

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

Dated 09 October, 2024

OFFICE MEMORANDUM

Subject:- Reservation in promotion with Persons with Benchmark Disabilities- grant of notional promotion w.e.f. 30.6.2016- reg.

The undersigned is directed to say that this Department, vide its OM of even number, dated [28.12.2023](#) (**copy enclosed**) had informed all the Ministries/ Departments that in pursuance of the Hon'ble Supreme Court judgement in *Rajeev Kumar Gupta* Case, detailed instructions regarding grant of benefit of reservation in promotion to PwBDs upto the lowest rung of Group 'A' have been issued. Further, in pursuance of the Hon'ble Supreme Court Order dated 18.7.2023 in the Contempt Petition (Civil) No. 873/2023 titled *S.S.Sundram vs. Shri Vivek Johri & Anr*, this Department, vide OM dated 28.12.2023 extended the benefit of reservation in promotion on notional basis w.e.f. 30.6.2016 to all PwD employees who fulfill the eligibility condition as laid down in the DoPT O.M. dated [17.5.2022](#) (**copy enclosed**). The Ministries/ Departments are required to create supernumerary posts for extending the benefit of reservation in promotion to PwD employees on notional basis and to send such proposal to DoPT to enable this Department to seek concurrence of Department of Expenditure. However, proposal has not been received from any Ministry/ Department so far.

2. In this regard, it is reiterated that as per the above mentioned O.M. dated 28.12.2023, it is provided, *"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."*

3. In view of the above, Ministries/ Departments, vide OM dated 28.12.2023, were requested for the following:

- i. **To undertake an exercise to ascertain the requirement of supernumerary posts required to be created in order to grant the benefit of reservation in promotion to PwD employees, who would have become eligible for such benefit during the period from 30.6.2016 to 16.5.2022 but could not be given such benefit due to absence of instructions in the matter. The Ministries/ Departments were requested to submit the proposal for creation of supernumerary posts to DoPT for sending the same to Department of Expenditure for concurrence.**
- ii. **Ministries/ Department were informed and requested to send such proposal in respect of the entire Department/ Ministry and not to send the proposal in piecemeal.**
- iii. **It was also requested that 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.**
- iv. **They were also requested that 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.**

4. As already mentioned in para 1 above, the above instructions have been issued in pursuance of the Hon'ble Supreme Court directions. Hence, all Ministries/ Departments were required to take necessary action to ensure that the benefit of reservation in promotion is extended to the PwD employees from 30.6.2016 onwards as per their eligibility. However, proposal from Ministries/ Departments are awaited. **Ministries/ Departments are requested to undertake the exercise regarding ascertaining the requirement of creation of supernumerary posts for the purpose of granting the notional benefit of reservation in promotion to PwD employees during the period from 30.6.2016 to 16.5.2022 in terms of DoPT O.M. dated 17.5.2022 and O.M. dated 28.12.2023 and submit the proposal to DoPT in the prescribed proforma (Annexure-I) at the earliest and latest by 31.12.2024.** In case there is no such proposal from any Ministry/ Department, **NIL** information may be provided/ furnished.

5. This issues with the approval of Joint Secretary (AT&A).

Encl.: As above.

(Sign of Authority)
AJAY KUMAR SINHA
UNDER SECRETARY
23093421

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 CSsAG, 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. 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.

Annexure - 1

[View Annexure \(PDF\)](#)