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EXTRAORDINARY

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[No. 37181-GAD-SC-RES-0006/2013/Gen.]

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 26th 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 the 3rd December, 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 the 3rd December, 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 the 8th October, 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 the 3rd December, 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. 8th October, 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

NITEN CHANDRA

Special Secretary to Government