

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Department for Women, Children, Differently Abled and Senior Citizens- Providing four percent (4%) reservation in appointment and in promotions in every Government establishment in favour of benchmark disabilities as per the section 34 of the Rights of Persons with Disabilities Act, 2016- Comprehensive Orders-Issued.

=====

DEPARTMENT FOR WOMEN, CHILDREN, DIFFERENTLY ABLED AND
SENIOR CITIZENS

G.O.MS.No. 2

Dated: 19-02-2020
Read the following:-

1. G.O.Ms.No.23, Deptt., for Women, Children, Disabled & Senior Citizens(DW),dated 26.05.2011.
2. G.O.Ms.No.99, G.A (Ser.D)Deptt., dated 04.03.2013.
3. G.O.Ms.No.3, Deptt., for WCDA & SC, dated.12.02.2015.
4. G.O.Ms.No.42,Deptt., of WCDA&SC(DW)dt.19.10.2011
5. G.O.Ms.No.188, GA(Ser.D)Deptt., dated 18.12.2017.
6. G.O.Ms.No.4, Deptt., for WCDA & SC, dated 09.02.2019.
7. From the Director, Welfare of Differently Abled, Transgender & Senior Citizens, A.P, Lr.No.D2/2637/2017,dt.26.06.2019.
8. From the Secretary, APPSC, Lr.No.59/R&R/2020, Dt:14.02.2020.

ORDER:-

In consonance with the provisions of section 36 of The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (Central Act No.1 of 1996), Government have issued comprehensive orders vide G.O. 1st read above for providing three percent (3%) reservation in case of Direct Recruitment for persons or class of persons with disability of which one percent, each shall be reserved for persons suffering from (a) blindness or low vision; (b) hearing impairment; (c) locomotor disability or cerebral palsy. Accordingly, orders were issued, vide G.O. 2nd read above, earmarking three percent (3%) of vacancies in case of direct recruitment for persons or class of persons with disability and had carried out necessary amendment to Rule-22 of the Andhra Pradesh State and Subordinate Service Rules, 1996. Further, in the G.O. 3rd read above, an amendment was issued to the G.O 1st read above, to substitute, 'blindness or low vision (Open)' at roster point 6 and 'blindness or low vision (Women)' at roster point 106.

2. Subsequently, vide G.O. 4th read above, orders were issued for implementation of three percent (3%) reservation in promotions to the disabled employees. Accordingly, Government have issued necessary amendment to the Andhra Pradesh State & Subordinate Service Rules, 1996, vide G.O. 5th read above for providing three percent (3%) reservation in Promotions to the Differently Abled employees to all services of State Government where the cadre strength is more than five (5) against their roster points 6th, 31st & 56th prescribed under rule-22 of the Andhra Pradesh State and Subordinate Service Rules, 1996 in tune with the above orders.

3. Section 34 (1) of the Rights of Persons with Disabilities Act, 2016 reads that in "Every appropriate Government shall appoint in every Government establishment, not less than four per cent (4%) of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent (1%) each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent (1%) for persons with benchmark disabilities under clauses (d) and (e)".

4. The Director, Welfare of Differently Abled, Transgender & Senior Citizens, in his letter dated 16-11-2018, has stated that as per Section 33 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995, Government provided three percent reservations in favour of persons with disabilities. However, as per section 34 of the Rights of Persons with Disabilities Act, 2016, the four percent (4%) has to be provided and accordingly, the roster point for the category of Autism, Intellectual disability, Specific learning disability, Mental illness and Multiple disabilities to be fixed at 82 in the 100 cycle of vacancies. He has therefore, requested to issue necessary orders in the matter.

5. Accordingly, in consonance with the above provision of the section 34 (1) of the Rights of Persons with Disabilities Act, 2016 and a report of the Director, Welfare of Differently Abled, Transgender & Senior Citizens, Government have issued orders vide G.O.6th read above, for providing reservation in the appointments and in promotions in every Government establishment, not less than four percent (4%) of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent (1%) each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e) namely;

- (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 in the posts identified for each disabilities.

6. (i) The Director, Welfare of Differently Abled, Transgender & Senior Citizens Andhra Pradesh in his further letter 7th read above has stated that the order of rotation specified in a unit of hundred vacancies as per Rule 22(e) of Andhra Pradesh State and Subordinate Service Rules has not been mentioned in the G.O.Ms.No.4, dated 09-02-2019, for providing four percent (4%) reservation to persons with disabilities in direct recruitment and in promotions. The categories, i.e., open and women have also not been indicated in the said G.O. to fill up 4 vacancies in a unit of hundred vacancies by the persons with disabilities, as was done earlier while issuing G.O.Ms.No.23 Women, Children, Differently Abled, Transgender & Senior Citizens (DW) Dept., dt.26.05.2011 and G.O.Ms.No.42, Dept. for Women, Children, Differently Abled, Transgender & Senior Citizens (DW), dt.19.10.2011 pertaining to provision of three percent (3%) reservation to persons with disabilities in direct recruitment and appointments by transfer on promotion. (ii) The roster point has also not been fixed and ratio for the 5 categories of persons with disabilities has also not been mentioned in the said G.O.Ms.No.4, dated 09-02-2019, for providing four percent (4%) reservation to persons with disabilities in direct recruitment and in promotions, as was done earlier while issuing comprehensive orders, vide G.O.Ms.No.23, WCD&SC Dept.,dt.26-05-2011 and G.O.Ms.No.42, Dept. for WCD&SC (DW), dt.19.10.2011 for providing three percent (3%) reservation to persons with disabilities in direct recruitment and in promotions. He has therefore, requested to issue necessary orders in the matter.

7. Government, after careful examination of the matter and in consonance with the provision of the section 34(1) of the Rights of Persons with Disabilities Act, 2016 and in supersession of earlier orders issued in the G.Os 1st, 3rd, 4th and 6th read above, hereby issue the following Comprehensive Orders for providing four percent (4%) reservation in appointment and in promotion in every Government establishment in favour of benchmark disabilities as per section 34 of the Rights of Persons with Disabilities Act, 2016, duly indicating the categories i.e. Open / Women / Fixing the roster points, order of rotation and ratio for the five categories of the persons with disabilities, etc., as required under Rule – 22 [e] of Andhra Pradesh State and Subordinate Service Rules, 1996;

(i). four percent (4%) reservation shall be provided in the appointments and in promotions in every Government of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e) namely;

Roster Points in 100 point cycle	Persons with benchmark disabilities
6th point	(a) Blindness and Low vision
31st point	(b) Deaf and Hard of hearing
56th point	(c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy
86th point	(d) Autism, Intellectual disability, Specific learning disability, Mental illness. (e) Multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities.

Provided that the Government may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this reservation, as per the prescribed procedure at para [8] of this order.

(ii) Definitions of Disabilities: Definitions of categories of disabilities for the purpose of reservations in posts shall be as stipulated in the Rights of Persons with Disabilities Act, 2016.

I. Reservations in Direct Recruitment :-

(i) The reservations among the 4 categories of persons with Disabilities, Blindness and Low Vision, Deaf and Hard of Hearing, Locomotor Disability and Autism, Intellectual Disability, Specific Learning Disability, Mental illness and Multiple Disabilities in the cycles and reservation for women among them shall be as follows:-

1-100			
6 (Blindness and Low Vision) (Women)	31 (Deaf and Hard of Hearing) (Open)	56 (Locomotor Disability) (Open)	86 (Autism, Intellectual Disability, Specific Learning Disability, Mental illness and Multiple Disabilities. (Open)
101-200			
106 (Blindness and Low Vision) (Open)	131 (Deaf and Hard of Hearing) (Women)	156 (Locomotor Disability) (Open)	186 (Autism, Intellectual Disability, Specific Learning Disability, Mental illness and Multiple Disabilities) (Open)
201-300			
206 (Blindness and Low Vision) (Open)	231 (Deaf and Hard of Hearing) (Open)	256 (Locomotor Disability) (Women)	286 (Autism, Intellectual Disability, Specific Learning Disability, Mental illness and Multiple Disabilities) (Open)
301-400			
306 (Blindness and Low Vision) (Open)	331 (Deaf and Hard of Hearing) (Open)	356 (Locomotor Disability) (Open)	386 (Autism, Intellectual Disability, Specific Learning Disability, Mental illness and Multiple Disabilities) (Women)

(ii). 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 reasons, 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 five 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 qualified women candidates are not available for the posts reserved for women, qualified male candidates of the same category of disabled may be appointed.

II. RESERVATIONS IN PROMOTIONS :-

(i) Reservation in promotion in favour of disabled employees is applicable to all services of State Government where the cadre strength is more than five (5);

(ii) The existing 100-point roster already prescribed under Rule 22 of the Andhra Pradesh State and Subordinate Service Rules by the State Government shall be followed in case of promotions also i.e. 6th, 31st, 56th and 86th;

(iii) Reservation in promotion in favour of disabled employees shall be applicable to those candidates who are fully qualified and eligible to hold the post as per existing Rules and Guidelines;

(iv) Reservation shall be implemented in favour of disabled employees in promotions to all the categories of posts in all State Government services except those exempted or may be exempted or as may be modified, as specified;

(a) If any department considers that it is not possible to provide reservation in promotions for any category of Persons with Disabilities, keeping in view the nature of duties to be performed by the employees in that particular department, the department may seek partial or full exemption from such reservation in promotions, however such exemption or modification shall be decided by an Inter Departmental Committee as specified.

(b) Departments who wish to seek exemptions may do so within (90) days from the date of issue of these orders during which period the Rule of Reservation shall not apply to such departments for the posts identified by them for exemption. The orders issued by the Committee thereafter shall be final and further action taken accordingly.

(v) While preparing the panels of eligible candidates for promotion, the names of eligible disabled employees from the feeder category have to be shown against the roster points earmarked for them irrespective of their seniority position in the feeder category. However, if a disabled employee gets higher place in the eligible candidates list by virtue of their seniority in the feeder category he/she need not be adjusted in a lower position, which is earmarked for a disabled employee as per the roster system. Such roster point has to be filled up by moving up a disabled employee who is below in the seniority list in the feeder category. Filling up the roster points shall continue until the required percentage of disabled candidates is obtained. Once the required percentage is obtained by taking into account the candidate who are found in the list of the candidates fit for promotion on account of their seniority in the feeder category and those who are moved up to fill up the required roster point, further adjustment of disabled employees against the roster points has to be stopped. Unutilized roster points after the required disabled employee's percentage is met, shall lapse.

(vi) If required number of disabled employees are not available in the feeder category, the vacancies earmarked for disabled employees according to the roster will be carried forward as per orders issued from time to time as in case of Rule of reservation in promotion for SC/ST persons.

8. When any department considers that it is not possible to provide reservation for any category of Persons with Disabilities or that the extent of reservation needs to be reduced or that the extent of disability needs to be specified, keeping in view the nature of duties to be performed by the employees in that particular department, the department may seek partial or full exemption from such reservation. Such exemption shall however be decided by the following Inter Departmental Committee:-

- (i) Principal Secretary/Secretary to Government, : Chairman
Department for Women, Children,
Differently Abled and Senior Citizens
- (ii) The Director/Commissioner, Department : Member-Convener
for the Welfare of Differently Abled,
Transgender and Senior Citizens
- (iii) Principal Secretary/Secretary to Government, : Member
General Administration(Services) Department
- (iv) The Director, Public & Family Welfare : Member
- (v) Principal Secretary/Secretary to Government : Member
or his nominee of the department concerned
who sought exemption

9. The General Administration(Ser.D) Department, shall issue necessary amendments to the Andhra Pradesh State and Subordinate Service Rules, 1996, to that effect.

10. All the Departments of Secretariat, Head of Departments, all the District Collectors and all the authorities concerned in the State, shall take further necessary action accordingly, to implement the above orders.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.DAMAVANTHI
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director, Welfare for Differently Abled, Transgender & Senior Citizens, A.P, Vijayawada.

All the Department of Secretariat

All Heads of Departments.

All the District Collectors

The Director, Health & Medical Department Gollapudi, Vijayawada.

The Commissioner, Information & Public Relation, Vijayawada, with a request to give wide publicity.

The Secretary, APPSC, Vijayawada.

Copy to:

P.S. to Secretary to Hon'ble Chief Minister.

OSD to Chief Secretary

PS to Hon'ble Minister (WD&CW)

P.S to principal Secretary to Government, Dept. for Women, Children, Differently Abled & Senior Citizens.

P.S to Secretary General Administration(Ser.D) Department.

P.S to Secretary, Legal Affairs.

Law (E) Department

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER