

MOST URGENT

Bharat Sanchar Bhawan,
HC Mathur Lane, Janpath,
New Delhi : 110001,
Off : 011 - 23765181
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भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

Dated: 01.01.2023

No. 28 - 6 /2022 -SCT

To,

1. All Head of Circles, BSNL
2. Cadre Controlling Units, BSNL Corporate Office
[CGM (EW)/CGM (BW)/CGM (Arch)/PGM (Pers)/ PGM (Estt)/GM (Rectt)]

Sub: Reservation in promotion to Persons with Benchmark Disabilities (PwBDs) - Regarding

I am directed to refer DoP&T OM No. 36012/1/2020-Estt. (Res.-II) dated 17th May, 2022 endorsed vide letter dated 13/07/2022 for strict compliance and necessary action. Look into various aspects involved in smooth implementation of the reservation in promotion to PwBD employees of BSNL in accordance with this DoP&T OM, the Committee was constituted vide PERS Branch OM No. BSNLCO-Part (1) dated 10.08.2022 & 12.10.2022.

2. The aforesaid committee recommendations dated 23/12/2022 accepted by competent authority are notified hereunder for implementation of the reservation in promotion to PwBD employees of BSNL by all concerned scrupulously -

- (i) The DoP&T O.M. dated 17.05.2022 may be implemented in BSNL w.e.f. 17.05.2022 i.e. it will be implemented for the vacancies arising on or after 17.05.2022 i.e. the date of notification of the DoP&T O.M. dated 17.05.2022.
- (ii) The reservation in promotion to PwBD employees may be made applicable on all posts upto AGM level of all streams.
- (iii) The order of categories of Benchmark Disability for the purpose of reservation roster is recommended to be the same in which the categories of Benchmark Disabilities appear in Para 2.2. of the DoP&T O.M. dt.17.05.2022.

2. This is issued with the approval of the competent authority.

Encls: As above.


(Ranvir Singh Chauhan)
Deputy General Manager (SCT)
Tel No. 011 - 23765181
Fax No. 011 - 23766143

Copy for kind information to:

1. PPS, CMD BSNL
2. PS, DIR HR, BSNL
3. BSNL Intranet

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BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No. 28 - 6 / 2022 - SCT

Dated 13.07.2022

To,

1. All Head of Circles, BSNL
2. Cadre Controlling Units, BSNL Corporate Office
[CGM (EW)/CGM (BW)/CGM (Arch)/PGM (Pers)/ PGM (Estt)/GM (Rectt)]

**Sub: Reservation in promotion to Persons with Benchmark Disabilities (PwBDs) -
Regarding**

The undersigned is directed to forward Department of Personnel and Training (DoPT) OM No. 36012/1/2020-Estt. (Res.-II) dated 17th May, 2022 on subject mentioned above endorsed vide Department of Telecommunications (SCT Section) letter No. 01-03/2022-SCT dated 28/06/2022 and also vide Department of Public Enterprises (DPE) OM No. DPE-GM-0043/2014-GM (FTS-1899) dated 27/06/2022 for strict compliance and necessary action thereupon.

This is issued with the approval of the competent authority.

Encls : As above.

Ranvir Singh Chauhan
13/07/2022
(Ranvir Singh Chauhan)
Deputy General Manager (SCT)
Tel No. 011 - 23765181
Fax No. 011 - 23766143

Copy for kind information to:

1. PPS, CMD BSNL
2. PS, DIR HR, BSNL
3. Shri Kanaso T K, Under Secretary, DOT, New Delhi w.r.t your office letter No. 01-03/2022-SCT dated 28.06.2022
4. BSNL Intranet

No. 36012/1/2020 -Estt.(Res.-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated, the 17th May, 2022.

OFFICE MEMORANDUM

Subject: - Reservation in promotion to Persons with Benchmark Disabilities (PwBDs).

The undersigned is directed to say that the matter regarding reservation in promotion for Persons with Benchmark Disabilities (PwBDs) had been under litigation before various courts of law for quite some time, and the Hon'ble Supreme Court, in its order, dated 28.9.2021, delivered in the 'Application for Clarification' in the matter of 'Siddaraju vs. State of Karnataka', Civil Appeal No.1567/2017, directed the Government to issue instructions on 'Reservation in Promotion', as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016.

1.2 Accordingly, the following instructions are issued for grant of reservation in promotion to PwBDs, in the posts and services of the Central Government, as defined under Section 2(r) of the said Act, notified by the Department of Empowerment of Persons with Disabilities (DEPwD).

2. QUANTUM OF RESERVATION

2.1 In case of promotion, four per cent of the total number of vacancies in the cadre strength within Group 'C', from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' shall be reserved for PwBDs. Reservation in promotion shall be applicable in the cadres in which the element of direct recruitment, if any, does not exceed 75%.

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2.2 Against the posts identified for each disability, one per cent each shall be reserved for PwBDs under clauses (a), (b) and (c), respectively, and one per cent combined, under clauses (d) and (e) below, unless otherwise excluded under the provisions of Para 3 hereinafter: -

- 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.

2.3 The authenticity of any certificate, issued by the competent medical authority, may be got verified/re-verified by the appointing authority at the time of appointment.

3. EXEMPTION FROM RESERVATION IN PROMOTION

3.1 Proviso to Section 20(1) of the Right of Persons with Disabilities Act, 2016, states that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this Section.

3.2 Accordingly, if any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation in promotion for PwBDs, it shall make a reference to the DEPwD, giving full justification for the proposal. The DEPwD, having regard to the type of work carried out in any Government establishment, by notification, and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD), may exempt any Establishment or any cadre(s), fully or partly, from the provisions of reservation for PwBDs. While doing so, Notes 1 to 9 under the Notification No.38-16/2020-DD.II, dated the 4th

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January, 2021, issued and as modified from time to time by the DEPwD, may kindly be kept in view.

4. NO DENIAL OF PROMOTION MERELY ON THE GROUND OF DISABILITY

4.1 In terms of Section 20(3) of the Rights of 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/her service. As per the proviso to this sub-section, if an employee, after acquiring disability is not suitable for the post he was holding, 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 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 Department of Expenditure.

4.2 An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, his seniority among PwBDs will be counted from the date of certification of his/her disability, i.e., disability of 40% or more in the categories covered under Section 34(1) of the Rights of Persons with Disabilities Act, 2016.

4.3 No benefit of reservation shall be given on the basis of temporary certificate of disability.



5. IDENTIFICATION OF POSTS:

5.1 The DEPwD has already identified posts suitable for being held by PwBDs and the physical requirement for all such posts, have been notified, vide their Notification No. 38-16/2020-DD-III, dated the 4th January, 2021. The posts mentioned in Annexure-C of the said notification (to be read in conjunction with Notes 1 to 9 mentioned under the main Notification, dated 4th January, 2021) shall be used by the Cadre Controlling Authorities to give effect to reservation in promotion to the PwBDs.

6. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES

6.1 If in a Ministry/Department/Organization, a post is identified suitable only for one category of disability, reservation in promotion in that post shall be given to persons with that category of benchmark disability only. However, reservation of 4% for PwBDs shall not be reduced in such cases and total reservation in the cadre will be given to PwBDs for which it has been identified. Likewise, in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the PwBDs, as far as possible, get equal/fair representation. The points used in the 100-point Roster after a gap of 25 points shall be used to give reservation. In other words, it will be given only at the points reserved for PwBDs, and not in a bunched manner.

7. ADJUSTMENT OF PwBD CANDIDATES WHO ARE IN THE ZONE OF CONSIDERATION AGAINST GENERAL VACANCY

7.1 In case of promotions by seniority-cum-fitness, if a PwBD is otherwise eligible and is in the list of candidates finally approved for promotion, he/she may be promoted against the vacancy not specifically reserved for PwBD. In other words, a PwBD cannot be denied promotion on the ground that the vacancy is not earmarked for his category.

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