



## **ABSTRACT**

Welfare of Differently Abled Persons Department – The Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016) – Reservation of vacancies for Differently Abled Persons – Conduct of Special Drive to clear the backlog vacancies – Announcement made in the Budget Speech for 2020-2021 – Orders - Issued.

### **Welfare of Differently Abled Persons (DAP-3.2) Department**

**G.O. (Ms) No.13**

**Dated: 12.10.2020**  
சார்வரி வருடம், புரட்டாசி 26,  
திருவள்ளூர் ஆண்டு 2051,

**Read:**

1. G.O. (Ms) No.21, Welfare of Differently Abled Persons (DAP-3.2) Department, dated 30.05.2017.
2. From the State Commissioner for Persons with Disabilities and Director for Welfare of the Differently Abled, Letter Roc.No.3578/Placement/2020, dated 02.09.2020

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### **ORDER:-**

Section 34(i) of the Rights of Persons with Disabilities Act, 2016 stipulates that:-

*“(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent, 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 per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, 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:”*

2. Accordingly, in the Government Order first read above orders have been issued providing 4% reservation for differently abled persons in all State Public Services/ Public Sector Undertakings / Boards / Corporations / Educational Institutions under all kinds of Managements (like Government, Local Bodies and Aided Management including Universities). Necessary Amendments were also made in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 to provide for the 4% reservation.

3. By virtue of these statutory provisions, it is essential to implement the 4% reservation for Differently Abled Persons in all the Government establishments. In as much as it was found that there are backlog vacancies in some departments as against the 4% reservation prescribed for the Differently Abled Persons, it was announced in the Budget Speech for the year 2020-2021 by the Hon'ble Deputy Chief Minister that **"A special drive will be launched to clear backlog vacancies and ensure that the differently abled are given 4 percent reservation in employment in Government Departments and PSUs"**.

4. As per the definition in section 2(k) of the Rights of Persons with Disabilities Act, 2016, "Government establishment" means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 and includes a Department of the Government. Hence, the 4% reservation ordered in the Government Order first read above has to be adopted in all the Government departments/ PSUs/ Boards/ Corporations/ Universities, etc., and wherever there is backlog that has to be filled by undertaking a special recruitment drive as announced in the Budget Speech.

5. As various Government departments/ PSUs/ Boards/ Corporations/ Universities, etc., are covered in the special recruitment drive, different recruiting agencies like Tamil Nadu Public Service Commission / Teachers Recruitment Board/ Medical Services Recruitment Board, etc., or the appointing authorities as the case may be have to undertake the recruitment to fill up the backlog vacancies.

6. The Director for Welfare of the Differently Abled, in his letter second read above has requested to conduct the special recruitment drive and has sought for the orders of the Government in this regard.

7. On examining the proposal of the Director for Welfare of the Differently Abled, in order to implement the announcement made in the Budget Speech, the Government have decided to conduct a Special Drive to fillup the backlog vacancies in respect of the differently abled persons and issue the following orders:-

- A. All the Government Departments/ PSUs/ Boards/ Corporations/ Universities, etc., as the case may be shall identify the backlog vacancies in their departments and communicate it to their respective recruiting agencies or Employment Exchanges within a period of one month from the date of issue of this Order.
- B. All the Government Departments/ PSUs/ Boards/ Corporations/ Universities, etc., shall appoint a Nodal Officer immediately to communicate with the respective recruiting agencies or Employment Exchange regarding the number of backlog vacancies and other allied matters. The Nodal Officer shall also be made responsible for the entire process of the special recruitment drive commencing from identification of backlog vacancies till the recruitment is completed. The details of the Nodal Officer so appointed shall be communicated to the Director for Welfare of the Differently Abled.
- C. The recruiting agencies or appointing authorities as the case may be are given a time line of six months from the date of receipt of proposal from the concerned departments for completing the special recruitment drive for Differently Abled Persons.

8. Further, as the Section 34(2) of the Rights of Persons with Disabilities Act, 2016 provides that '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' and the Section 3(bbb) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 also contains the same provisions, all the appointing authorities and the recruiting agencies are informed that the Section 3(bbb) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 was brought into force from 19.04.2017 and the vacancies carried forward will be available only from the subsequent year recruitment and hence the backlog vacancies shall be arrived based on the above provisions.

9. All the appointing authorities / Recruiting agencies shall conduct a Special Recruitment Drive to clear the backlog vacancies so arrived as stated above and send a completion report to the Director for Welfare of the Differently Abled in due course.

10. The Director for Welfare of the Differently Abled is directed to monitor the entire process and send a report on the progress made to the Government every month.

(By Order of the Governor)

C. Vijayaraj Kumar,  
Secretary to Government.

To  
All HoDs / PSUs / Boards / Corporations / Universities  
(Through Director for Welfare of the Differently Abled),  
All Departments of Secretariat, Chennai-9.  
The Secretary, Tamil Nadu Public Service Commission, Chennai-3.  
The Director for Welfare of the Differently Abled, Chennai-5.  
The Teachers Recruitment Board, Chennai-6  
The Medical Services Recruitment Board, Chennai-6.

Copy to:-

The P&AR / Finance / Special Programme  
Implementation Departments, Chennai-9.  
Hon'ble Chief Minister Office, Chennai-9.  
Hon'ble Deputy Chief Minister Office, Chennai-9.  
The Special Personal Assistant to Minister (SW&NNMP), Chennai-9.  
Stock File / Spare Copy.

// Forwarded By Order //

தர. சபு 456 600  
Section Officer