disabilities cannot be denied the right to compete for appointment against an unreserved vacancy in a post identified suitable for persons with disability of the relevant category by applying the same criterion as applicable to other persons.

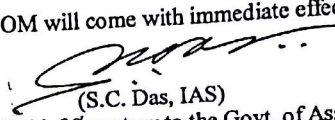


- iv) Reservation in promotion for the person with disabilities shall vacancy based and will follow the same modalities as that of the direct recruitment as detailed in the OM No. ABP.144/95/110 dated 5th November 2011. Every establishment shall maintain a 100 point roster for the purpose showing clearly the posts allotted to the persons with disabilities and filled up accordingly.
- v) It is clarified here that for the purpose of acquiring any concessions/benefits, as provided in this OM and the OM issued earlier vide ABP.144/95/110 dated 5th November 2011, the terms "disabled" or "persons with disabilities" shall have the same meaning as provided in the "Disabilities Act 1995" read with the "Guidelines for other disabilities" issued by Ministry of Social Justice and Empowerment vide No.16-18/97-NI dated 1st June, 2001.
- vi) It is to be noted that there shall be no distinction between persons acquiring disability before or after entering into service. An employee who acquires disability after entering into service will be entitled to get the benefit of reservation as a person with disability as provided in the instructions contained in the above referred OM from the date he produces a valid certificate of disability.
- vii) The Government has also decided to relax the upper age limit of Person with disabilities applying for government jobs. The Upper age limit for persons with disabilities shall be relaxable (a) by ten years irrespective of SC/ST/OBC and general categories of candidates in case of direct recruitment to Grade-I and Grade II posts through open competitive examination and also to Grade III and Grade-IV posts (b) by 5 years irrespective of SCs/STs/OBC and general categories of persons in case of direct recruitment of Grade-I' and Grade-II' posts where recruitment is made otherwise than through open competitive examination.
- viii) If sufficient numbers of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post/posts in question.
- ix) As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from



a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

- x) Persons with disabilities shall be exempt from payment of examination fee, prescribed in respect of competitive examination held by the APSC, or any recruiting authority for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for the post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability. This OM will come with immediate effect.



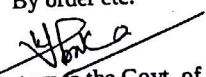
(S.C. Das, IAS)
Additional Chief Secretary to the Govt. of Assam
Personnel (B) Department

Memo No: ABP 144/95/121-A
Copy forwarded to :

Dated Dispur the 28th October, 2015.

1. The Chairman, Assam Administrative Tribunal, Guwahati.
2. The Chairman, Board of Revenue, Assam.
3. All Additional Chief Secretaries to the Government of Assam.
4. All Principal Secretaries/ Commissioner & Secretaries/Commissioner & Special Secretaries/Secretaries to the Government of Assam.
5. The P.P.S. to Chief Minister, Assam.
6. The Chief Electoral Officer, Assam.
7. The Secretary to the Governor Assam, Guwahati.
8. The Agriculture Production Commissioner, Assam.
9. All Commissioners of Divisions.
10. The Commissioner & Secretary to the Chief Minister, Assam.
11. The Principal Secretary, Assam Legislative Assembly.
12. The S.O. to Chief Secretary to the Government of Assam, Dispur.
13. The P.S. to Ministers/Ministers of State.
14. All Principal Secretaries of the Autonomous Councils.
15. All Deputy Commissioners/Sub-Divisional Officers.
16. All Administrative Departments.
17. All Heads of Departments.

By order etc.


Joint Secretary to the Govt. of Assam,
Personnel (B) Department.