

No. 22/59/2020-1HR-III
Government of Haryana
Human Resources Department
(Human Resources-III Branch)

Dated Chandigarh, the 11th July, 2023

To

1. All the Administrative Secretaries to Government of Haryana.
2. All the Heads of the Departments in the State.
3. All the CAs/MDs of all Boards/Corporations/Public Sector Undertakings.
4. All the Divisional Commissioners in Haryana.
5. The Registrar of Punjab and Haryana High Court, Chandigarh.
6. All the Deputy Commissioners & Sub Divisional Officers (Civil)
7. The Registrar of the Universities in the State of Haryana.

SUBJECT:-Grant of Reservation in Promotion to the Persons with Benchmark Disabilities under the Rights of Persons with Disabilities Act, 2016.

Sir/Madam,

I am directed to invite your attention to the Government instructions No. 22/10/2013-1GS-III dated 25 April 2018 vide which benefit of reservation in direct recruitment @ 4% was allowed to the persons with benchmark disabilities (PwBDs) as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016. The Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training vide their Office Memorandum bearing No. 36012/1/2020-Estt. (Res.II), dated 17 May, 2022 have decided to grant the benefit of reservation in promotion to persons with benchmark disabilities (PwBDs) in compliance of directions of the Hon'ble Supreme Court and also as per provision under Section 34 of the Rights of Persons with Disabilities Act, 2016. On the pattern of Govt. of India, the State Government has also decided to grant the benefit of horizontal reservation in promotion @ 4% to the PwBDs who are covered under the Rights of Persons with Disabilities Act, 2016, as under:-

1. APPLICABILITY:-

These instructions are in continuation of previous instructions dated 25 March 2022 and 01 July 2022 vide which guidelines were issued to grant benefit of horizontal reservation in promotion @ 3% and 4% to the persons with disabilities who are covered under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full

participation) Act, 1995 w.e.f. 01 January 1996 to 18 April 2017 and the Rights of Persons with Disabilities Act, 2016. The new Act namely, the Rights of Persons with Disabilities Act, 2016 has come into force w.e.f. 19 April 2017. Earlier the benefit of reservation in promotion @3% was granted upto 18 April 2017, therefore, these instructions of 4% horizontal reservation shall be applicable with effect from 19 April 2017, the date when the Act of 2016 has been made effective, onwards to the PwBDs who **are** covered under this Act.

2 QUANTUM OF RESERVATION:-

- 2.1 In case of promotion to Group A, B, C and D posts @ four per cent horizontal reservation of the total number of vacancies occurred in "cadre post" of Group A, B, C & D shall be made for PwBDs.
- 2.2 There will be no reservation in a single cadre post and application of roster for the purpose of reservation in promotion/recruitment is not permissible and on the other hand the roster in reservation can operate if there is plurality of the posts in the cadre, as already clarified by State Government vide instructions No. 22/93/2002-3GS-III, dated 03 June 2002, issued in compliance of the directions of the Hon'ble Supreme Court.
- 2.3 Against the posts identified for each disability, one per cent each shall be reserved for PwBDs under clauses (a), (b) and (c) respectively, and one per cent combined, under clauses (d) and (e) below, unless otherwise excluded under the provisions of Para 3 hereinafter:-

(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 COMPETENT MEDICAL AUTHORITY TO ISSUE DISABILITY CERTIFICATE:-

- 3.1 The competent authority to issue 'Disability Certificate' shall be a Medical Board duly constituted by the State Government. The State Government may constitute the Medical Board(s) shall comprised of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/cerebral/visual/hearing disability, as the case may be.

- 3.2 The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability.
- 3.3 No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. On representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter as it thinks fit.
- 3.4 At the time of promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the person is eligible to get the benefit of reservation.
- 3.5 The Rules for the issuance of Disability Certificate shall be followed in accordance with Government of Haryana Gazette notification No. 32/05/2019-6HB-I, dated 5th August, 2021.
- 3.6 The authenticity of any certificate, issued by the competent medical authority, may be got verified/re-verified by the appointing authority at the time of appointment.

4. EXEMPTION FROM RESERVATION IN PROMOTION:-

- 4.1 Proviso to Section 20(1) of the Right 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 any establishment from the provisions of this Section.
- 4.2 Accordingly, if any Department, Board, Corporation or statutory authority, Autonomous Bodies/PSUs etc., considers it necessary to exempt any post/cadre partly or fully from the provision of reservation in promotion for persons with disabilities, it may make a reference to the Department of Social Justice and Empowerment, Haryana giving full justification for the proposal. The grant of exemption shall be considered by a Committee set up by the Department of Social Justice and Empowerment, Haryana, constituted vide their notification No. 611/SW(4) 2011, dated 03 August 2011 and modified from time to time in consultation with the State Commissioner for the Persons with Disabilities, Haryana.

5. NO DENIAL OF PROMOTION MERELY ON THE GROUND OF DISABILITY:-

- 5.1 In terms of Section 20(3) of the Rights of Persons with Disabilities Act, 2016, no promotion shall be denied to a person merely on the ground of disability. Further, in terms of Section 20(4) of the Act, no Government establishment shall dispense with or reduce in rank an employee who acquires a disability during his service. As per the proviso to this sub-section, 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. This section further provides 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. However, in case the PwBDs for whom the supernumerary post was created is eligible for next promotion to higher pay level, and it is not possible to adjust the employee against any post, a fresh creation of supernumerary post in next higher level will be required by surrendering the previously created supernumerary post at the lower level, and the proposal for the same may be submitted to the Finance Department.
- 5.2 An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, his seniority among PwBDs will be counted from the date of certification of his disability, i.e., disability of 40% or more in the categories covered under Section 34(1) of the Rights of Persons with Disabilities Act, 2016.
- 5.3 No benefit of reservation shall be given on the basis of temporary certificate of disability.

6. IDENTIFICATION OF POSTS:-

- 6.1 The State Government, Department of Social Justice & Empowerment, Haryana has already adopted the list of identified posts circulated by the Ministry of Social Justice & Empowerment (Department of Disability Affairs), Government of India, New Delhi vide their Notification No. **38-16/2020-DDIII dated 4th January, 2021**. The adoption of such 'list' by the State Government was conveyed vide notification bearing No. **459-SW(4)/2021, dated 25th October, 2021** of the Social Justice & Empowerment Department, Haryana.

The 'list' of posts is not an exhaustive list. The Departments, Public Sector Undertakings and the Autonomous Bodies can further

supplement the list. If a post is already held by a person with disability, it shall be deemed to have been identified. The nomenclature used in the 'list' includes any other nomenclature used for comparable posts with functions identical to the posts identified in the said notification.

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

- 7.1 If in a Department/Organization, a post is identified as suitable only for one category of disability, reservation in promotion in that post shall be given to persons with that category of benchmark disability only. However, reservation of 4% for PwBDs shall not be reduced in such cases and total reservation in the cadre will be given to PwBDs 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 PwBDs, as far as possible, get equal/fair representation. The points used in the 100-point Roster after a gap of 25 points shall be used to give reservation. In other words, it will be given only at the points reserved for PwBDs, and not in a bunched manner.

8. ADJUSTMENT OF PwBD WHO ARE IN THE ZONE OF CONSIDERATION AGAINST GENERAL VACANCY:-

- 8.1 In case of promotions by seniority-cum-fitness, if a PwBD is otherwise eligible and is in the list of candidates finally approved for promotion, he/she may be promoted against the vacancy not specifically reserved for PwBD. In other words, a PwBD cannot be denied promotion on the ground that the vacancy is not earmarked for his category.
- 8.2 In the case of promotion by selection, PwBDs selected without relaxed standards, along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but, otherwise found suitable for appointment, if necessary, by relaxed standards.

9. RELAXATION OF STANDARD OF SUITABILITY:-

- 9.1 If sufficient number of PwBD candidates with benchmark

disabilities are not available on the basis of prescribed standard to fill all the vacancies (in case of promotion through Limited Departmental Competitive Examination/ Departmental Examination, etc.) 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. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of benchmark disability.

9.2 The same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/Scheduled Caste/Backward Classes category. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

10. COMPUTATION OF NUMBER OF VACANCIES TO BE RESERVED:-

10.1 Number of vacancies in a recruitment year to be reserved for PwBDs in Group A, B, C & D, wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in the cadre strength, although the PwBDs would be posted against the category of posts identified as suitable for them.

11. EFFECTING RESERVATION MAINTENANCE OF ROSTERS:-

11.1 Every Government establishment shall maintain, cadre-wise and group-wise, a separate 100-point vacancy-based reservation roster/register, as in the case of direct recruitment, for determining/effecting reservation for the PwBDs in promotion. There will be separate roster/register, in each cadre in Group A, B, C & D, wherever reservation in promotion for PwBD is applicable. There shall be separate roster/register for promotion and direct recruitment. Copy of Roster Register is available at **Annexure-A**.

11.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

- 1st Block-Point No. 01 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.

- 11.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for PwBDs – one point each for category under (a), (b), (c) of Para 2.3 above, respectively, and one point for category (d) and (e) conjointly. The Head of the Department/ Appointing Authority shall ensure that vacancies identified at Sr. No.1, 26, 51 and 76 are earmarked for the respective categories of the PwBD. However, the Head of the Department/Appointing Authority shall decide the placement of the selected candidate in the roster/ register. In other words, the category to be appointed first will be decided by the Head of the Department/Appointing Authority based on the functional requirement.
- 11.4 All the vacancies in each recruitment year in a grade, arising irrespective of vacancies reserved for PwBDs, shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the PwBD, or if the Head of the Department feels that it is not possible to fill up that post by the PwBDs for any other reason to be recorded in writing, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the PwBD and filled, as such.
- 11.5 Likewise, one vacancy out of the total vacancies falling at points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the PwBDs. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy by the PwBD candidate of the category for which the post is earmarked.
- 11.6 There is a possibility that none of the vacancies from 1 to 25 is found suitable for any category of the PwBD. In that case, two vacancies from 26 to 50 shall be filled from amongst the PwBDs. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies in the third block 51 to 75 shall be filled as reserved. This means that if no vacancy can be reserved in a particular block, it shall be carried over to the next block.
- 11.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- 11.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies, including PwBD quota, if any) or two (say 50 vacancies, including the quota, if any), the category of the PwBDs should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category of disability, the Head of the Department/Appointing Authority shall decide the category on the basis of the nature of the post, the level of

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

12. CERTIFICATE BY REQUISITIONING/APPOINTING AUTHORITY WHILE SENDING APPLICATION FOR SELECTION BY PROMOTIONS/DEPARTMENTAL EXAMINATION INCLUDING LIMITED COMPETITIVE DEPARTMENTAL EXAMINATION:-

12.1 In order to ensure proper implementation of the provisions of reservation for PwBDs, the Head of Department/Appointing Authority, while sending the requisition/proposal to the recruiting agency/Departmental Promotion Committee, as the case may be, for filling up of vacancies through promotion by selection/ Departmental Examination/Limited Competitive Departmental Examination, shall furnish the following certificate to the recruiting agency/Departmental Promotion Committee:-

"It is certified that the requirements of THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 which has become effective from 19th day of April, 2017 and Rules made thereupon, namely, the Haryana Rights of Persons with Disabilities Rules, 2019, and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition/ proposal. The vacancies reported in this requisition/ proposal 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."

13. NOTICE OF VACANCIES FOR PROMOTION BY SELECTION:-

13.1 In order to ensure that PwBDs get a fair opportunity in consideration for appointment against an identified post, the following points shall be kept in view while sending the requisition notice/proposal to the recruiting agencies (HSSC, HPSC etc.) and Departmental Promotion Committee-

(i)	Number of vacancies reserved for Scheduled Castes and each category of PwBDs should be indicated clearly.
(ii)	In respect of vacancies in posts identified suitable for being held by PwBD, it shall be indicated that the post is identified for that respective category of PwBDs

	from amongst the categories, as mentioned in (a) to (e) of Para 2.3 above, as the case may be. Functional classification for performing the duties attached to such post(s), shall also be indicated clearly.
(iii)	The PwBDs belonging to the category(ies) for which the post is identified shall be allowed to apply for the post advertised for being filled up by Limited Departmental Competitive Examination, even if no vacancy is reserved for them. However, they will not be allowed any relaxed standard. Such PwBD candidates will be considered for selection for appointment to the post by general standards of merit.
(iv)	It shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability.

14. ZONE OF CONSIDERATION, INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION:-

- 14.1 While filling up the reserved vacancies by promotion by selection, those PwBD candidates who are within the normal zone of consideration, shall be considered for promotion. However, if adequate number of PwBD candidates of the respective category are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the PwBD candidate falling within the extended zone may be considered for promotion. In the event of non-availability of candidates even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year. In the subsequent year, if a PwBD of the required category is not available, the reservation can be exchanged with the other categories, so that post can be filled by a person with other category of disability, if possible. If a PwBD candidate of other category is within the zone of consideration and within the number of vacancies available, he cannot be denied promotion on the grounds of disability. If it is not possible to fill up the post by reservation even in the 2nd year, the post may be filled by a person other than a PwBD, and the reservation shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.
- 14.2 While filling up vacancies by promotion by non-selection, the eligible candidates with benchmark disabilities within the normal zone of consideration shall be considered for promotion against the

reserved vacancies. In case no eligible candidate of the respective category of disability is available in the normal zone of consideration, additional PwBD candidates of respective category to the extent required shall be considered by going down the seniority list, provided they are eligible, and that the post is identified for them. In the event of non-availability of PwBD candidates for promotion even in the extended zone, the vacancy shall not be filled and shall be carried forward. In the subsequent year if PwBD of respective category is not available, the same can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the vacancy by reservation even by exchange, the reservation shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.

- 14.3 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the PwBD candidates shall first be counted against the vacant posts brought forward from previous years, if any, in the chronological order. If candidates are not available for all the vacancies, the older carried- forward posts shall be filled first, and the current vacancies shall be carried forward, if not filled up, provided that in every recruitment, the number of vacancies reserved for PwBD, including the carried forward vacancies, shall be announced beforehand, for the information of all aspirants.
- 14.4 The backlog, if any shall be filled up within a period of six months from the date of issue of these instructions.

15. **HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:-**

- 15.1 Reservation for backward classes of citizens (Scheduled Castes and Backward Classes) is called 'vertical' reservation and the reservation for categories such as PwBDs and ex-servicemen is called 'horizontal' reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. Scheduled Castes/Backward Classes/Unreserved, depending upon the category to which they belong in the **roster** meant for reservation of Scheduled Castes/Backward Classes. To illustrate, if in a given year, there are two vacancies reserved for the PwBDs, and out of two PwBDs promoted, one belongs to Scheduled Caste and the other belongs to Unreserved, the **SC** candidate with benchmark disability shall be adjusted against the **SC** point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant roster. In case none of the vacancies falls on point reserved for the **SCs**, the candidate under benchmark

disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

15.2 Since the PwBDs have to be placed in the appropriate category, viz. Scheduled Caste/Backward Classes/Unreserved in the roster meant for reservation of Scheduled Castes/Backward Classes, the application form (in respect of Departmental examination for promotion) for the post should require the candidates applying under the quota reserved for PwBDs to indicate whether they belong to Scheduled Castes/Backward Classes or unreserved.

16 NO BENEFIT OF STEPPING UP OF PAY TO OTHER EMPLOYEES:-

16.1 Where the benefit of promotion under these instructions has been granted to a person with disabilities who was junior to others in the seniority list, no benefit of stepping up of pay or pay scale shall be admissible to others who were senior to him in the feeder post

17 CREATION OF SUPERNUMERARY POST:-

In case of PwBDs employees, whether retired or in service on after 19 April 2017, who are found eligible for deemed promotion/promotion, supernumerary post, if necessary, shall be created for limited period, i.e., till the arising of actual vacancy in the cadre. Benefit of promotion to PwBDs person will be allowed if the disabled employee fulfills the conditions for the promotional post as per provisions of the service rules applicable.

18. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:-

18.1 On 1st January of every year, all the Departments/Boards/Corporations, Autonomous Bodies/PSUs etc. shall upload data on promotion of **PwBDs** alongwith data on representation/direct recruitment of **PwBDs** in respect of posts/services under the State Government on the URL <https://hrmshry.nic.in/>. All the Departments/Boards/Corporations will be provided respective user code and password with guidelines for operating the URL.

19 LIAISON OFFICER FOR the PwBDs:-

19.1 Nodal Officers appointed to look after reservation matters for Scheduled Castes shall also work as Nodal Officers for reservation matters relating to PwBDs and shall ensure compliance of all the instructions issued by Government from time to time regarding benefit

of reservation in promotion to the persons of these categories.

20 MAINTENANCE OF REGISTER OF COMPLAINTS BY THE DEPARTMENTS:-

20.1 Each and every Department/Board/Corporation shall designate an officer of Group A level as Grievance Redressal Officer-cum-Nodal Officer for redressing the grievances of the Disabled Employees working in that establishment.

20.2 The Grievance Redressal Officer shall maintain a register of complaints of Persons with Benchmark Disabilities with the following particulars, namely:-

(a)	date of complaint;
(b)	name of complainant;
(c)	the name of the establishment or person against whom the complaint is made;
(d)	gist of the complaint;
(e)	date of disposal by the Grievance Redressal Officer, and any other information.

20.3 Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer-cum-Nodal Officer of the respective Department

20.4 Every complaint filed, shall be inquired into within two months of its registration, and outcome thereof or action taken thereon, shall be communicated to the complainant/PwBD.

21. REMOVAL OF ANY DOUBT:-

21.1 In case of any doubt the matter may be referred to the Chief Secretary to Government Haryana in Human Resources Department for clarification.

21.2 These instructions may please be brought to the notice of all concerned for compliance in letter and spirit.

S. Singh
Deputy Secretary Human Resources-I
for Chief Secretary to Government, Haryana,

A copy is forwarded to the State Commissioner for Persons with Disabilities Haryana, for information.

**Deputy Secretary Human Resources-I
for Chief Secretary to Government, Haryana**

Endst. No, 22/59/2020-1HR-III

Dated: Chandigarh, the 11th July, 2023

A copy is forwarded to the State Informatics Officer, NIC, Haryana, 9th Floor Haryana Civil Secretariat, with the request to take necessary action in the matter w.r.t. para 18 of these instructions.

**Deputy Secretary Human Resources-I
for Chief Secretary to Government, Haryana,**

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