



GOVERNMENT OF KERALA

Abstract

Social Justice Department - Rights of Persons with Disabilities Act, 2016 - Reservation in promotion to Employees who are persons with disabilities in the State services - Additional Guidelines - sanctioned - orders issued.

SOCIAL JUSTICE (B) DEPARTMENT

G.O.(P)No.6/2023/SJD Dated, Thiruvananthapuram, 26-10-2023

- Read 1. G.O.(P) No.5/2022/SJD dated 15.07.2022
2. Circular No. Rules 1/136/P&ARD dated 23.09.2022
3. G.O.(Rt)No. 157/2023/SJD dated 11.07.2023
4. Minutes of the Joint Committee meeting dated 22.07.2023

ORDER

As per the proviso to section 34(1) of the Right of Persons with Disabilities Act, 2016 the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time.

2. Government have issued orders for providing 4% reservation in promotion to state government employees who are persons with disabilities, along with guidelines for the same, as per the order read as 1st paper above. Vide the said order, Personnel and Administrative Reforms Department has been directed to issue specific directions to amend the Special Rules and roster system of various departments.

3. In the circular read as 2nd paper above Government issued specific direction to carry out amendments in the respective Special Rules of various departments on the basis of the guidelines specified in the order read as 1st paper above, so as to ensure 4% reservation to Persons with Disabilities category in the identified promotion posts.

4. As per the order read as 3rd paper above, a Joint Committee was constituted under the chairpersonship of Director Social Justice,

consisting of Joint Secretary, Social Justice and Joint Secretary Personnel and Administrative Reforms Departments as Members for fixing rosters for implementing reservation in promotion to employees who are persons with disabilities. The Joint Committee meeting held on 22.07.2023 approved the draft additional guidelines, prepared by Personnel and Administrative Reforms Department and vetted by Law Department, with some modifications, for implementing reservation in promotion to employees who are persons with disabilities

5. Government having examined the matter in detail are pleased to sanction the following additional guidelines for implementing reservation in promotion to employees who are persons with disabilities.

Additional Guidelines for implementing reservation in promotion to Persons with Disabilities

For the purpose of implementing reservation in promotion for Persons with Benchmark Disabilities (PwBD), the following criteria shall be applied:

1. All H.O.Ds shall ensure 4% reservation for the PwBD in those posts where appointments are done both through direct recruitment and by promotion (from feeder category) and identified as suitable.
2. No Department can exempt any post where appointment is done both through direct recruitment and by promotion (from feeder category); and identified as suitable from the purview of PwBD reservation unless procedures mentioned in proviso to Section 20(1) of the Rights of Persons with Disabilities Act, 2016 are completed.
3. For implementing reservation for promotion for PwBD, posts shall be identified in accordance with following criteria and orders, if any required in addition, shall be issued by the Administrative Dept.

Reservation in promotion shall be done for PwBDs in posts where

- i. appointments are done both through direct recruitment and by promotion.
- ii. The element of direct recruitment insisted vide special rules, if any, or otherwise shall not exceed 75%.

- iii. The total number of posts for appointment shall not be less than or equal to 5.
4. While implementing 4% of reservation in identified posts the following conditions shall apply :
 - i. For every cycle of 100 vacancies the turns 6, 31, 56, 81 shall be reserved for the PwBDs under clauses (a) to (e) mentioned below:
 - (a) blindness and low vision
 - (b) deaf and hard of hearing
 - (c) loco motor 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 in the posts identified for each disability

Note: Cycle of rotation may be defined as a total of 100 vacancies reported against a particular post. If all the turns allotted to PwBD candidates are allocated and the total reservation of 4% is satisfied, after each cycle, the roster shall be restarted afresh. If all the turns allotted in a cycle cannot be filled, the rotation shall continue in subsequent cycles.

- ii. One percent of vacancies in a recruitment year shall be reserved for PwBDs under Clause (a) to (c) each and the remaining one percentage to clauses (d) and (e) conjointly .
- iii. For the purpose of appointment by promotion,
 - a. each cycle of 100 points shall be divided into four blocks comprised of vacancies and employees in the seniority list as follows:
 - 1st block - Point/Rank 1 to 25
 - 2nd block - Point/Rank 26 to 50
 - 3rd block - Point/Rank 51 to 75
 - 4th block - Point/Rank 76-100

such that the turns 6, 31, 56, 81 shall be filled up from 1st, 2nd, 3rd, 4th blocks respectively .

- b. Each turn shall be filled up by the employees belonging to the respective blocks .
- c. If a qualified employee belonging to any one of the clauses is not available in that block his/ her turn shall be passed over to persons in other clauses in the same block in the order of priority as mentioned (a) to (e) above.
- d. If none of the candidates with any of the bench mark disabilities is available in a block, appointments in the order of priority as mentioned above shall be made from the next block along with the filling up of turns belonging to that block and so on.
- e. While turns are carried forwarded to subsequent blocks, the PwBD officers belonging to the clause which is carried forwarded shall be filled at first and in the absence of such clause, the personnel with other benchmark disability shall be promoted in the order of rotation fixed vide item 4(i) above.
- f. If PwBD officers belonging to more than one clause are included in a single block, they shall be promoted by shifting their respective turns from subsequent blocks and the turns shall be treated as filled.
- g. If any of the identified posts is not suitable for any of the categories mentioned in 4(i) above, 4% PwBD reservation shall be maintained by promoting persons with other clause /clauses of disabilities for which the post is identified.
- h. If none of the persons with disabilities belonging to a clause/ clauses are available in all the four blocks the same vacancy shall be filled with an employee who is not a person with benchmark disabilities.
- i. This passed over vacancy should be recouped at the earliest opportunity in the next cycle.
- j. If the passed overturn cannot be recouped within three years, the same shall be treated as lapsed.
- k. In terms of sections 20(3) of the Rights of the 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 or her service. As per the proviso to this subsection, if an employee, after acquiring disability is not found suitable for the post he is holding, he 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 the 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 through the Administrative Department concerned.

- l. An eligible PwBD employee upon giving up his/ her turn for promotion, which is due as per the roster fixed by the HoD shall lose his/ her opportunity and the next eligible candidate from the feeder category with the same benchmark disability shall be promoted.
- m. If in case the candidates can opt for promotion to multiple higher posts, they should be given reservation for promotion only once to the identified post to which they have opted for. Reservation in promotion cannot be claimed by the PwBD in future promotion.
- n. All other conditions prescribed in KS&SSRs/ Special Rules for appointment by promotion in each post shall also be applicable to the appointments by promotion from PwBD candidates in the identified posts.

6. Based on the above guidelines, Personnel and Administrative Reforms Department shall make necessary amendments in KS&SSRs.

By the Order of Governor
DR. SHARMILA MARY JOSEPH
PRINCIPAL SECRETARY

To:

All Departments of the Secretariat including Law and Finance.

All Heads of Departments

The Secretary, Kerala Public Service Commission,

Thiruvananthapuram.

The Secretary, Kerala Legislative Assembly, Thiruvananthapuram.

The Advocate General Kerala, Ernakulam

The Registrar High Court of Kerala Ernakulam.

The Director, Social Justice, Vikas Bhavan, Thiruvananthapuram.

The State Commissioner for Persons with Disabilities,

Thiruvananthapuram.

Law Department

Personnel & Administrative Reforms Department.

Accountant General (A&E/G & SSA)Kerala, Thiruvananthapuram.

The Information Officer, Web & New Media.

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Signed by

Jasmine Thomas

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Section Officer