

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

No: ABP 144/95/110

Dated Dispur the 5th November, 2011.

OFFICE MEMORANDUM

In partial modification of this Department's OM No AAP 67/91/152 dated 27th July 1995 and ABP 144/95/1 dated 18th August 1995, the Governor of Assam is pleased to issue the following further guidelines in pursuance of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. (by the above mentioned OMs the State Government of Assam had issued instructions to appoint in every establishment such percentage of vacancies not less than 3% for persons or class of persons with disability of which 1% each shall be reserved for persons suffering from blindness, deafness and orthopaedically handicapped in the Grade III and Grade IV posts) :

Henceforth this will be applicable in respect of direct recruitments to all the categories of posts with the exception that only identified categories of posts in Grade I and Grade II will be filled up with the following categories of physically handicapped persons through direct recruitment.

- i. blindness or low vision;
- ii. hearing impairment;
- iii. locomotor disability or cerebral palsy

As regards definitions of above categories of disabilities etc, Government of India has laid down guidelines in its OM No 36035/3/2004/-Esstt (res) dated 29th December 2005 which may be followed. Apart from this, the following vital guiding principles of the Government of India's OM having conformity with the provisions of the relevant State legislations- are stated below for favour of appropriate action. In case, any further clarifications have felt necessary, the concerning Administrative Department may refer to the detailed provisions of the Government of India's aforementioned OM.

(a) For the purpose of effecting the reservation for persons with disabilities in all four classes of posts, separate registers of 100 points for each class will be maintained in each identified posts in each cadre to be filled through Direct Recruitment. Each register shall have cycles of 100 points which shall be divided into three blocks, comprising the following points:

1st Block - point No.1 to point No.33

2nd Block - point No.34 to point No.66

3rd Block - point No.67 to point No.100

(b) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities -one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67

will be reserved keeping in view all relevant facts. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(c) All the vacancies in the Grade III and Grade IV posts and the vacancies in the identified categories of Grade I & Grade II posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no.1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled.

(d) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

e) If the post identified is suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% 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. It shall however be ensured that reservation in different posts in the establishment is distributed in such a way that the persons of three categories of disabilities as far as possible, get equal representation.

(f) After all the 100 points of the roster are covered; a fresh cycle of 100 points shall start.

(g) 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 the post, the level of representation of the specific disabled category in the concerned grade / post etc..

(h) When 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 three categories with the approval of the Government in the Social Welfare Department and reservation may be determined and vacancies filled accordingly.

- (i) 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 not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.
- (j) 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 disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability 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. If the vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of 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 disability in the subsequent recruitment year, reservation shall be carried forward for a further period up to two recruitment years whereafter 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.
- (k) Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with disabilities and ex servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation and person 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 reservation of SCs/STs/OBCs.

To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of the 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 general candidate against the unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

This Office Memorandum will come into force with immediate effect.
The receipt of this OM may kindly be acknowledged.

Yours faithfully,

Rajiv Bora 5/11/11
(Rajiv Bora)

Principal Secretary to the Government of Assam
Personnel (B) Department