

No. 36035/4/2013-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 6th January, 2015

OFFICE MEMORANDUM

Subject: Amendment in Para 15(i) of OM dated 29.12.2005

Department of Personnel and Training vide OM No 36035/3/2004-Estt.(Res) dated 29.12.2005 had issued consolidated instructions with regard to reservation for persons with disabilities in posts and services of the Government of India, superseding all previous instructions issued on this subject.

2. In accordance with the directions of the Hon'ble Supreme Court in its judgment dated 08.10.2013, 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 the Blind & Ors., para 14 of the said OM dated 29.12.2005 was amended to the following extent:-

“Reservation for the 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.”

3. The National Federation of Blind approached the Hon'ble Delhi High Court through Civil Miscellaneous Appeal No. 230/2014 stating that the Department of Personnel & Training did not implement the directions of the Hon'ble High Court of Delhi in W.P. (C) No. 15828/2006 and Hon'ble Supreme Court in Civil Appeal No. 9096/2013. On this appeal, the Hon'ble Delhi High Court in its judgment dated 17.07.2014 had directed that further modifications in Para 15 of the OM dated 29.12.2005 has to be carried out so that the directions of the Hon'ble Supreme Court to compute 3% of reservation on total number of vacancies in the cadre strength can be implemented. In accordance with these directions, Para 15(i) of the said OM dated 29.12.2005 is amended 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

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direct recruitment quota in all the Group 'A' posts or Group 'B' posts respectively, in the cadre. Separate rosters for Group 'A' posts and Group 'B' posts in the establishment shall be maintained."

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

G. Srinivasan

(G. Srinivasan)

Deputy Secretary to the Government of India

Tel: 2309 3074

To

1. The Secretary, All Ministries/Departments of the Govt. of India
2. The Secretary, Railway Board, Rail Bhawan, New Delhi
3. The Secretary, Department of Public Enterprises, CGO Complex, New Delhi
4. 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
5. The Chairman, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
6. Office of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi- 110 001
7. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi
8. All Officers and Section in the Ministry of Personnel, Public Grievances and Pensions, and all attached/subordinate offices of this Ministry
9. Information and Facilitation Centre, DOPT, North Block, New Delhi

✓ Copy to Director, NIC, DOPT- with a request to place this circular on the website of this Department, for information of all concerned.