

GAD-SC-RES-0006-2013 31181 / Gen,  
Government of Odisha  
General Administration Department

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RESOLUTION

Bhubaneswar Dated the 26<sup>th</sup> December 2013

**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 Departments Resolution No.34450/Gen, Dated.03.12.2013, 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, 1995.

2. PARA 3.1, 3.2, and 3.3 of the Resolution No.34450/Gen, Dated.03.12.2013 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 3.4 of the said Resolution 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 judgment 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. Keeping in view the directions of the Hon'ble Supreme Court, Para 3.4 of the Resolution dated 03.12.2013 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."

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

6. All the Departments/Organisations of the Government of Odisha 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, 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.

7. This is for strict compliance in accordance with the directions of the Hon'ble Supreme Court in respect of all the Departments including their Public Sector Undertakings/Government companies, 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.

#### **ORDER**

Ordered that the Resolution be published in the extraordinary issue of the Odisha Gazette. Ordered also that copies of the Resolution be forwarded to all Departments of Government / all Heads of Departments / all Collectors / Registrar, Odisha High Court / Registrar, Odisha Administrative Tribunal / Special Secretary, Odisha Public Service Commission / Secretary, Odisha Staff Selection Commission/ Secretary, Odisha Sub-ordinate Staff Selection Commission.

By order of the Governor



Special Secretary to Government

Memo No. 37182 /Gen. Dated 20<sup>th</sup> December 2013

Copy forwarded to the Gazette Cell in charge Odisha Gazette Cell  
C/o Commerce Department for information with a request to publish this Resolution in  
the Extraordinary issue of Odisha Gazette and supply 500 copies thereof to  
G.A. Department.

*(Signature)*  
20/12/13

Joint Secretary to Government

Memo No. 37183 /Gen., Dated 20<sup>th</sup> December 2013

Copy forwarded to all Departments of Government/ all Heads of Department/ all  
Collectors/ Registrar, Odisha High Court/ Registrar Odisha Administrative Tribunal,  
Bhubaneswar/ Special Secretary, Odisha Public Service Commission/ Secretary  
Odisha Staff Selection Commission/ Secretary, Odisha Sub-ordinate Staff Selection  
Commission/Commissioner, Persons with Disabilities for information and necessary  
action.

*(Signature)*  
20/12/13

Joint Secretary to Government

Memo No. 37184 /Gen., Dated 20<sup>th</sup> December 2013

Copy forwarded to all sections of G.A Department/ G.A Department Library/  
Guard File.

*(Signature)*  
20/12/13

Joint Secretary to Government



GAD-SC-RES-0003-2013. 34450 /Gen  
Government of Odisha  
General Administration Department  
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Bhubaneswar Dated the 03<sup>rd</sup> December 2013

RESOLUTION

**Sub: Consolidated instructions regarding reservation for the Persons with Disabilities in various posts / services under State Govt. / Public Sector undertakings.**

Clarifications have been sought by various Departments, recruitment commissions / boards regarding reservation and relaxation for Persons with Disabilities (PWDs) in post / services under State Government / Public Sector undertakings, consequents upon the decision of the Government of India in the year 1978 and after the State Government made reservation of 3% of vacancies for Persons with Disabilities in class-III and class-IV posts / services in State Government / PSU vide Resolution No.16443-Gen. dated 24<sup>th</sup> July, 1978, Resolution No.15338-Gen dated 4<sup>th</sup> May 1981. The aforesaid reservation of 3% of vacancies for PWDs was extended to gazetted post in class-II and specially declared gazetted services & posts under the State Government to which direct recruitment is made. Reservation of 3% have been further extended to Group-A, Group-B, Group-C and Group-D post / services under the State Government and public sector undertakings (PSUs) vide General Administration Department Resolution No.3404-2R/1-3/2004/Gen. dated 13<sup>th</sup> February, 2006 instructions have been issued in General Administrative Department Resolution No.748 dated 10<sup>th</sup> January 1997 that appointing authorities should appoint three categories of Persons with Disabilities roughly in every 14 vacancies. Further 3 roster groups {1 to 14 (Blindness / Low vision), 29-42 (Hearing Impaired) and 57-70 (Locomotor Disability / Cerebral Palsy) have been made in 100 point model roster presently in force vide, General Administration Department No.GAD-SC-RES-0002-2013-11819/Gen. dated 30<sup>th</sup> April, 2013.

In compliance of section 32 of PWD ACT.1995 a committee was constituted by the government to identify the posts suitable for PWDs in state government/public sector undertakings, having following members

1. Additional Secretary, GA department
2. State Commissioner for PWDs
3. Director for PWDs
4. Assistant Director(Rehb.), VRCH, GOI, BBSR
5. Assistant Director, TCTD, GOI, BBSR
6. Director, SVNIRTAR
7. Medical experts/doctors

The committee had detailed discussion with all the departments of the government in phased manner. Thereafter the expert committee compiled the list of identified post which was shared with the group of PWDs, DPU and Activists in the consultative meeting chaired by SCPD. In the meeting, three sub-committees were constituted for each category like blindness/low vision, hearing impairment and locomotor disability/ cerebral palsy. The views of the sub-committees were duly considered by the expert committee. After vigorous exercise the expert committee recommended the draft resolution and list of suitable posts identified for PWDs in Group A, B, C and D.

With a view to consolidating the existing instructions, bringing them in line with the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and clarifying certain issues including procedural matters, the following instructions in supersession of General Administration Department Resolution No.3404-2R/1-3/2004/Gen. dated 13<sup>th</sup> February, 2006 are issued with regard to reservation & relaxations for Persons with Disabilities in posts and services under the Government of Odisha and Public Sector Undertakings.

#### **1. Quantum of Reservation**

- 1.1 Not less than the three percent of the vacancies in case of direct recruitment to Group A, B, C and D posts shall be reserved for Persons with Disabilities (PWDs) of which one percent 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 time to time.
- 1.2 Three percent of the vacancies in case of promotion to
  - (I) within Group-D,
  - (II) from Group-D to Group-C,
  - (III) within Group-C,
  - (IV) from Group-C to group-B,
  - (V) within Group-B and
  - (VI) from Group-B to lowest rung of Group-A
- 1.3 Out of 3% (three percent) reservation for Persons with Disabilities, one percent reservation shall be earmarked for women with disabilities.

## 2. Definition, percentage of Disabilities and competent authority to issue disability certificate.

Definition and percentage of disabilities for the purpose of this Resolution are as follows:

### 2.1 Blindness

'Blindness' refers to condition where a person suffering from any of the following conditions namely.

- i) Total absence of sight; or
- ii) Visual acuity not exceeding 6/60 or 20/200 Smeller in the better eye with Correcting Lenses; or
- iii) Limitation of the field of vision subtending an angle of 20 degrees or worse.

(Reference Section 2(b) of Persons with Disabilities Act, 1995)

### 2.2 Low Vision

Person with Low Vision means a person with impairment of visual functioning even after treatment of standard refractive correction, but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device {section 2 (u) of Persons with Disabilities Act, 1995}.

Persons with low vision means a person with impairment of vision of less than 6/18 to 6/60 with best correction in the better eye or impairment of field in any one of the following categories:-

- (i) Reduction of field less than 50 degree.
- (ii) Hemianopia with muscular involvement.
- (iii) Attitudinal defect involving lower fields.

(Reference GOI, MSJ & E notification dated 1<sup>st</sup> June, 2001)

### Note

Government Resolution / Notification issued prior to Persons with Disabilities Act, 1995, the people with low vision were called / referred as 'Partially Blind'. But after enactment of this Act, 'Partially Blind' word has been replaced by 'Low Vision', Remember that a low vision person is one who uses assistive devices in addition to regular spectacles or contact lenses including intraocular Lenses. Low vision aid / assistive devices includes high powered magnifying devices of different varieties, some built into spectacles, other hand holds or stand magnifiers, electronic magnifies and even enhanced letter software and closed circuit television etc.

### **2.3 Hearing Impairment**

'Hearing Impairment' means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

{Section 2 (l) of Persons with Disabilities Act, 1995}

#### **Note**

Prior to enactment of PWD Act, 1995, words like deaf, deaf & dumb, speech and hearing disabilities and partially deaf etc. were in use. Now hearing impairment is a substitute for these words.

### **2.4 Locomotor disability**

Locomotor disability means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.

{Section 2(o) of Persons with Disabilities Act, 1995}

#### **Note**

Prior to Persons with Disabilities Act, 1995, words like orthopedically handicapped, orthopedic disabled etc. were in use. But now such words have been replaced by locomotor disability and all such cases will be covered under 'Locomotor Disability or Cerebral Palsy'

### **2.5 Cerebral Palsy**

Cerebral Palsy means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the Pre-natal, Peri-natal as infant period of development.

{Section 2(e) of PWD Act, 1995}

### **2.6 Persons with Disability / percentage of disability**

Persons with disability means a person suffering from not less than 40% of any disability as certified by a medical authority. {Section-2(t) of PWD Act, 1995}

#### **Note**

Out of seven categories of Persons with Disabilities, mentioned in Persons with Disabilities Act, 1995, only five categories of disabilities arise Blindness or Low Vision, Hearing Impairment, Locomotor disability or cerebral palsy have been provided reservation is Government posts / services.



## **2.7 Authority to give disability certificate / Appellate authority / Validity of certificate**

Women and Child Development Department, Government of Odisha, notification No.10406/DW-II-E-105/11/WCD dated 22th June, 2012, amended Persons with Disabilities (Equal Opportunities, Protection of Rights & Full participation), Odisha Rule, 2003 and it stipulates as follows :-

## **2.8 Authority to give disability certificate**

On receipt of application the Medical Authority shall after satisfying himself, issue Disability Certificate in Form II, Form III or Form IV as the case may be vide Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participations) Amendment Odisha Rules, 2012. Medical Officer in charge of Community Health Centre / Primary Health Centre / Hospital has been notified as a Medical Authority in respect of issuance of Certificate for obvious disability. For Multiple Disabilities, the Chief District Medical Officer (CDMO) has been notified as medical authority assisted by concerned specialist if required for issuance of disability certificate vide Health & Family Welfare Department, Govt. of Odisha Notification No. 376/H dated 3<sup>rd</sup> January 2013.

## **2.9 Appellate Authority**

The Medical Authority constituted under rule 4 after due examination, shall give a permanent disability certificate in cases of those permanently disabled where there are no chances of variation in the degree of disability. {Rule-5(1)}

Appointment authorities will be responsible to conduct proper verification of disability certificate before appointment to prevent false / fake claims and to ensure appointment of genuine persons with disability. They may initiate action against such persons whoever attempts to commit fraud and avail of the benefits meant for Persons with Disabilities, under Section 69 of Persons with Disabilities Act, 1995. To resolve any dispute which arises with regard to issue of disability certificate, the appointing authorities shall refer such case to "Appellate Medical Board" constituted by Government of Odisha, Women & Child Development Department vide notification No.16430/DW-II-E-08/11 dated 06.09.2011, the order of the appellate Medical Board shall be final and shall be implemented by concerned Chief District Medical Officer in respect of the issue of the disability certificate.

### **3. Computation of reservation**

3.1 Reservation for persons with disabilities in case of group-C and group-D posts shall be computed on the basis of total number of vacancies occurring in all 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.

3.2 Similarly the number of vacancies to be reserved for persons with disabilities in case of direct recruitment to group-C post in an establishment shall be computed by taking into account the total number of vacancies arising in group-C posts being filled by direct recruitment in a recruitment year, both in the identified and non-identified posts under the establishment. The same procedure shall be applied for Group-D posts.

3.3 Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in group-C and group-D posts. Since reservation is limited to identified posts only and number of vacancies reserved are computed on the basis of total vacancies in identified posts as well as unidentified posts, it is possible that number of persons appointed by reservation in unidentified posts may exceed three percent.

3.4 Reservation for Persons with Disabilities in group-A shall be computed on the basis of vacancies occurring in direct recruitment as well as promotion quota in all the identified group-A posts in the establishment. The same method of computation shall also apply for group 'B' posts.

### **4. Inter-se-Exchange and carry forward.**

4.1 Reservation for each of 3 categories mentioned in para 1.1 shall be made separately. But, if the nature of vacancy in an establishment is such that a person with specific category cannot be employed, the vacancies may be interchanged among the three categories. The Head of the Department shall be the competent authority to allow inter-se-exchange. If the post is identified for more than one category, preference should be given to the category, which is less represented.

4.2 If any vacancy reserved for any category of disability cannot be filled due to non-availability of suitable persons with that disability or, for any other sufficient reasons, such vacancies shall not be filled and shall be carried forward as a "backlog reserved vacancy" to the subsequent recruitment year.

4.3 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 disability is not available, it may be filled by interchange among the three categories.

4.4 The vacancy reserved for persons with disability shall be filled by persons with disability only and dereservation shall not be made in case of direct recruitment. The reserve vacancy shall remain vacant till it is filled by recruitment of the persons with disability. Employer shall make sincere efforts even within the same recruitment year to fill up reserved vacancy.

4.5 While filling up the reserved vacancies by promotion, by selection, the disabled employees who are all in normal zone of consideration shall be considered for promotion. Where adequate number of disabled employees of the appropriate category is not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within extended zone shall be promoted. The reservation can be exchanged within three categories so that post can be filled by persons with disability.

4.6 If it is not possible to fill up the reserve post by persons with disability, even after following procedure of para 4.4 and 4.5, the post may be filled by persons other than a person with disability and the reservation should be carried forward for up to three recruitment years, whereafter it can be de-reserved by competent authority referred in para 10.

**5. Persons with disability selected on their own merit shall not occupy Reserve roster.**

Persons with disabilities selected on their merit without relaxed standards, along with other candidates shall not be adjusted against the reserved share of vacancies. The reserve vacancies shall be filled up separately from / amongst the eligible candidates with disabilities, which will thus comprise persons with disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standard available for PWDs in addition to SC/ST candidates. It will apply for direct recruitment as well promotion, wherever reservation for persons with disabilities is admissible.

**6. Horizontal of reservation for persons with disabilities.**

6.1 Reservation for backward classes of citizen (SCs, STs, OBCs) is called 'vertical reservation' and the reservation for categories such as persons with disabilities, ex-servicemen, sportsmen etc is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and the persons selected against the quota for persons with disabilities shall be placed in the appropriate category viz SC,ST,OBC and general.

6.2 Since the persons with disabilities have to be placed in the appropriate category viz, SC, ST, OBC and General in the roster meant for reservation of SCs, STs, and OBCs, the application form for the post should require the candidates applying

under the quota reserved for persons with disabilities, to indicate whether they belong to SC, ST, OBC or General category.

#### **7. Mention Sub-category of disabilities in advertisement**

While inviting application for filling up of reserved vacancies meant for persons with disabilities the sub category of disability shall be mention as example given below:

| <u>Category of disability</u> | <u>Sub category</u>              |
|-------------------------------|----------------------------------|
| Locomotor disability          | One Arm, One Leg, Both Leg, etc. |

#### **8. Appointment of persons with disabilities against un-reserved vacancies.**

Unreserved vacancies are open to all including the reserved category like persons with disabilities, if post is identified suitable for them. Debarring of any category of persons with disabilities shall be violation of section 47 of PWD Act, 1995 and existing Government instruction; therefore, persons with disabilities shall not be debarred from applying for the posts identified suitable for them.

#### **9. Identification of post**

Pursuant to requirements of provisions contained under section 32 of PWD Act, 1995, the General Administration Department under the Chairmanship of Additional Secretary to Govt. held several consultative meetings with representatives of different Departments, experts of various field and after in-depth study of various jobs identified titles in Group A, B, C and D posts under State Government/ Public Sector undertakings suitable for Persons with Disabilities. The appointing authority may also give appointment against any post which is not included in the list if it is considered that the physical requirement of the post can be suitable for a person with disabilities.

9.2 If identified post is upgraded or its nomenclature has been changed but physical requirement to perform that job remain same, that post shall remain as identified post for such categories.

9.3 Preference shall be given to persons with disabilities, while appointing persons in those post which are identified suitable for them even in excess of the 3% quota, whether the posts are reserved or not reserved.

#### **10. Exemption from reservation orders.**

Where a department consider that it is not possible to provide employment for the persons with disabilities to the extent of reservation in view of the nature of duties expected to be performed by the employees in that particular department, that department could be partly or fully exempted from implementing the reservation order. The grant of such exemption shall be decided by the General Administration Department

based on recommendation of inter-Departmental Committee of W & CD, G.A. Health & Family welfare and the Administrative Department concerned.

**11. 100 point Model Roster.**

11.1 General Administration Department issued instruction regarding 100 point model roster vide resolution no. GAD-SC-RES-0002-2013-11819/Gen dated 30<sup>th</sup> April, 2013. Accordingly three categories of persons with disabilities as given below shall be appointed covering following roster points;

| <u>Roster Points</u> | <u>Categories of disabilities</u>      |
|----------------------|--|
| (a) 1 to 14          | Blindness or low vision                |
| (b) 29 to 42         | Hearing impairment                     |
| (c) 57 to 70         | Locomotor disability or cerebral palsy |

11.2 Roster Point No.1, 29 and 57 shall be earmarked for Blindness or low vision, Hearing impaired and locomotor disability /cerebral palsy respectively. If roster point no.1 or 29 or 57 not identified or not suitable for that category the appointing authorities shall reserve any other roster point from 2 to 14, 30 to 42 and 58 to 70 respectively for above categories of persons with disabilities. The purpose of earmarking roster point no.1, 29 and 57 is to provide first available post in three roster groups to respective category of persons with disabilities.

After covering all the point in 100 point roster, new cycle of 100 point model roster shall be started.

11.3 If reserved post in 1<sup>st</sup> or 2<sup>nd</sup> roster group are not filled due to non-availability of PWDs or the posts are not identified suitable for given categories of disabilities, those posts shall be transferred to 2<sup>nd</sup> or 3<sup>rd</sup> roster groups and all reserved posts shall be filled up by persons with disabilities from next roster groups. Even if post could not be filled up from roster group 1<sup>st</sup> and 2<sup>nd</sup> all three posts shall be filled up from 3<sup>rd</sup> roster group.

11.4 All appointing authorities shall maintain separate model rosters registered for each group A, B, C and D posts being filled by direct recruitments and promotion.

11.5 Persons with disabilities selected on their own merit without any relaxed standards along with other candidates, shall not occupy reserve roster point.

**12. Relaxations, Exemption and Concessions**

The relaxation, exemption and concessions which have been granted to Persons with disabilities are given below-

### **12.1 Age relaxation.**

In pursuant of provision under Section 38 (b) of PWD Act, 1995 and the instructions issued vide G.A Department notification No. 33068-Gen dated 27<sup>th</sup> October 1989, age relaxation of 10 years to PWDs in direct recruitment has been allowed.

### **12.2 Exemption from Typing/ Computer qualification**

The persons with disabilities, who are otherwise qualified to hold clerical posts and who are certified as being unable to type due to permanent physical disability which prevent them (Locomotor disabilities, cerebral palsy) from typing, by the Medical board or by a civil surgeon where there is no such board, shall be exempted from the typing test for qualification (Typing on computer, or typewriter machine)

### **12.3 Relaxed standard of selection**

The persons with disabilities shall be provided relaxations in standards in the case of direct recruitment as well as promotion as provided to candidates of SC/ST by Government of Odisha.

### **12.4 Assistance of Scribes / Writer and Extra time**

Pursuant to requirements of provisions contained under section 30(f)31 of the persons with Disability Act 1995, the candidate belonging to blindness, low vision, cerebral palsy, locomotor disabilities, who have disability in the upper limbs and unable to write, shall be provided scribe / writer. The Women & Child Development Department, Govt. of Odisha has issued guidelines for conducting Written Examination for Persons with Disabilities vide No. 10804 dated 23<sup>rd</sup> May 2013. The facility of Scribe / Reader / Lab Assistant should be allow to any person, who has disability of 40% or more if so desired by the person. The candidate should have the discretion of opting for his own Scribe / Reader / Lab Assistant or request the Examination Body for the same. Such categories of candidates shall be provided compensatory time. Criteria like educational qualification marks scored age or other such restrictions for the Scribe / Reader / Lab Assistant should not be fixed. The compensatory time should not be less than Twenty Minutes per hour of the examination for persons, who are making use of Scribe / Reader / Lab Assistant. Separate arrangement of such candidates should be made to avoid disturbance for other category and providing peaceful place to such persons with disabilities.

### **12.5 Braille question papers/ large -Print**

Persons with Disabilities (Blindness / Low Vision) should be given the option of choosing the mode for talking the examinations i.e. in Braille or in the computer or

in large print or even by recording the answers as the examining bodies can easily make use of technology to convert question paper in large prints, e-text, or Braille and can also convert Braille text in English or regional languages.

#### **12.6 Pictorial and graphic questions**

The candidates belonging to category of Blindness and low vision shall not be given questions based on picture, graphics, maps, etc. They shall be given alternative questions in place of such questions.

#### **12.7 Oral instructions to be given in writing to hearing impaired**

The officials (supervisors, invigilators) handling written examination must be made aware that any oral instruction given during the written/skill test must be communicated to hearing impaired persons in written. Pursuant to requirement of provisions contained under section 30 (h), written exam of hearing impaired candidates shall be conducted in the local language which they have learnt and options may be asked in application form itself.

#### **12.8 Barrier free sitting arrangement**

Recruitment authorities and Centre in charge of written/skill test/Group discussion/ personal interview shall ensure that barrier free facilities like ramp, toilets etc are provided for persons with disabilities. Such examinations skill test, group discussion, personal interview shall be organized on ground floor.

#### **12.9 Exemption from Examination fee**

Persons with disabilities shall be exempted or treated at par with SC/ST candidates on payment of application fee and examination fee in respect of competitive examination. This option shall be available for both reserved and unreserved posts, if those posts are identified suitable for persons with disabilities.

#### **13. Pre recruitment/skill up-gradation Training.**

Recruitment/Appointing authorities shall ensure pre-recruitment/skill up-gradation training for disable candidates who have applied to the posts to enhance their knowledge and skills, so that they can have better opportunities to get selected.

#### **14. Relaxation on ban orders.**

Provision of ban orders regarding filling up vacant posts will not be applicable in the case of reserved vacancies to be filled by persons with disabilities to the extent of quota reserved for them.

**15. Nodal Officer**

15.1 Each Department shall nominate a State nodal officer not below the ranks of a Joint Secretary.

There shall be district and Block Level nodal officers, not below the rank of Deputy Secretary and under Secretary respectively. They will conduct roster verification of each office, at least yearly once.

15.2 Block level nodal officer will submit department wise complied report to district nodal officer and district nodal officer will send department wise complied report to State nodal officer of the concerned department in prescribed by Government.

15.3 The State nodal officers of concern department will send the compiled report to G.A Department with their recommendation and suggestions, if any.

15.4 In case nodal Officer finds any discrepancies, lapse, negligencies in implementation of Government instruction related to persons with disabilities; it should be brought into the notice of appointing authorities under intimation to state nodal officer of concerned department and G.A. Department immediately.

**16. Posting/transfer of employees with disabilities**

The employees with disabilities should preferably be posted /transferred near their native places or at least in their native districts subject to administrative constraints. This is in pursuant of provisions under section 38 (c) of PWD Act, 1995. The Govt. employees having disabled children / spouse should be posted / transferred to such places where facilities of treatment / education / vocational training are available.

**17. Reservation in posts identified for one or two categories**

If post(s) is / are identified for one category, reservation shall be given to that category which is less represented. Likewise shall distribute the posts between two categories equally as far as possible, if posts are identified two or more category. It should be ensured that posts are distributed equally amongst the persons with disability and out of reserved posts for persons with disabilities 33% post shall be earmarked for Women with disabilities.

**18. Appointing authorities certificate**

Appointing authorities, while sending the requisition to recruitment authorities including Odisha Public Service Commission, Staff selection Commission etc for filling up the posts which have been identified suitable for persons with disabilities, shall furnish a certificate to the recruitment authorities / agencies that policy relating to 3% reservation to persons with disabilities has been taken care of.



#### **19. Vacancy Notification**

In compliance of Rule 36 and Rule 37 of the persons with disabilities (Equal opportunities, protection of rights and full participation) Odisha Rules 2003, notified vide Women and Child Development Department Notification No. 17963-Hw.II-A 40/03-WCD dated 28<sup>th</sup> August 2003, each and every employer shall notify the vacancies reserved for person with disabilities to special employment exchange for physically handicapped and vocational Rehabilitation Centre for Handicapped, Govt. of India, Jagamara, Po. Khandagiri, Bhubaneswar - 757030.

#### **20. Reservation in contractual / out-source posts**

The General Administration Department, Govt. of Odisha vide Resolution No. GAD-SC-RES-0004-2012-13371/Gen dated 8<sup>th</sup> June 2012 have extended the application of Resolution No. 3404 dated 13<sup>th</sup> February 2006 of General Administration Department to all appointments, regular or contractual, which are either made directly by the Govt. or through a Service Provider. The Resolution No. 3404 dated 13<sup>th</sup> February 2006 of General Administration Department specifies the posts suitable for persons with disabilities. This provision is also applicable for the posts identified by the Government for the Persons with Disabilities from time to time.

#### **21. Discretionary allotment of General pool Residential Accommodation (GPRA)**

Estate officers of various departments shall mark 3% quota for persons with disabilities. Discretionary allotment of General pool Residential Accommodation shall also be made to employee with disabilities as decided by the Government time to time. This will be out of turn allotment. The employees who are having disabled spouse or children should also be considered for discretionary allotment of GPRA, in case disabled employees are not available.

#### **22. Non-Handicapping Worksites / Places / Machines**

In pursuance of section 38(1) (d), the appointing authorities should ensure barrier free, non-handicapping worksites, places, machines etc. by making adoptions, modifications and disabled free environment, suitable for persons with disabilities.

#### **23. Miscellaneous**

- a) The post identified for PWDs earlier shall also be deemed to be identified for PWDs.
- b) The Govt. establishment / Employers should ensure that all type of required Software, Hardware, Assistive devices etc., are provided to Persons with Disabilities who are appointed / working in their establishments to enable them to perform the assigned jobs.

- c) If any Person with Disability is already working on any Govt. post, that post shall be deemed identified for Persons with Disabilities.
- d) If any base level post has been identified for Persons with Disabilities, the promotional post of the cadre will also be deemed identified for PWDs.

#### **24. Submission of Annual Report**

All Departments shall send consolidated PWD reports I & II to G. A Department by 31<sup>st</sup> March every year in respect of all attached and subordinate offices under their control.

In addition to the posts identified at Annexure I, II, III, IV of this resolution the posts identified by the Ministry of Social Justice & Empowerment, Govt. of India vide Notification No. 167 Dt. 29.07.2013, which exist in similar form in Government of Odisha are deemed to have been identified for PWDs by the Government of Odisha. The list of posts notified by this Resolution is however not an exhaustive list and the departments / PSUs / autonomous bodies etc may further supplement the list by submitting their proposal to the W & CD Department.

This Resolution shall come into effect from the date of publication in Official Gazette.

**ORDER:** Ordered that this Resolution be published in the Extraordinary Issue of Odisha Gazette for information of General Public. Ordered also that copies of the Resolution be forwarded to All Departments of Government/ All Heads of Departments/ all Collectors/ Registrar, Odisha High Court, Cuttack/ Registrar, Odisha Administrative Tribunal, Bhubaneswar/ Secretary, Odisha Staff Selection Commission, Bhubaneswar/ Secretary, Odisha Sub-ordinate Staff Selection Commission, Bhubaneswar/ Commissioner, Persons with Disabilities, Bhubaneswar.

**By the order of Governor**

**NITEN CHANDRA**  
**Special Secretary to Government**

**28. Research for designing and developing new assistive devices, teaching aids, etc.**—The appropriate Governments shall initiate or cause to be initiated research by official and non-Governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

**29. Appropriate Governments to set up teachers' training institutions to develop trained manpower for schools for children with disabilities.**—The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specialising in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

**30. Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books, etc.**—Without prejudice to the foregoing provisions, the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for—

- (a) transport facilities to the children with disabilities or in the alternative financial incentives to parents or guardians to enable their children with disabilities to attend schools;
- (b) the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training;
- (c) the supply of books, uniforms and other materials to children with disabilities attending school;
- (d) the grant of scholarship to students with disabilities;
- (e) setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities;
- (f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;—
- (g) restructuring of curriculum for the benefit of children with disabilities;
- (h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

**31. Educational institutions to provide amanuensis to students with visual handicap.**—All educational institutions shall provide or cause to be provided amanuensis to blind students and students with or low vision.

#### COMMENTS

Every educational institution shall be equipped with amanuensis for blind students or students with low vision

#### CHAPTER VI

#### EMPLOYMENT

**32. Identification of posts which can be reserved for persons with disabilities.**—Appropriate Governments shall—

- (a) identify posts, in the establishments, which can be reserved for the persons with disability;



- (b) at periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

**33. Reservation of posts.**—Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from—

- (i) blindness or low vision;
- (ii) hearing impairment;
- (iii) locomotor disability or cerebral palsy,

in the posts identified for each disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

#### COMMENTS

The Central Government has exempted all categories of posts of "Combatant personnel" only of the Special Service Bureau (SSB) under the Ministry of Home Affairs from the provisions of section 33. *Vide* S.O. 946 (E), dated 16th August, 2004.

**34. Special Employment Exchange.**—(1) The appropriate Government may, by notification, require that from such date as may be specified, by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.

(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.

**35. Power to inspect record or document in possession of any establishment.**— Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

**36. Vacancies not filled up to be carried forward.**—Where in any recruitment year any vacancy under section 33 cannot be filled up due to non-availability of a suitable person with 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 disability is not available, it may first be filled by interchange among the three categories and only when there is no person with 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 disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.



Bhubaneswar Dated the 18<sup>th</sup> June 2012

All Departments of Government/  
All Heads of Departments/  
All Collectors.

**SUB: Reservation of vacancies for rehabilitation of Persons with Disabilities in Group-A, Group-B, Group-C and Group-D posts/services under the State Government and Public Sector Undertakings-Clarification Regarding.**

As per the provision u/s 33 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (In short PWD Act), every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three per cent for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from-


- i. blindness or low vision;
- ii. hearing impairment;
- iii. locomotor disability or cerebral palsy, in the posts identified for each disability.

As per the provision u/s 32.a. of the PWD Act, Appropriate Governments shall identify posts, in the establishments, which can be reserved for the persons with disability, which has been done vide Resolution No. 3404 Dated the 13th February 2006 by General Administration Department.

In view of the provision u/s 2.k. of the PWD Act, it is hereby clarified that the aforesaid resolution shall apply, in addition to all Departments of the State Government, to all corporations established by or under a State Act, to all authorities or bodies owned or controlled or aided by the State Government, all local authorities and all Government companies as defined in section 617 of the Companies Act, 1956 (1 of 1956).

It is further clarified that the aforesaid resolution shall also apply in the case of all appointments, regular or contractual, which are either made directly by the Government or through a service provider. ✓

As provided for in PARA 8 of the aforesaid Resolution of General Administration Department, it is re-iterated that in the categories of jobs which are identified by Departments as being particularly suitable for persons with disabilities, other things being the same, preference should be given to handicapped persons for such jobs even in excess of the quota reserved for them in accordance with the instructions contained in paragraph 2 of that resolution.

  
18/06/12  
Additional Secretary to Government





**Government of Odisha**  
**General Administration Department**

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GAD-SC-MISC-0040-2015- 6864 /Gen., Bhubaneswar, dated the 18<sup>th</sup> March, 2016

To

All Departments of Government  
(Except Agriculture and Farmers' Empowerment Department)

Sub: Review of implementation of reservation of vacancies for the Persons with Disabilities in various posts and services under the State Government and Public Sector Undertakings.

In inviting reference to this Department letter No. 2017/Gen., dated 22.01.2016 on the above noted subject, the undersigned is directed to say that the information as called for therein in this Department letter under reference may please be furnished to this Department without any further delay.

  
Under Secretary to Government



**STATISTICAL REPORT SHOWING NUMBER OF PERSONS WITH DISABILITIES (PwDs)  
 APPOINTED AFTER 01.01.1996 TILL DATE (31.12.2015) (REGULAR AND CONTRACTUAL)**

Name of the Department:- \_\_\_\_\_

| Type of Service | Name of the cadre | Total Vacancies filled up from 01.01.1996 to 31.12.2015 | Vacancies filled up by Persons with Disabilities (PwDs) out of the total vacancies |        |       |                       |        |       |   |        |       | Total PwDs Employed | %      |       |    |
|-----------------|-------------------|---|--|--------|-------|-----------------------|--------|-------|---|--------|-------|---------------------|--------|-------|----|
|                 |                   |   | Visually Impaired (VI)   |        |       | Hearing Impaired (HI) |        |       | Orthopedically Handicapped or Locomotor Disability/ Cerebral Palsy (OH) |        |       |                     |        |       |    |
|                 |                   |   | Male   | Female | Total | Male                  | Female | Total | Male  | Female | Total | Male                | Female | Total |    |
| 1               | 2                 | 3   | 4  | 5      | 6     | 7                     | 8      | 9     | 10  | 11     | 12    | 13                  | 14     | 15    | 16 |
| GROUP -A        |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
| GROUP -B        |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
| GROUP -C        |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
| GROUP -D        |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |
|                 |                   |   |  |        |       |                       |        |       |   |        |       |                     |        |       |    |

(Use extra sheet if required)

Date:-

Name of the Officer

Signature of the Officer

**Government of Odisha**  
**General Administration Department**

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(OSWAS) GAD-SC-MISC-0040-2015- 2017 /Gen., Bhubaneswar, dated the 22<sup>nd</sup> Jan., 2016

From

G.V.V. Sarma, IAS,  
Principal Secretary to Government

To

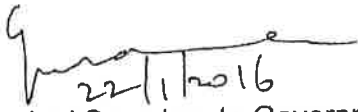
All Departments of Government

Sub: Review of implementation of reservation of vacancies for the Persons with Disabilities in various posts and services under the State Government and Public Sector Undertakings.

Exhaustive instructions have been issued in G.A. Department Resolution No. 34450/Gen., dated 03.12.2013 and Resolution No. 37181/Gen., dated 26.12.2013 for reservation of posts and services for Persons with Disabilities under the Government of Odisha and Public Sector Undertakings. As per para-24 of the above Resolution, all Departments are required to furnish annual reports (consolidated PwD reports in proforma-I & II) to G.A. Department by 31<sup>st</sup> March of every year in respect of all attached and subordinate offices under their control. But no such information has been received from any Department for the years 2014 and 2015.

It has been decided that all Departments of Government shall furnish information in the enclosed format for review to be made in a meeting constituted under the Chairmanship of the undersigned, with representative of the concerned Administrative Department.

It is, therefore, requested to please furnish the required information in the enclosed proforma in respect of your Department including attached Offices, Subordinate Offices, Public Sector Undertakings under the administrative control of your Department to this Department by 05.02.2016 for the above purpose.

  
22/1/2016  
Principal Secretary to Government  
General Administration Department

# The Odisha Gazette



EXTRAORDINARY  
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GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 10th August, 2016

No. 17376-GAD-SC-RULES-0008/2016/Gen.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules further to amend the Odisha Civil Service (Fixation of Upper Age Limit) Rules, 1989, namely:—

**1. Short title and commencement—** (1) These rules may be called the Odisha Civil Service (Fixation of Upper Age Limit) Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

**2.** In the Odisha Civil Service (Fixation of Upper Age Limit) Rules, 1989, the following proviso shall be inserted below rule 4, namely:—

“Provided that Persons with Disabilities suffering from (a) blindness or low vision, (b) hearing impairment or (c) locomotor disability or cerebral palsy, shall be entitled to cumulative age relaxation of ten years over and above the normal relaxation specified in sub-rule 3(a) and (b).”

By Order of the Governor

ASHOK MEENA  
Special Secretary to Government

