Eastern Railway **PCPO SL No. 126/2025**

No.E.220/0/2/RR/Pt.XIX. Kolkata , Dated: 16.10.2025

ALL CONCERNED

Sub:-Notice to file comments in the Suo-Motu Cognizance of the Railway Board's letter No. 2022-E(SCT)I/133/10 dated 05.08.2025, which is apparently discriminatory within the PwBD quota on the ground of candidates vertical categories..reg.

Ref:- Railway Board's letter No. 2025-E(SCT)I/133/10 dated 01.10.2025.

A copy of Railway Board's letter No. 2025-E(SCT)I/133/10 dated 01.10.2025. on the above subject matter is circulated herewith for information, guidance and further necessary action.

DA : As above.

16.10.25

(Sanjay Das)
Asstt. Personnel Officer (RP & Store)
for Principal Chief Personnel Officer

Index No:1065 - Notice to file comments in the Suo-Motu Cognizance of the Railway Board's letter No. 2022-E(SCT)I/133/10 dated 05.08.2025, which is apparently discriminatory within the PwBD quota on the ground of candidates vertical categories..reg.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2025-E(SCT)I/133/10 New Delhi, Dated: 01.10.2025

OFFICE MEMORANDUM

Sub: Notice to file comments in the Suo-Motu Cognizance of the Railway Board's letter No. 2022-E(SCT)I/133/10 dated 05.08.2025, which is apparently discriminatory within the PwBD quota on the ground of candidates vertical categories…reg.

Ref.: Notice dated- 22.8.2025 received from the Court of Chief Commissioner for PWDs(Divyangjan) in case No. CCPD/16185/1021/25.

The undersigned is directed to refer to the above notice on the subject and to furnish comments as under:

(i) Railway Boards circular No.2022-E(SCT)I/133/10 dated 05.08.2025(bearing RBE No. 79/2025) which has been taken cognizance Suo-moto and referred to in the above notice, clarifications regarding applicability of the **"Best Among Failed Scheme"** to PwBD candidates has been issued, so as to remove doubts persisting in the zonal Railways/Productions Units and to have clarity in the matter. The said policy of **"Best Among Failed Scheme"** for promoting SC/STs is a policy which was formulated long back(Ref.: Board's letter No. E(SCT)74CM15/35 dated 31.8.1974) with a view to enable filling up of reserved vacancies earmarked for SCs/STs only and not a policy circular regarding distribution or compartmentalization of PwBD vacancies. The said "Best Among Failed Scheme" is unique and specially designed for SC/ST candidates only and not applicable to any other category candidates like UR, OBC, EWS etc. happens to fall in PwBD class in horizontal reservation.

Copy of Board letter No. E(SCT)74CM15/35 dated 31.8.1974 is enclosed.

(ii) It is understood that that the Apex court's verdicts quoted as in the above notice are regarding distribution and compartmentalization of laid down reservation of PwBDs among various bench mark disability candidates(PwBDs). Railway Boards circular No.2022-E(SCT)I/133/10 dated 05.08.2025(bearing RBE No. 79/2025) deals with certain clarification mentioned above and not relating to any distribution or compartmentalization of PwBD vacancies.

2. As additional input, the following is also furnished for better appreciation of the case:

(i) Nodal department i.e. DOP&T's guidelines for granting laid down reservation in promotion to Persons with Benchmark Disabilities(PwBDs), as per Office Memo. No.36012/1/2020-Estt.(Res-II), dated 17/05/2022 (enclosed) has been implemented in the Railways vide circular bearing RBE No.74/2022 and RBE No. 132/2022. Copies of both these circulars are enclosed.

(ii) Further, DOP&T's subsequent OM. No. 36012/1/2020-Estt.(Res.-II) dated 28.12.2023 (enclosed) for granting notional promotions to the PwBD candidates w.e.f. 30.6.2016 has also been issued in the Railways vide circulars bearing RBE No. 06/2024 and RBE No. 30/2024. Copies of both these circulars are enclosed.

(iii) Railway is strictly following DOP&T's guidelines in the matters of reservation in promotion to PwBD candidates without showing any discrimination.

….2/-

3. It is requested that the above factual position may kindly be appreciated and the case be closed without taking further action.

DA: As mentioned above.

01.10.25

(Promod Kumar Safi)
Executive Director Estt.(Res.)
Railway Board
Email- ederes@rb.railnet.gov.in
Tel. No. 23047176

Dy. Chief Commissioner
(Kind Attn.: Shri Praveen Prakash Ambashta)
Court of Chief Commissioner for persons with Disabilities(Divyangjan)
Department of Employment of Persons with disabilities(Divyangjan),
5th Floor, NISD Building, plot No. G-2, Sector-10,
Dwarka, New Delhi-110075

RBE No. 79 /2025

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.2022-E(SCT)I/133/10 New Delhi, dated-05.08.2025

The General Managers (P):
All Indian Zonal Railways
& Production Units.
The Director General/RDSO/Lucknow

Sub: Sub: Reservation for PwBDs in promotions- clarification regarding applicability of the "Best Among Failed Scheme"-reg.

Ref.: (i)NCR's letter No. 797-E/Confd(Gaz.)/CBT/Gr.B Selection/2025-26/NCR dated-19.7.2025.
(ii) SECR's letter No. HQ/RUL/123/2(E-106917)(ID-105) dated- 17.7.2025.
(iii) SR's letter No. P(G)CON/CCBT/2025-26 dated- 22.7.2025
(iv) ER's letter No. 220/1/1/RR/PWDs/Roster Pt.II dated- 22.7.2025
(v) Board's letter No. E(GP)2022/2/20 dated 08.2.2024(RBE No. 13/2024)

Some of the Zonal Railways **viz.** NCR, SECR, SR, and ER vide letters under reference has expressed doubt regarding applicability of the 'Best Amongst the Failure Scheme" in promotion for PwBD candidates and sought clarification from Board's office on this issue.

2. The matter has been examined in this office in terms of the guidelines issued from time to time regarding applicability of the policy of promoting SC/ST candidates against quota by applying the 'Best amongst the Failed scheme. Attention in this regard is drawn towards Board's letter No. 88-E(SCT)I/23/1 dated 28.6.1995(RBE No. 57/95) wherein it is laid down as under:

In respect of promotion to and within Group C and from Group D and Group C to B in Non Safety category, if during selection proceedings, the requisite number of SC/ST employees are not available for being placed on the panel inspite of various relaxations and concessions already granted to them, the best among the failed SC/ST employees who secure a minimum 20% marks separately under each heading i.e. in the written test, viva voce, record of service, etc. and also in the aggregate, should be earmarked for being placed on the panel to the extant the vacancies have been reserved in their favour.

3. It is clarified that 'Best amongst the Failed' policy is a unique SCHEME designed for promoting the best amongst the SC/ST candidates only, with a view to fill up the reserved vacancy of SCs/STs. It is not a kind of relaxation available to SC/STs. It is a policy exclusively meant for SC/ST candidates and not for any other community candidates. This 'Scheme' is existing in Railways only. DOP&T's guidelines on the relaxation and concessions available for SCs/STs does not mention about this 'Best amongst the Failed scheme'. As such, the said ' Best amongst the Failed scheme' can't be made applicable to PwBD candidates.'

...2/-

3.1. However, as PwBD candidates may belong to SC/ST category also, the 'Best amongst the Failed scheme' as per the extant guidelines, remains applicable to the PwBD candidates belonging to SC/ST category only, promotion by selection within Group-C and from Group-C to Group-B, in non-safety category.

The above may please be brought to the notice of all concerned for information, guidance and necessary action, if any.

5/8/25

(Goutom Mondal)
Joint Director, Estt.(Res.)
Mail Id: goutom.mondal@gov.in
Tele No. 011-23047138

Copy to: General Manager(P)/ NCR, SECR, SR, and ER- Issue of this letter disposes off their letter under reference on the subject.

Extracts of Railway Board's letter No. E(SCT)74CM15/34 dated 31st August 1974.

Sub: **Promotion of Scheduled Castes and Scheduled Tribe employees against reserved vacancies -In-service training for candidates who are below standard.**

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2. The matter has been further considered by the Board and it has been decided that if, during the selection proceedings it is found, that the requisite number of Scheduled Caste and Scheduled Tribe candidates are not available for being placed on the panel in spite of the various relaxations, already granted, the best among them i.e., who secure the highest marks, should be earmarked for being placed on the panel to the extent vacancies have been reserved in their favour. The panel excluding the names of such persons may also be declared provisionally. Thereafter, the Scheduled Caste and Scheduled Tribe candidates who have been so earmarked may be promoted ad hoc for a period of six months against the vacancies reserved for them. During the said six-months' period, the Administration should be given them all facilities for improving their knowledge and coming up to the requisite standard, if necessary by organising special coaching classes. At the end of the six-months' period, a special report should be obtained on the working of these candidates and the case put up by the Department concerned to the General Manager through S. P. O. (R. P.) for a review.

The continuance of the Scheduled Caste and Scheduled Tribe candidates in the higher grades would depend upon this review. If the candidates are found to have come up to the requisite standard, their names would be included in the panel and the same finalised; otherwise their names should not be included in the panel and the vacancies de-reserved and filled in the usual manner by candidates from other communities.

3. The procedure indicated in the preceding para would also apply to promotion to the posts filled on the basis of seniority-cum-suitability, with the only difference that the review at the end of the six month period would be carried out by the authority competent to approve the Select List.

4. This supersedes para (5) of Board’s letter No. E(SCT)71CM15/40 dated 28th August 1971 and also Board’s letter No. E(SCT)74CM15/1 dated 26th January 1974.

(For full text refer Chapter X).

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%.

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 hereinunder: -

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

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.

7.2 In the case of promotion by selection, PwBDs selected without relaxed standards, along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but, otherwise found suitable for appointment, if necessary, by relaxed standards.

8. RELAXATION OF STANDARD OF SUITABILITY:

8.1 If sufficient number of PwBD candidates with benchmark disabilities are not available on the basis of prescribed standard to fill all the vacancies (in case of promotion through Limited Departmental Competitive Examination/Departmental Examination, etc.) reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of benchmark disability.

8.2 The same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/SC/ST/OBC category. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

9. COMPUTATION OF NUMBER OF VACANCIES TO BE RESERVED

9.1 Number of vacancies in a recruitment year to be reserved for PwBDs in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in the cadre strength, although the PwBDs would be posted against the category of posts identified as suitable for them.

10. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS

10.1 Every Government establishment shall maintain, cadre-wise and group-wise, a separate 100-point vacancy-based reservation roster/register, as in the case of direct recruitment, for determining/effecting reservation for the PwBDs in promotion. There will be separate roster / register, in each cadre in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable. There shall be separate roster/register for promotion and direct recruitment.

10.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1st Block - Point No. 01 to point No. 25
2nd Block - Point No. 26 to point No. 50
3rd Block - Point No. 51 to point No. 75
4th Block — Point No. 76 to point No.100

10.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for PwBDs - one point each for category under (a), (b), (c) of Para 2.2 above, respectively, and one point for category (d) and (e) conjointly. The Head of the establishment shall ensure that vacancies identified at SI. No.1, 26, 51 and 76 are earmarked for the respective categories of the PwBD. However, the Head of the Department shall decide the placement of the selected candidate in the roster/ register. In other words, the category to be appointed first will be decided by the Head of the Department based on the functional requirement.

10.4 All the vacancies in each recruitment year in a grade, arising irrespective of vacancies reserved for PwBDs, shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the PwBD, or if the Head of the Department feels that it is not possible to fill up that post by the PwBDs for any other reason, to be recorded in writing, one of the vacancies

falling at any of the points from 2 to 25 shall be treated as reserved for the PwBD and filled, as such.

10.5 Likewise, one vacancy out of the total vacancies falling at points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the PwBDs. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy by the PwBD candidate of the category for which the post is earmarked.

10.6 There is a possibility that none of the vacancies from 1 to 25 is found suitable for any category of the PwBD. In that case, two vacancies from 26 to 50 shall be filled from amongst the PwBDs. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies in the third block 51 to 75 shall be filled as reserved. This means that if no vacancy can be reserved in a particular block, it shall be carried over to the next block.

10.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

10.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies, including PwBD quota, if any) or two (say 50 vacancies, including the quota, if any), the category of the PwBDs should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category of disability, the Head of the Department shall decide the category on the basis of the nature of the post, the level of representation of the specific category in the grade/post concerned, etc.

11. CERTIFICATE BY REQUISITIONING/CADRE CONTROLLING AUTHORITY WHILE SENDING APPLICATION FOR SELECTION BY PROMOTIONS/DEPARTMENTAL EXAMINATION INCLUDING LIMITED COMPETITIVE DEPARTMENTAL EXAMINATION:

11.1 In order to ensure proper implementation of the provisions of reservation for PwBDs, the requisitioning/cadre

controlling authority, while sending the requisition/proposal to the recruiting agency/DPC, as the case may be, for filling up of vacancies through promotion by selection/Departmental Examination/Limited Competitive Departmental Examination, shall furnish the following certificate to the recruiting agency/DPC: -

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 which has become effective from 19th day of April, 2017 and Rules made thereupon, vide Rights of Persons with Disabilities Rules, 2017, and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition/proposal. The vacancies reported in this requisition/proposal fall at points no..... of cycle no..... of 100-point reservation roster out of which ..... number of vacancies are reserved for persons with benchmark disabilities."

12. NOTICE OF VACANCIES FOR PROMOTION BY SELECTION

12.1 In order to ensure that PwBDs get a fair opportunity in consideration for appointment against an identified post, the following points shall be kept in view while sending the requisition notice/proposal to the recruiting agencies (SSC, UPSC etc.) and DPCs-

(i) Number of vacancies reserved for SCs, STs and each category of PwBDs should be indicated clearly.

(ii) In respect of vacancies in posts identified suitable for being held by PwBD, it shall be indicated that the post is identified for that respective category of PwBDs from amongst the categories, as mentioned in (a) to (e) of Para 2.2 above, as the case may be. Functional classification for performing the duties attached to such post(s), shall also be indicated clearly.

(iii) The PwBDs belonging to the category/categories for which the post is identified shall be allowed to apply for the post advertised for being filled up by Limited Departmental Competitive Examination, even if no vacancy is reserved for

them. However, they will not be allowed any relaxed standard. Such PwBD candidates will be considered for selection for appointment to the post by general standards of merit.

(iv) It shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability.

13. ZONE OF CONSIDERATION, *INTERSE* EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION

13.1 While filling up the reserved vacancies by promotion by selection, those PwBD candidates who are within the normal zone of consideration, shall be considered for promotion. However, if adequate number of PwBD candidates of the respective category are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the PwBD candidate falling within the extended zone may be considered for promotion. In the event of non-availability of candidates even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year. In the subsequent year, if a PwBD of the required category is not available, the reservation can be exchanged with the other categories, so that post can be filled by a person with other category of disability, if possible. If a PwBD candidate of other category is within the zone of consideration and within the number of vacancies available, he cannot be denied promotion on the grounds of disability. If it is not possible to fill up the post by reservation even in the 2nd year, the post may be filled by a person other than a PwBD, and the reservation shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.

13.2 While filling up vacancies by promotion by non-selection, the eligible candidates with benchmark disabilities within the normal zone of consideration shall be considered for promotion

against the reserved vacancies. In case no eligible candidate of the respective category of disability is available in the normal zone of consideration, additional PwBD candidates of respective category to the extent required shall be considered by going down the seniority list, provided they are eligible, and that the post is identified for them. In the event of non-availability of PwBD candidates for promotion even in the extended zone, the vacancy shall not be filled and shall be carried forward. In the subsequent year, if PwBD of respective category is not available, the same can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the vacancy by reservation even by exchange, the reservation shall be carried forward for two subsequent recruitment years, where-after it shall lapse.

13.3 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the PwBD candidates shall first be counted against the vacant posts brought forward from previous years, if any, in the chronological order. If candidates are not available for all the vacancies, the older carried-forward posts shall be filled first, and the current vacancies shall be carried forward, if not filled up, provided that in every recruitment, the number of vacancies reserved for PwBD, including the carried forward vacancies, shall be announced beforehand, for the information of all aspirants.

14. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES

14.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called 'vertical' reservation and the reservation for categories such as PwBDs and ex-servicemen is called 'horizontal' reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved, depending upon the category to which they belong in the roster meant for reservation of

SCs/STs/OBCs. To illustrate, if in a given year, there are two vacancies reserved for the PwBDs, and out of two PwBDs promoted, one belongs to Scheduled Caste and the other belongs to Unreserved, the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

14.2 Since the PwBDs have to be placed in the appropriate category, viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form (in respect of Departmental examination for promotion) for the post should require the candidates applying under the quota reserved for PwBDs to indicate whether they belong to SC/ST/OBC or unreserved.

15. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES

15.1 The Ministries/Departments shall continue to upload data on promotion of PwBDs, along with data on representation/ direct recruitment of PwBDs in respect of posts/services under the Central Government on the URL i.e. **www.rrcps.nic.in**, as on 1st January of every year. All Ministries/Departments have been provided respective user code and password with guidelines for operating the URL.

16. LIAISON OFFICER FOR PERSONS WITH BENCHMARK DISABILITIES:

16.1 Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to PwBDs and shall ensure compliance of instructions, as contained in DoPT OM No.43011/153/2010-Estt (Res), dated 4.1.2013.

17. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT

17.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

17.2 The Grievance Redressal Officer shall maintain a register of complaints of Persons with Benchmark Disabilities with the following particulars, namely: -

(a) date of complaint;

(b) name of complainant;

(c) the name of the establishment or person against whom the complaint is made;

(d) gist of the complaint;

(e) date of disposal by the Grievance Redressal Officer; and any other information.

17.3 Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

17.4 Every complaint filed, shall be inquired into within two months of its registration, and outcome thereof or action taken thereon, shall be communicated to the complainant / PwBD.

18. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.

(S.P. Pant)
Deputy Secretary to the Government of India
Ph.No.011-23093074

To

(i) The Secretaries of all Ministries/Departments of the Government of India.

(ii) The Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi, with a request to issue similar instructions for compliance by Public Sector Banks/Financial Institution/Insurance Companies.

(iii) The Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi, with a request to issue similar instructions for compliance by all Central Public Sector enterprises.

(iv) The Secretary, Railway Board, Rail Bhavan, New Delhi,

(v) The Secretary, President Secretariat, Rashtrapati Bhavan, New Delhi.

(vi) The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

(vii) The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.

(viii) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.

(ix) The Registrar (Administration), Supreme Court of India, New Delhi.

(x) The Joint Secretary (Administration), Prime Minister's Office, South Block, New Delhi.

(xi) The Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, New Delhi.

(xii) The Joint Secretary (Administration), Lok Sabha Secretariat, Parliament House Annexe, New Delhi.

(xiii) The Joint Secretary (Administration), Rajya Sabha Secretariat, Parliament House Annexe, New Delhi.

(xiv) The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

(xv) The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.

(xvi) The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi

(xvii) Officer of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi-110001

(xviii) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate Offices of this Ministry.

(xix) Director, NIC, DOPT – with the request to immediately place this OM on the website of this Department ("what's new" tab) for information of all concerned.

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RBE No. 74/2022

भारत सरकार/GOVERNMENT OF INDIA
रेल मंत्रालय/MINISTRY OF RAILWAYS
(रेलवे बोर्ड/RAILWAY BOARD)

No. E(NG)I/2019/PM 4/8 New Delhi dated 01.07.2022

The General Managers (P)
All Indian Railways, Production Units.
(As per standard list).

Sub: Reservation in promotion to Persons with Benchmark Disability (PwBDs).
Ref: i) DOP&T's OM No. 36012/1/2020-Estt. (Res.-II) dated 17.05.2022.
ii) Ministry of Social Justice and Empowerment's notification No. 38-16/2020-DD-III dated 04.01.2021.
iii) Board's letter No. E(NG)II/2017/RC-2/1/Policy dated 27.02.2019.

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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 28.09.2021, delivered in the "Application for Clarification' in the matter of 'Siddaraju Vs. State of Karnataka' in Civil Appeal No. 1567/2017, has directed the Government to issue instructions on 'Reservation in Promotion', as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016.

Accordingly, detailed instructions have been issued by Department of Personnel and Training vide their OM No. 36012/1/2020-Estt.(Res.-II) dated 17.05.2022 for providing reservation in promotions to PwBDs, in posts and services of the Central Government, as defined under Section2(r) of the said Act, notified by the Department of Empowerment of Persons with Disabilities (DEPwD).

The matter has been considered by the Board and it has been decided that instructions issued by DOP&T vide their OM under reference may be made applicable mutatis mutandis for grant of reservation in promotion to PwBDs in the non gazetted posts of Indian Railways as identified vide Ministry of Social Justice and Empowerment's notification No. 38-16/2020-DD-III dated 04.01.2021 and Board's letter E(NG)II/2017/RC-2/1/Policy dated 27.02.2019.

Sanjay 01.7.22

(Sanjay Kumar)
Dy. Director/Estt.(N)
Railway Board
Ph. No.43658/011-23303658
E-mail Id- sanjay.kumar6@gov.in

No. E(NG)I/2019/PM 4/8 New Delhi dated 01.07.2022

Copy forwarded to:

1. The Genl. Secy., AIRF, Room No.253, Rail Bhawan, New Delhi (35 copies)
2. The Genl. Secy., NFIR, Room No.256-E, Rail Bhawan, New Delhi (35 copies)
3. All Members/Departmental Council & National Council & Secretary/Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (60 spares)
4. The Secy. Genl., FROA, Room No.256-A, Rail Bhawan, New Delhi (5 spares).
5. The Secy. Genl., IRPOF, Room No.268, Rail Bhawan, New Delhi (5 spares).
6. The Secy., RBSS Group 'A' Officers Association, Rail Bhawan, New Delhi.
7. The Secy., RBSS Group 'B' Officers Association, Rail Bhawan, New Delhi.
8. The Secy., Railway Board Ministerial Staff Association, Rail Bhawan, New Delhi,
9. The Secy., Railway Board Group 'D' Employees Association, Rail Bhawan, New Delhi.
10. The Secretary, Railway Board Promotee Officers Association, Room No.341-C, Rail Bhawan, New Delhi.
11. Genl. Secy., All India SC&ST Railway Employees Association, Rail Bhawan, New Delhi.

For Secretary/Railway Board

PSs to MR.

PPSs to CEO, M(Infra), M(T&RS), M(O&BD), M(Fin.), Secretary, DG/HR, DG/RHS and DG/RPF.

PPSs to AM(Comml.), AM(CE), AM(C&TS), AM(Elec.), AM(Budget), AM(F), AM(Mech.), AM(Plg.). AM(Project), AM(PU), AM(Sig.), AM(Stores), AM(Tele). AM(Traffic), AM(Works), AM(T&C), AM(Staff), PED(Vig.) and PED(Infra)

PSs to ED/Safety(M), EDCE(G), ED(E&R), EDE, EDE(N), EDME(W), EDERS(G), EDE(Res), EDE(RRB), EDF(B), ED(RE), ED/Track(M), EDF(X)I, EDF(X)II, ED(H), EDE(GC), ED(Stat), ED(Track/MC), ED(T&MPP), EDME(Chg.), EDME(Traction), ED(Works), EDME(Dev.), EDRS(C), EDRS(W), EDPC, EDF(E), EDA, EDV(A), JS(G), and IG/RPF.

DPC-II, DE(G), D(IH), D(H&FW), D(MPP), DE(N)II, DE(R), DE(D&A), DE(LL), JD(OL). JDE(Rep). JDE(RRB), DD(Code Revision), DDE(N), DDE(LR)I, DDE(LR)II, DDE(LR)III, DDV(A&P), DD(OL)I, E(NG)II, E(Rep)I, E(Rep)II E(Rep)III, E(SCT)I, E(SCT) II, E(RRB), PC III, PC-IV, PC-V, E(P&A)I, E(P&A) II, CE-I, CE-II, CE-III, Sec.(E), Sec. (ABE), E(MPP), Safety Branch, A/C-III and Code Revision Cell.

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RBE No. 132/2022

Government of India
Ministry of Railways
(Railway Board)

No.E(GP)2022/1/35 New Delhi, Dt. 25.10.2022

The General Manager (P),
All Indian Railways/Production Units/etc.

[Kind Attention: PCPOs, PFAs, Dy.CPO (G) s/Dy. CAO(G)s]

Sub: Reservation in Promotion to Persons with Benchmark Disabilities (PwBDs) in the Organised Group-'A' Railway Services/Indian Railway Management Service (IRMS) and Miscellaneous Services of Indian Railways.

Ref: DoP&T's OM No:36012/1/2020-Estt.(Res.II), dated: 17.05.2022.

Ministry of Railways (Railway Board) has decided that the provisions for grant of reservation in Promotion to PwBDs, as contained in the DoP&T's OM dated 17.05.2022, referred to above, shall be implemented in respect of **Eight*** Organised Group-"A" Railway Services/Indian Railway Management Service(IRMS) & Miscellaneous Services of Indian Railways, while considering promotions from Group-"B" to Group-"A" posts [including ad-hoc promotion from Group-"B" to Group-"A" posts, where applicable], from the **Panel Year-2022** and onwards. [*Civil, Electrical, Mechanical, Signal & Telecommunication, Stores, Personnel, Accounts & Traffic].

2. Promotion of Railway officers from Group-"B" to Group-"A" posts, on regular basis, is granted at Railway Board's level, in consultation with UPSC, based on the 'All India Integrated Seniority List' for each service/cadre. Therefore, the Zonal Railways/ PUs/etc are requested to indicate/furnish the Name(s) of the PwBDs, who are available in the seniority lists (as on 01.01.2022) of various cadres/miscellaneous cadres, so that their name(s) could be identified in the All India Integrated Seniority Lists of the year 2022, for this purpose.

3. While furnishing/indicating the name(s) of the PwBDs, as available in the seniority lists as on 01.01.2022, it should be clearly mentioned that such persons (PwBDs) possess the **Valid Certificate of Benchmark Disability** to be eligible for the benefit of reservation. Further, as stated in Para-4(4.3) & 12(iv) of DoP&T's OM dated: 17.05.2022, no benefit of reservation shall be given on the basis of temporary certificate of disability.

4. Moreover, as provided in Para-4(4.2) of the *ibid* OM, an employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, seniority of such employee among the 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.

26/10/22

....contd./- 2

5. Zonal Railways/PUs are requested to keep the above aspects in view while furnishing the name(s) of PwBDs to Board's office. They are also required to invariably indicate whether such PwBDs belong to SC/ST.

Please acknowledge receipt.

(A.C.Jain)
Director/Estt.(GP),
RailwayBoard.
Tele No. 011-23047019
Email - amir.jain@gov.in

Copy for information to:

1. The Secretary General, Indian Railways Promotee Officers' Federation, Room No. 268, Rail Bhavan, New Delhi.

RBE No.06/2024

भारत सरकार/**GOVERNMENT OF INDIA**
रेल मंत्रालय/**MINISTRY OF RAILWAYS**
(रेलवे बोर्ड /**RAILWAY BOARD)**

No. E(NG)I/2019/PM4/8.(E-3417344) **New Delhi, Dt.18 .01.2024**

The General Manager (P)
All Zonal Railways & Production Units
(As per standard list)

Sub: Reservation in promotion to Persons with Benchmark Disability (PwBDs)
Ref. i) Board's letter No. E(NG)I/2019/PM4/8 dated 01.07.2022.
ii)DOP&T's OM No. 36012/1/2020-Estt. (Res.-II) dated 28.12.2023.
iii) DOP&T's OM No. 36012/1/2020-Estt. (Res.-II) dated 17.05.2022.
iv) Ministry of Social Justice and Empowerment's notification No. 38-16/2020-DD-III dated 04.01.2021
v) Board's letter No. E(NG)II/2017/RC-2/1/Policy dated 27.02.2019.

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 18.07.2023, has directed that "Though it is pointed out that the judgement of this Court of which breach is alleged, has been complied with effect from 15.7.2023, the fact remains that the judgement is of 30.6.2016 directing the respondents to implement the 1995 Act. Therefore, the respondent will have to consider of giving at least notional promotion to those who are eligible from an earlier date."

2. Accordingly, Department of Personnel and Training in consultation with the Department of Legal Affairs have issued detailed instructions vide their OM No. 36012/1/2020-Estt.(Res.-II) dated 28.12.2023 (copy enclosed) for providing notional Promotions to PwDs candidate w.e.f. 30.06.2016, in 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).

3. The matter has been considered by the Board and it has been decided that instructions issued by DOP&T vide their OM under reference may be made applicable mutatis mutandis for grant of notional promotions to the PwD candidates w.e.f. 30.06.2016 in the non gazetted posts of Indian Railways as identified vide Ministry of Social Justice and Empowerment's notification No. 38-16/2020-DD III dated 04.01.2021 and Board's letter E(NG)II/2017/RC-2/1/Policy dated 27.02.2019.

Sanjay 18/01/24

(Sanjay Kumar)
Dy. Director/Estt.(N)
Railway Board
Ph. No. 43658/011-23303658
E-Mail Id - sanjay.kumar6@gov.in

E(NG)I/2019/PM4/8(E-3417344) **New Delhi, dated, 18.01.2024**

Copy forwarded to:-

1. The General Secretary, AIRF, Room No.253, Rail Bhawan, New Delhi (35 copies).
2. The General Secretary, NFIR, Room No.256-E, Rail Bhawan, New Delhi (35 copies).
3. All Members/Departmental Council & National Council & Secretary/Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (60 spares).
4. The Secretary General, FROA, Room No.256-A, Rail Bhawan, New Delhi (5 spares).
5. The Secretary General, IRPOF, Room No.268, Rail Bhawan, New Delhi (5 spares).
6. The Secretary, RBSS Group 'A' Officers Association, Rail Bhawan, New Delhi.
7. The Secretary, RBSS Group 'B' Officers Association, Rail Bhawan, New Delhi.
8. The Secretary, Railway Board Ministerial Staff Association, Rail Bhawan, New Delhi.
9. The Secretary, Railway Board Group 'D' Employees Association, Rail Bhawan, New Delhi.
10. The Secretary, Railway Board Promotee Officers Association, Room No.341-C, Rail Bhawan, New Delhi.
11. General Secretary, All India SC&ST Railway Employees Association, Rail Bhawan, New Delhi.

for PED(IR)/Railway Board

Advisor/MR, PSs/MoSR(D), MOSR (J), EDPG/MR, OSD/MR, OSD/Coord/MR
PPSs to Chairman & CEO, M(F), M(Infra), M(T&RS), M(O&BD), Secretary, DG/RHS and DG/RPF.

PPSs to AM(Comml.), AM(CE), AM(C&IS), AM(Elec.), AM(Budget), AM(F), AM(Mech.), AM(Plg.), AM(Project), AM(PU), AM(Sig.), AM(Stores), AM(Tele), AM(Traffic), AM(Works), AM(T&C), AM(Staff), AM(HR), PED(Vig.) and PED(Infra.).

PSs to ED/Safety(M), EDCE(G), ED(E&R), EDE, EDE(N), EDME(W), EDERS(G), EDE(Res.), EDE(RRB), EDF(B), ED(RE), ED/Track(M), EDF(X)I, EDF(X)II, ED(H), EDE(GC), ED(Stat), ED(Track/MC), EDME(Chg.), EDME(Traction), ED(Works), EDME(Dev.), EDRS(C), EDRS(W), EDPC, EDF(E), EDA, EDV(A), JS(G) and IG/RPF.

DPC-II, DE(G), D(IH), D(H&FW), D(MPP), DE(N)II, DE(R), DE(D&A), DE(LL), JD(OL), JDE(Rep), JDE(RRB), DD(Code Revision), DDE(LR)I, DDE(LR)II, DDE(LR)III, DDV(A&P), DD(OL)I, E(NG)II, E(Rep)I, E(Rep)II, E(Rep)III, E(SCT)I, E(SCT) II, E(RRB), PC-III, PC-IV, PC-V, E(P&A)I, E(P&A)II, CE-I, CE-II, CE-III, Sec.(E), Sec.(ABE), E(MPP), Safety Branch, A/C-III and Code Revision Cell.

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

North Block, New Delhi,
Dated the 28th December, 2023.

OFFICE MEMORANDUM

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

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The undersigned is directed to say that the Hon'ble Supreme Court, vide its Judgement dated 30.6.2016, in the WP(C) No.521/2008, titled '*Rajeev Kumar Gupta Vs. UOI*', had directed the Government to extend three percent reservation to PWD in all identified posts in Group A and Group B, irrespective of the mode of filling up of such posts. However, subsequently the Hon'ble Supreme Court, vide its Order dated 3.2.2017, in the Civil Appeal No. 1567/2017 titled '*Siddaraju Vs. State of Karnataka & Ors.*' referred to the prohibition made against reservation in promotion as laid down by the majority in Indra Sawhney & Others v. Union of India & Others (1992) and observed and held that its Judgement dated 30.6.2016 in *Rajeev Kumar Gupta* needed to be considered by a larger Bench. However, the Hon'ble Supreme Court finally disposed of the *Siddaraju* matter vide its Judgement dated 14.1.2020 and held that its Judgement in *Rajeev Kumar Gupta* would bind the Union and State Governments and it must be strictly followed.

2. However, the Union of India needed some clarification with regard to the implementation of the Hon'ble Supreme Court Judgement dated 30.6.2016 and 14.1.2020, and, therefore, Application for Clarification was filed by the UOI before the Hon'ble Supreme Court seeking clarification which *inter alia* included whether the vacancies for promotion for PwDs would be computed only on the basis of the vacancies against the identified posts or against the vacancies in both identified and non-identified posts and whether the judgement dated 14.1.2020 needs to be implemented on the basis of PwD Act, 1995 or RPWD Act, 2016. Hon'ble Supreme Court disposed of this Application for Clarification vide its Order dated 28.9.2021 directing the Government of India to issue instructions regarding reservation in promotion as provided in Section 34 of the RPwD Act, 2016.

3. Proviso to Section 34 of the RPWD Act, 2016 provides that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time. Accordingly, DoPT vide its OM of even number dated 17.5.2022 issued detailed instructions for extending the benefit of reservation in promotion to PwDs up to the lowest rung of Group `A' in posts and services under the

Central Government. This OM is effective with effect from the date of its issue i.e. 17.5.2022.

4. However, in a Contempt Petition (Civil) No.873/2023 filed by Shri S. S. Sundaram against Department of Revenue, the Hon'ble Supreme Court vide its order dated 18.7.2023 has directed "*Though it is pointed out that the judgement of this Court of which breach is alleged, has been complied with effect from 15.7.2023, the fact remains that the judgement is of 30.6.2016 directing the respondents to implement the 1995 Act. Therefore, the respondent will have to consider of giving at least notional promotion to those who are eligible from an earlier date*".

5. The aforesaid directions dated 18.7.2023 of the Hon'ble Supreme Court has been considered in consultation with the Department of Legal Affairs and it has been decided to grant notional promotions to the PwD candidates w.e.f. 30.6.2016 as under:

(i) PwD employees in posts and services of the Central Government, will be considered for grant of the benefit of reservation in promotion up to the lowest rung of Group 'A' on notional basis w.e.f. 30.6.2016 subject to their fulfilment of the eligibility conditions as laid down in the DoPT OM of even number dated 17.5.2022 regarding reservation in promotion to PwDs. However, the extent of reservation in promotion may be in accordance with the relevant provisions contained in the PwD Act 1995 and RPWD Act 2016. Further, this benefit may be extended after holding Review DPC as per the extant instructions issued by DoPT on the subject. In case the PwD employees are found eligible and suitable for promotion from any date subsequent to 30.6.2016, then the benefit of reservation in promotion may be extended to them from the date they become eligible for promotion. This promotion on notional basis includes promotion on seniority quota as well as Departmental Examination/Departmental Competitive Examination. In case of Departmental Examination/Departmental Competitive Examination, which has already been held during the period from 30.6.2016 to 16.5.2022, the eligibility of the PwD candidates may be assessed on the basis of their performance in the said examination. The concerned Administrative Authorities are given discretion to consider holding of special examination for assessing the suitability or eligibility of PwD employees for such Departmental Competitive Examination.

(ii) Any such promotion during the period from 30.6.2016 till the PwD employee actually assumes the charge of the post will be only on notional basis and the actual financial benefit of promotion will be effective to them with effect from the date they actually assume charge of the promoted post, meaning that no financial arrear will be admissible to them for the period from the date on which they get the benefit of notional promotion and the date on which they actually assume or have already assumed the charge of such promoted post.

(iii) Extending the benefit of reservation in promotion to the PwD employees on notional basis between 30.6.2016 and actual assumption of the charge of the

post may affect the inter-se-seniority of the officials in various grades. Due to this, there may be cases in which some officials may have to be placed in a select list/seniority list, subsequent to the year of their existing/present seniority list/select list. This may have a chain effect as it may result in revision in seniority lists in subsequent years in many cases which may cause administrative inconvenience. In order to avoid such situation, supernumerary posts may be created to adjust the lien of such PwD employees with effect from the date on or after 30.6.2016, when they become eligible to get the benefit of reservation in promotion, till the availability of vacancy in which the promotion is to be made or till they vacate the post on their retirement, further promotion etc. whichever is earlier.

(iv) The creation of supernumerary post, as stated above, will be personal to the PwD employee who is given the benefit of reservation in promotion on notional basis and such supernumerary post will stand abolished on the date when such PwD employee is adjusted against available vacancy in the grade in which the promotion is given or when that PwD employee vacates the post on his/her retirement, further promotion etc., whichever is earlier.

(v) Ministries/Departments are advised to undertake an exercise to ascertain the requirement of supernumerary posts required by them and submit the proposal for creation of posts to the Department of Expenditure through DoPT. Such proposal shall contain the proposal in respect of the entire Department/Ministry and the proposal in piecemeal shall not be accepted. A certificate to the effect that the proposal is complete in all respects and the requirement of creation of supernumerary posts has been projected in respect of the entire Department may also be furnished along with the proposal. Further, each proposal shall have the concurrence of the Liaison Officer for PwDs of the Department/Ministry concerned and shall be forwarded with the approval of the Secretary of the Administrative Department/Ministry.

(vi) It is clarified that the benefit of notional promotion, as proposed above, shall not adversely affect those PwD candidates who have already been granted the benefit of reservation in promotion in personam in pursuance of the Orders/judgements of various Courts of Law.

6. This issues with the approval of Department of Expenditure conveyed vide their ID Note No.7(1)/E. Coord.I/2017 Part (V) dated 12.12.2023.

Debabrata

(Debabrata Das)
Under Secretary to the Government of India.

Distribution:

(i) The Secretaries of all Ministries/Departments of the Government of India.

(ii) The Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi, with a request to issue similar instructions for compliance by Public Sector Banks/Financial Institution/Insurance Companies.

(iii) The Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi, with a request to issue similar instructions for compliance by all Central Public Sector enterprises.

(iv) The Secretary, Railway Board, Rail Bhavan, New Delhi.

(v) The Secretary, President Secretariat, Rashtrapati Bhavan, New Delhi.

(vi) The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

(vii) The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.

(viii) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.

(ix) The Registrar (Administration), Supreme Court of India, New Delhi.

(x) The Joint Secretary (Administration), Prime Minister's Office, South Block, New Delhi.

(xi) The Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, New Delhi.

(xii) The Joint Secretary (Administration), Lok Sabha Secretariat, Parliament House Annexe, New Delhi.

(xiii) The Joint Secretary (Administration), Rajya, Sabha Secretariat, Parliament House Annexe, New Delhi.

(xiv) The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.

(xv) The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.

(xvi) The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi.

(xvii) Officer of the Chief Commissioner for Persons with Disabilities, 5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075.

(xviii) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate Offices of this Ministry.

(xix) The Director, NIC, DOPT - with the request to immediately place this OM on the website of this Department ("what's new" tab) for information of all concerned.

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RBE No. 30 /2024

Government of India
Ministry of Railways
(Railway Board)

No. E(GP)2022/1/38 New Delhi, Date 03.04.2024

The General Manager (P),
All Indian Railways/Production Units.

[Kind Attention: PCPOs, PFAs, Dy.CPO(G)s/Dy. CAO(G)s]

Sub: Reservation in Promotion to Persons with Benchmark Disabilities (PwBDs) in the Organised Group-'A' Railway Services and Miscellaneous Services of Indian Railways.

Ref: DoP&T's OM Nos:36012/1/2020-Estt.(Res.II), dated 17.05.2022 and 28.12.2023.

It has been decided that the instructions issued by DoP&T vide their O.M. dated 28.12.2023 under reference may be made applicable *mutatis mutandis* for grant of notional promotions to PwBDs w.e.f. 30.06.2016 in promotion of Group 'B' officers of Indian Railways to Group 'A' posts.

2. Promotion of Railway officers from Group-"B" to Group-"A" posts, on regular basis, is granted at Railway Board's level, in consultation with UPSC, based on the 'All India Integrated Seniority List' for each service/cadre. Therefore, the Zonal Railways/PUs/etc are requested to indicate/furnish the Name(s) of the PwBDs, who are available in the Group 'B' seniority lists (as on 01.04.2016, 01.04.2017, 01.04.2018, 01.01.2019 and 01.01.2020 respectively) of various cadres/miscellaneous cadres, so that their name(s) could be identified in the All India Integrated Seniority Lists of the respective years, for this purpose.

3. While furnishing/indicating the name(s) of the PwBDs, as available in the (Group 'B') seniority lists as mentioned above, it should be clearly mentioned that such persons (PwBDs) possess the **Valid Certificate of Benchmark Disability** to be eligible for the benefit of reservation. Further, as stated in Para-4(4.3) & 12(iv) of DoP&T's OM dated: 17.05.2022, no benefit of reservation shall be given on the basis of temporary certificate of disability.

4. Moreover, as provided in Para-4(4.2) of the *ibid* OM, an employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, seniority of such employee among the 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.

Contd..2/-..

5. Zonal Railways/PUs are requested to keep the above aspects in view while furnishing the name(s) of PwBDs to Board's office. They are also required to invariably indicate whether such PwBDs belong to SC/ST.

Please acknowledge receipt.

(Rajeev Mishra)
Deputy Director/Estt.(GP)
Railway Board
Tele No. 011-23047248
email: rajeev.mishra1@gov.in

Copy for information to:

1. The Secretary General, Indian Railways Promotee Officers' Federation, Room No. 268, Rail Bhavan, New Delhi.