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**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR :::: GUWAHATI-06**

ABP.180/2017/105

Dated Dispur, the 7th January, 2019

OFFICE MEMORANDUM

**SUB : RESERVATION OF POSTS FOR PERSONS WITH BENCHMARK
DISABILITIES AND OTHER CONCESSIONS.**

With enactment of 'THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' from 19th April, 2017 and notification of 'THE RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017' on 15th June, 2017 issued by the Govt. of India, the following instructions are issued in line with the provisions made therein regarding reservation for Persons with Benchmark Disabilities, as defined under Section 2(r) of the Act against the posts and services of the State Government.

2. QUANTUM OF RESERVATION

2.1 In case of direct recruitment, four percent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e., Grade-I, Grade-II, Grade-III and Grade-IV shall be reserved for persons with benchmark disabilities.

Benefit of reservation in promotion for persons with benchmark disabilities will be limited to the grade III and IV posts only, where four percent of posts shall be reserved for persons with benchmark disabilities of which one percent each shall be reserved for persons suffering from 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 and d) autism, intellectual disability, specific learning disability and mental illness, multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

2.2 Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 herein under:-

- (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. EXEMPTION FROM RESERVATION:

If any Department in the State Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Social Welfare giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Commissioner for Persons with Disabilities (CPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities.

4. **ADJUSTMENT AGAINST UNRESERVED VACANCIES:**

4.1 In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability, provided the post is identified suitable for persons with benchmark disability of the relevant category.

4.2 Persons with benchmark disabilities 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 which will thus comprise of 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.

5. **CERTIFICATE OF DISABILITY:**

A person who wants to avail the benefit of reservation will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such person for any post, will be subject to such verification/re-verification as may be decided by the competent authority.

6. **COMPUTATION OF NUMBER OF POSTS TO BE RESERVED:**

6.1 The number of posts to be reserved for persons with benchmark disabilities in case of Grade-III & Grade-IV posts shall be computed on the basis of total number of vacancies in the cadre strength of Grade-III & Grade-IV posts in the establishment, although the recruitment of the persons with benchmark disabilities would only be against the category of posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to Grade-III & Grade-IV posts in an establishment shall be computed by taking into account the total number of vacancies arising in Grade-III & Grade-IV posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified category of posts under the establishment. Since reservation, wherever applicable, for Persons with Benchmark Disabilities is provided computing total number of vacancies in the cadre strength in identified category of posts as well as unidentified category of posts, it may be possible that number of persons appointed by reservation in an identified category of post may exceed four per cent.

6.2 Reservation for persons with benchmark disabilities in Grade-I or Grade-II posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Grade-I posts or Grade-II posts respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts.

7. **EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:**

7.1 Every Government establishment shall maintain group-wise a separate vacancy based 100 point vacancy based reservation roster register in the format given in **Annexure** for determining / effecting reservation for the Persons with Benchmark Disabilities - one each for Grade-I posts filled by direct recruitment, Grade-II posts filled by direct recruitment and Grade-III & Grade-IV posts filled by direct recruitment.

7.2 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

7.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for persons with benchmark disabilities - one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at Sl. No 1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.

7.4 All the vacancies arising irrespective of vacancies reserved for Persons with Benchmark Disabilities shall be entered in the relevant roster. If the vacancy falling at point no 1 is not identified for the Person with Benchmark Disability or the Head of the establishment considers it desirable not to fill it up by Persons with Benchmark Disabilities or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the person with benchmark disability and filled as such.

7.5 Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the Persons with Benchmark Disabilities. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy.

7.6 There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the person with benchmark disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block.

7.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

7.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

8. **INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:**

8.1 Where in any recruitment year any vacancy cannot be filled up due to non availability of a suitable person with benchmark disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the following four categories of disabilities, at one percent each to each category.

(A)

(a) blindness and low vision;

(B)

(b) deaf and hard of hearing;

(C)

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(D)

(d) autism, intellectual disability, specific learning disability and mental illness.

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

8.2 Only when there is no person with benchmark disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with benchmark disability.

8.3 If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Social Welfare, among the above mentioned four categories.

8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

8.5 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 benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark 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 benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period up-to two recruitment years where-after 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.

8.6 The Government establishment shall interchange vacancies only if due process of recruitment viz, proper advertisement of vacancy to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

8.7 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants.

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

9.1 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 and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking-reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved 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 benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and the other belongs to Unreserved category, then 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 unreserved point in the relevant reservation 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 SCs.

9.2 Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved 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 Unreserved. Thus, reservation for persons with benchmark disabilities is horizontal.

10. **CERTIFICATE BY REQUISITIONING AUTHORITY:**

10.1 In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency -

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

10.2 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.

11. **RELAXATION OF STANDARD OF SUITABILITY:**

11.1 If sufficient number of candidates with benchmark disabilities candidates 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. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.

11.2 Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved/SC/ST/OBC. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

12. **MEDICAL EXAMINATION:**

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 benchmark disabilities 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 benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view.

13. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:**

The Departments shall continue to share data on representation of Persons with Benchmark Disabilities along with data on SCs, STs, OBCs in respect of posts/services under the State Government to (i) Social Welfare Department, (ii) Personnel B Department and (iii) AR&T Department as on 1st January of every year.

14. **MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:**

14.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

14.2 The Grievance Redressal Officer shall maintain a register of complaints of persons with 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
- (f) any other information.

14.3 Any person aggrieved with any matter relating to discrimination in employment against any person with disability may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

14.4 Every complaint filed as per Para 14.3 above, shall be inquired into within two months of its registration and outcome thereof or action taken thereon shall be communicated to the complainant / Person with Benchmark Disability.

15. All the Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.

-Sd-

(K.K. Dwivedi, IAS)

**Commissioner & Secretary to the Govt. of Assam
Personnel (B) Department**

Dated Dispur, the 7th January, 2019,

Memo NO. ABP 180/2017/105-A

Copy forwarded to:-

1. Shri Dipak Kumar Sarma, IAS (Retd.), Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22 for information and necessary action.
2. The Secretary to the HE the Governor of Assam.
3. The P.S. to the Principal Secretary to the Chief Minister, Assam, Dispur, Guwahati-06 for kind information of Hon'ble Chief Minister, Assam.
4. The Principal Accountant General (A&E)(Audit), Assam, Maidum Gaon, Beltola, Guwahati-29.
5. All Principal Secretaries/ Commissioner & Secretaries/ All Secretaries to the Govt. of Assam for information.
6. Staff Officer to the Chief Secretary, Assam, for information and necessary action.
7. P.P.S. to the Chief Minister, Assam, Dispur. Guwahati-6.
8. P.S. to All Ministers, Assam, Dispur.....
9. P.S. to the Speaker, Assam Legislative Assembly, Dispur, Guwahati-6.
10. P.S. to All Additional Chief Secretary to the Govt. of Assam.....
11. All Commissioners of Divisions.....
12. All Members of Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22.
13. The Secretary, Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22.
14. All Administrative Departments.
15. All Heads of Departments.
16. Chief Executive Members, Dima Hasao Autonomous District Council, Haflong/ Karbi Anglong Autonomous District Council, Diphu/ BTC, Kokrajhar/ Rabha Hasong Autonomous Council, Dudhnai/ Mising Autonomous Council, Dhemaaji/ Tiwa Autonomous Council, Morigaon/ Deori Autonomous Council, Lakhimpur/ Thengal Kachari Autonomous Council, Jorhat/ Sonowal Kachari Autonomous Council, Dibrugarh.
17. The Superintendent, Assam Government Press, Bamunimaidan, Guwahati-21, for favour of publication of the above notification in the next issue of Assam Gazette and to supply 200 spare copies.
18. The Personnel Management Information System/ Assam Online Portal, Personnel (B) Department, Dispur, Guwahati-06.

By order etc.,

Social Welfare Dept

Ruby Borah
(Ruby Borah, IAS)
Secretary to the Govt. of Assam
Personnel (B) Department

RESERVATION ROSTERS FOR PERSONS WITH BENCHMARK DISABILITIES (MODEL)

NAME OF THE POSTS : Junior Administrative Assistant

Nature of recruitment : Direct / Promotion

Reserved points for persons with Benchmark Disabilities - 1,26,51,76.

| Sl. No. | Roster posts for SC/ST/OBC etc. | PWBD Rosters identified for 1 st /2 nd /3 rd /4 th category | Name of the incumbent | Category of the incumbent | Date of appointment of PWBD | Remarks |
|-----------|---------------------------------|---|-----------------------|---------------------------|-----------------------------|---------|
| 1 | UR | 1st Category | | | | |
| 2 | OBC | Unreserved | | | | |
| 3 | UR | Unreserved | | | | |
| 4 | UR | Unreserved | | | | |
| 5 | ST(P) | Unreserved | | | | |
| 6 | OBC | Unreserved | | | | |
| 7 | | Unreserved | | | | |
| 8 | SC | Unreserved | | | | |
| 9 | | Unreserved | | | | |
| 10 | ST(H) | Unreserved | | | | |
| 11 | OBC | Unreserved | | | | |
| 12 | | Unreserved | | | | |
| 13 | OBC | Unreserved | | | | |
| 14 | | Unreserved | | | | |
| 15 | ST(P) | Unreserved | | | | |
| 16 | | Unreserved | | | | |
| 17 | OBC | Unreserved | | | | |
| 18 | | Unreserved | | | | |
| 19 | | Unreserved | | | | |
| 20 | | Unreserved | | | | |
| 21 | OBC | Unreserved | | | | |
| 22 | SC | Unreserved | | | | |
| 23 | | Unreserved | | | | |
| 24 | | Unreserved | | | | |
| 25 | | Unreserved | | | | |
| 26 | OBC | Unreserved | | | | |
| 27 | | Unreserved | | | | |
| 28 | | Unreserved | | | | |
| 29 | | Unreserved | | | | |
| 30 | ST(H) | Unreserved | | | | |
| 31 | | Unreserved | | | | |
| 32 | OBC | Unreserved | | | | |
| 33 | | Unreserved | | | | |
| 34 | | Unreserved | | | | |
| 35 | ST(P) | 2nd Category | | | | |
| 36 | SC | Unreserved | | | | |
| 37 | OBC | Unreserved | | | | |
| 38 | UR | Unreserved | | | | |
| 39 | OBC | Unreserved | | | | |
| 40 | UR | Unreserved | | | | |
| 41 | UR | Unreserved | | | | |
| 42 | UR | Unreserved | | | | |
| 43 | OBC | Unreserved | | | | |
| 44 | UR | Unreserved | | | | |
| 45 | ST(P) | Unreserved | | | | |
| 46 | UR | Unreserved | | | | |
| 47 | OBC | Unreserved | | | | |
| 48 | UR | Unreserved | | | | |
| 49 | UR | Unreserved | | | | |
| 50 | ST(H) | Unreserved | | | | |

| | | | | | | |
|----|-------|--------------------------|--|--|--|--|
| 51 | SC | Unreserved | | | | |
| 52 | OBC | Unreserved | | | | |
| 53 | UR | Unreserved | | | | |
| 54 | OBC | Unreserved | | | | |
| 55 | ST(P) | Unreserved | | | | |
| 56 | UR | Unreserved | | | | |
| 57 | UR | 3 rd Category | | | | |
| 58 | OBC | Unreserved | | | | |
| 59 | UR | Unreserved | | | | |
| 60 | UR | Unreserved | | | | |
| 61 | UR | Unreserved | | | | |
| 62 | OBC | Unreserved | | | | |
| 63 | UR | Unreserved | | | | |
| 64 | UR | Unreserved | | | | |
| 65 | ST(P) | Unreserved | | | | |
| 66 | SC | Unreserved | | | | |
| 67 | OBC | Unreserved | | | | |
| 68 | | Unreserved | | | | |
| 69 | OBC | Unreserved | | | | |
| 70 | ST(H) | Unreserved | | | | |
| 71 | UR | Unreserved | | | | |
| 72 | UR | Unreserved | | | | |
| 73 | OBC | Unreserved | | | | |
| 74 | UR | Unreserved | | | | |
| 75 | ST(P) | Unreserved | | | | |
| 76 | OBC | Unreserved | | | | |
| 77 | UR | Unreserved | | | | |
| 78 | UR | Unreserved | | | | |
| 79 | SC | Unreserved | | | | |
| 80 | OBC | Unreserved | | | | |
| 81 | UR | Unreserved | | | | |
| 82 | UR | Unreserved | | | | |
| 83 | UR | Unreserved | | | | |
| 84 | OBC | Unreserved | | | | |
| 85 | ST(P) | Unreserved | | | | |
| 86 | UR | 4th category | | | | |
| 87 | UR | Unreserved | | | | |
| 88 | OBC | Unreserved | | | | |
| 89 | UR | Unreserved | | | | |
| 90 | ST(H) | Unreserved | | | | |
| 91 | OBC | Unreserved | | | | |
| 92 | UR | Unreserved | | | | |
| 93 | SC | Unreserved | | | | |
| 94 | UR | Unreserved | | | | |
| 95 | ST(P) | Unreserved | | | | |
| 96 | OBC | Unreserved | | | | |
| 97 | UR | Unreserved | | | | |
| 98 | UR | Unreserved | | | | |
| 99 | OBC | Unreserved | | | | |
| 10 | UR | Unreserved | | | | |
| 0 | | | | | | |

1st Category (a) blindness and low vision.

2nd Category (b) deaf and hard hearing.

3rd Category (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victim and muscular dystrophy.

4th Category (d) autism, intellectual disability, specific learning disability and mental illness (e) multiple disabilities from amongst persons under clauses (a) to (d).