



दक्षिण रेलवे/SOUTHERN RAILWAY

No.P(R)113/P/PWD

प्रधान कार्यालय/ Headquarters Office
कार्मिक शाखा/ Personnel Branch
चेन्नै/Chennai - 600 003
दि./ Dated:23-05-2014

पी बी सी सं/ PBC No: 61 / 2014

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs / DPOs/ SPOs / WPOs / APOs of HQ / Divisions / Workshops / other Units, etc.,
(As per mailing list – 'A')

विषय/Sub: Implementation of the judgement of Hon'ble Supreme Court in the matter of UOI Vs National Federatin of Blids & Ors. – and computation of reservation of PWD – Implementation and furnishing of information.

A copy of Railway Board's letter No.2014-E(SCT)/PWD/Misc. Information dated 02-05-2014 alongwith a copy of OM No. 36012/24/2009-Estt. (Res) dt. 20-03-2014 and 03-12-2013 issued by Department of Personnel and Training on the implementation of the judgement of Hon'ble Supreme Court in the matter of U.O.I Vs National Federation of Blind & others is enclosed for information, guidance and necessary action.

In pursuance of the judgement the Government has to immediately identify the posts for disabled persons and implement the same without default. However, the following points may be kept in view while computing the reservation for Persons with Disabilities (PWD)

Three percent of the vacancies in case of direct recruitment of Group C & D shall be reserved for persons with disabilities of which 1% 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.

Three percent of the vacancies in case of promotion to Group D and Group C posts in which direct recruitment, if any, does not exceed 75% shall also 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.

The computation of reservation for persons with disabilities has to be computed in case of Group C & D posts in identical manner viz., "computing 3% reservation on total number of vacancies in the cadre strength" i.e., while reservation policy for SC/ST/OBC is post based the reservation policy for Persons With Disabilities has been indicated as being vacancy based.

As regards effecting reservation vide para 15 of DOPT's OM dt. 29-12-2005 forwarded under PBC No. 195 / 2006 all establishment shall maintain single 100 points reservation roster register in the prescribed format determining effecting reservation for the disabled one each for Group C and Group D posts filled by direct recruitment, Group C and Group D posts filled by promotion as applicable. Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities – one point each for three categories. 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 the relevant facts. In this connection / instructions issued vide Railway Board's letter No.E(NG)II/2014/RC-2/1 List dt. 14-02-2014 circulated vide PBC No. 28 / 2014 may also be connected.

The Hon'ble Supreme Court has directed to compute the number of vacancies available in all the "establishments" and further identify the posts for disabled persons within a period of three months from 08-10-2013 and implement the same without default.

It is requested that all officers should scrupulously adhere to the instructions of the Hon'ble Supreme Court and implement the same without default. The Hon'ble Supreme Court has further directed that non-observance of the provisions of reservation for persons with disabilities shall be considered as an act of disobedience and the Nodal Officer concerned in Department / Public Sector Undertakings / Government Companies responsible for proper strict implementation of reservation for persons with disabilities may be departmentally proceeded against for any default.

Please ensure strict compliance.



(V. SRINIVASAN)
वरिष्ठ कार्मिक अधिकारी/नियम
Senior Personnel Officer/Rules
कृते मुख्य कार्मिक अधिकारी
For Chief Personnel Officer

संलग्न/Encl: as above

प्रतिलिपि/Copy to : The Genl Secy / SRMU
The Genl Secy / AISCSTREA
The Genl Secy / AIOBCREA

The Genl Secy / NFIR



Most Urgent

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No.2014-E(SCT)/PWD/Misc. Information

New Delhi, Dated 02-05-2014

**The Chief Personnel Officers,
All Indian Zonal Railways,
All Production Units,**

The CAO, DMW/Patiala,

The Director General, RDSO/Lucknow

Sub: Implementation of the judgement of Hon'ble Supreme Court in the matter of UOI Vs. National Federation of Blind & Ors. - and computation of reservation for PWD- Implementation and furnishing of information reg.

Please find enclosed herewith copies of each of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) O.M. No. 36012/24/2009-Esst.(Res.) dated 20.3.2014 and No. 36012/24/2009-Esst.(Res.) dated 3.12.2013 for information/guidance and strict compliance. In this connection kindly refer to Board's letter of even number dated 4.4.14 seeking the requisite information in the prescribed proforma.

DA: As above


02/5/14
(K. Mal)

Exe. Director, Estt.(Res.)

COURT MATTER
TIME BOUND

No.36012/24/2009-Eatt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 20 March, 2014

OFFICE MEMORANDUM

Sub: Computation of reservation – implementation of the judgment of Hon'ble Supreme Court in the matter of Union of India & Anr. Vs. National Federation of Blind & Ors.

In pursuance of the judgment dated 08.10.2013 of the Hon'ble Supreme Court in the matter of Civil Appeal No.9096 of 2013 [arising out of SLP(civil) No.7541 of 2009] titled Union of India & Anr. Vs. National Federation of Blind & Ors, this Department issued O.M No. of even dated 3rd December, 2013 modifying para 14 of this Department's O.M dated 29.12.2005 to the following extent:

"Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group A posts or Group 'B' posts respectively, in the cadre".

2. It was also requested to compute number of vacancies available in all the cadres under their control including attached offices, subordinate offices, public sector undertakings, Government Companies, Cantonment Board, etc. in the aforesaid manner and further identify the posts for disabled persons within a period of three months from the date of judgement (8.10.2013) and implement the same without default. The Hon'ble Supreme Court directed that non-observance of the provisions of reservation for persons with disabilities shall be considered as an act of disobedience and the Nodal Officer concerned in Department /Public Sector Undertakings/Government Companies responsible for proper strict implementation of reservation for persons with disabilities be departmentally proceeded against for the default.

3. Vide this Department's OM of even number dated 24th February, 2014, it was informed that the Petitioner i.e. National Federation of the Blind has filed an application in the Hon'ble High Court of Delhi and the Hon'ble High Court has directed to file a status report giving details of steps taken to implement the judgement of the Hon'ble Supreme Court including the

appointments made, if any. Owing to inadequate response from the Ministries/Departments, progress report on implementation of the judgement of the Hon'ble Supreme Court could not be placed before the Hon'ble High Court during the last hearing held on 12th March, 2014. The Hon'ble High Court of Delhi has given three weeks time to file the status report which has to be complied with.

4. All the Ministries/Departments/Organisations of the Government of India are requested to compute the reservations for persons with disabilities at the earliest and immediately identify the posts for disabled persons and implement the same without default. However, the following points may be kept in view while computing reservations:-

- (i) Three percent of the vacancies in case of direct recruitment to Group A,B,C and D shall be reserved for persons with disabilities of which 1% 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. Three percent of the vacancies in case of promotion to Group D and Group C posts in which direct recruitment, if any, does not exceed 75% shall be reserved for persons with disabilities of which 1% 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 computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in identical manner viz. "computing 3% reservation on total number of vacancies in the cadre strength". The Hon'ble Supreme Court has further directed to compute the number of vacancies available in all the "establishments" and further identify the posts for disabled persons within a period of three months from 08.10.2013 and implement the same without default.
- (iii) As regards effecting reservation, Para 15 of this Department's O.M. No.36035/3/2004-Estt(Res) dated the 29th December, 2005 [<http://peremin.nic.in>>> OMs&Orders>> Establishment (Reservation)>> Persons with Disabilities], *inter alia*, stipulates that all establishments shall maintain separate 100 point reservation roster registers in the prescribed formant for determining/effecting reservation for the disabled one each for Group A posts filled by direct recruitment, Group B posts filled by direct recruitment, Group C posts filled by direct recruitment, Group C posts filled by promotion, Group D posts filled by direct recruitment and Group D posts filled by promotion. Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities - one point each for three categories. 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 the relevant facts.

- (iv) Whereas reservation policy for SCs/STs/OBCs is post based, the reservation policy for persons with disabilities is vacancy based.
- (v) List of identified posts for the persons with disabilities issued by the Department of Disability Affairs, Ministry of Social Justice and Empowerment vide Notification No.16-15/2010-DD.III dated the 29th July, 2013 is available at the website of the Ministry of Social Justice and Empowerment.

5. Keeping in view the above, all the Ministries/Departments/Organisations of the Government of India are requested to furnish details of vacancies available and posts identified for persons with disabilities in all the cadres under their control including attached offices, subordinate offices, public sector undertakings, Government Companies, Cantonment Board, etc in the following format:-

Group	Name of Posts (both identified and non-identified)	Total vacancy available	Vacancy available for PwD at @ 3% of total vacancy (1% each for VH, HH & OH)			Name of Post identified for persons with disability	Proposed action plan to fill up the post identified for persons with disability
			VH	HH	OH		
A							
B							
C							
D							

[VH=Visually Handicapped; HH=Hearing Handicapped; OH=Orthopedically Handicapped]

It is requested that above information may be sent to this Department within two weeks i.e. by 27th March, 2014 so that a consolidated status report could be placed before the next date of hearing. It is clarified that the Departments who had earlier sent the information with reference to this Department's earlier communications may also send the information, in the format now prescribed keeping in view the details furnished in para 4 above. It may be noted that response of the Ministries/Departments together with

defaulters list would form part of the status report to be filed before next date of hearing in the Hon'ble High Court of Delhi.

G. Srinivasan

(G.Srinivasan)
Deputy Secretary to the Government of India
Tele No.23093074

To

- (i) The Secretary, All the Ministries/Departments of the Government of India
- (ii) The Secretary, Department of Financial Services (Banking and Insurance Division), New Delhi.
- (iii) The Secretary, Department of Public Enterprises, New Delhi.
- (iv) The Secretary, Railway Board, Rail Bhavan, New Delhi.
- (v) Union Public Service Commission, Supreme Court of India, Election Commission of India, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Prime Minister's Office, Planning Commission.
- (vi) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- (vii) Office of the Chief Commissioner of Disabilities, Sarojini House, 6 Bhagwan Das Road, New Delhi.
- (viii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (ix) All officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all the attached/subordinate offices of this Ministry.
- (x) Information and Facilitation Centre, North Block, New Delhi-25 copies.

Copy to Chief Secretaries of all States/Union Territories - for information

Copy to Sr. Technical Director (NIC), DOP&T - with a request to place this on the website of this Ministry for information of all concerned

Copy for similar action to:

- (i) Director (AIS), DOPT - in respect of computation of vacancies and identification of posts for persons with disabilities in All India Service.
- (ii) Director (CS-I), DOPT - in respect of computation of vacancies and identification of posts for persons with disabilities in CSS cadre.
- (iii) Director (CS-II), DOPT - in respect of computation of vacancies and identification of posts for persons with disabilities in CSCS and CSSS cadre.

IMMEDIATE/COURT MATTER

No.36012/24/2009-Estt(Res)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated the 3rd December 2013

OFFICE MEMORANDUM

Subject: Reservation for persons with disabilities- Computation of reservation- implementation of the judgement of Hon'ble Supreme Court in the matter of Union of India & Anr. Vs. National Federation of Blind & Ors.

The undersigned is directed to refer to this Department's OM No.36035/3/2004-Estt.(Res) dated 29.12.2005, a copy of which is enclosed for ready reference, through which this Department had issued consolidated instructions regarding reservation for persons with disabilities. The instructions were in consonance with the provisions of the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1996.

2. Para 13 of the Office Memorandum of 29.12.2005 provides that reservation for persons with disabilities in case of direct recruitment as well as promotion for Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in Group C and Group D posts as the case may be in the establishment although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. Para 14 of the said O.M. provides that Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

3. The Hon'ble Supreme Court in its judgement dated 8.10.2013 in the matter of Civil Appeal No.9096 of 2013 (arising out of SLP (Civil) No.7541 of 2009) titled Union of India & Anr. Vs. National Federation of Blind & Ors. has, inter-alia, held :

"Thus, after thoughtful consideration, we are of the view that the computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in an identical manner viz., "computing 3% reservation on total number of vacancies in the cadre strength" which is the intention of the legislature."

4. The Hon'ble Supreme Court has, inter alia, directed that the following action be taken in order to ensure proper implementation of the reservation policy for the disabled and to protect their rights:-

(i) to issue an appropriate order modifying the O.M. dated 29.12.2005 and the subsequent O.Ms consistent with this Court's Order within three months from the date of passing of the judgment.

(ii) the "appropriate Government" to compute the number of vacancies available in all the "establishments" and further identify the posts for disabled persons within a period of three months from today and implement the same without default.

(iii) the DoPT shall issue instructions to all the departments/public sector undertakings/Government companies declaring that the non observance of the scheme of reservation for persons with disabilities should be considered as an act of non-obedience and Nodal Officer in department/public sector undertakings/Government companies, responsible for the proper strict implementation of reservation for person with disabilities, be departmentally proceeded against for the default.

5. Keeping in view the directions of the Hon'ble Supreme Court, Para 14 of the OM dated 29.12.2005 is modified to the following extent:

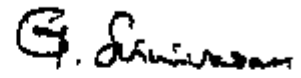
"Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group A posts or Group 'B' posts respectively, in the cadre."

6. Other provisions of the OM viz. quantum of reservation, horizontality of reservation, effecting reservation and maintenance of rosters etc. would remain the same.

7. All the Ministries/Departments/Organisations of the Government of India are requested to compute the number of vacancies available in all the cadres under their control including attached offices, subordinate offices, public sector undertakings, Government companies, cantonment Board etc. in the aforesaid manner and further identify the posts for disabled persons within a period of three months from the date of the judgement of the Hon'ble Supreme Court (i.e. 8.10.2013) and implement the same without default.

8. This is for strict compliance in accordance with the directions of the Hon'ble Supreme Court in respect of all the Ministries/Departments including their Public Sector Undertakings/Government companies, Cantonment Boards etc. Non-observance of the provisions of reservation for persons with disabilities shall be considered as an act of disobedience and the Nodal Officer concerned in Department/Public Sector Undertaking/Government company, responsible for the

proper strict implementation of reservation for person with disabilities, be departmentally proceeded against for the default.



(G. Srinivasan)

Deputy Secretary to the Government of India

Tel.No.23093074

To

- (i) The Secretary, All the Ministries/Departments of the Government of India
- (ii) The Secretary, Department of Financial Services (Banking and Insurance Division), New Delhi
- (iii) The Secretary, Department of Public Enterprises, New Delhi
- (iv) The Secretary, Railway Board, Ravi Bhavan, New Delhi.
- (v) Union Public Service Commission, Supreme Court of India, Election Commission of India, Lok Sabha Secretariat, Rajya Sabha Secretariat, Cabinet Secretariat, Prime Minister's Office, Planning Commission.
- (vi) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- (vii) Office of the Chief Commissioner of Disabilities, Sarojini House, 6 Bhagwan Das Road, New Delhi-110001;
- (viii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (ix) All officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all the attached/subordinate offices of this Ministry.
- (x) Information and Facilitation Centre, North Block, New Delhi - 25 copies.

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