



CONFEDERATION OF CENTRAL GOVERNMENT GAZETTED OFFICERS' ORGANISATIONS

Add: Old no.4 new no.7 first Street V.V.Colony, Adambakkam, Chennai 600088.

Contact No.09445040751. mail id: cggoo2002@gmail.com.

Website: cggoo.blogspot.in

Chairman

Raman Kumar Sharma

Vice Chairman

(1) P.R.Charan Babu
(2) V.KrishnaMohan

Secretary General

S.Mohan

**Addl. Secretary
General**

Bhaskar Bhattacharya

Joint Secretary

(1) Mahesh Kumar
(2) O.S.Sudhakaran

Finance Secretary

Amitava Dey

Organizing Secretaries

I.B.Mishra

S.S.Chauhan

B.Indra Reddy

R.Mridha

Puneet shrivastava

Confederation/Corres/2016-17/14

Dated: 03.01.2017

To

**The Cabinet Secretary
Government of India,
Cabinet Secretariat, Rastrapathi Bhawan,
New Delhi.**

Sir,

Sub: Reservation for the purpose of promotion to the persons with disabilities -reg

The Confederation of Central Government Gazetted Officers' Organisations is an apex level organization embracing in its fold a number of Gazetted Officers' Organisations of the Central Government departments such as Railway Promotee Officers, Income Tax Gazetted Officers, All India Audit and Accounts Officers, Pay and Accounts Officers(Civil), Postal & Telecom financial Accounts Officers, Zoological Survey, Botanical Survey, Customs Preventive Officers, Indian Ordinance Factories Gazetted Officers, DRDO Technical Officers, DGQA Engineers, CPWD Engineers, Postal Officers, Marine product Export Development Authority promotee Officers, Statistical Gazetted Officers, etc.

As your goodself may be aware that after the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into force, reservation is permissible in terms of Section 33 of the Act, which stipulates not less than 3% reservation in Group 'A' and 'B' posts. The DOPT issued OM dated 18.2.1997 paving a way for reservation for Group 'A' & 'B' posts only at the induction level. The DOPT issued a corrigendum dt. 4.7.97 which extended the point number 1, 34 and 67 in the cycle of 100 vacancies in the 100 point roster and marked for reservation for physically challenged employees.

The DOPT issued yet another OM. Dated 16.01.1988 which stipulates that the existing policy of reservation for SC/ST including for the physically handicapped in promotion in all the groups is applicable to all grades and services, where the element of direct recruitment does not exceed 75%. Hence, it is clear that, it is not in dispute that reservation exists for disabled employees in promotion where the elements of direct recruitment doses not exceed 75%.

However, in suppression of all the above Office Memoranda, the DOPT issued OM dated 29.12.2005, restricting reservations only in induction level to all cadres and in promotions to Group 'C' and 'D' cadres only. It is pertinent to mention that most of the posts of Group "C" became Group 'B' and Group 'D' posts abolished in view of the implementation of the recommendations of the VI Central Pay Commission.

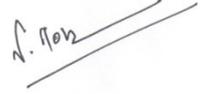
Aggrieved by the DOPT's OM dated 29.12.2005, there were litigations before the Hon'ble High Courts and Hon'ble Supreme Court. As per the Hon'ble Supreme Court's decisions, the law as to reservation to physically handicapped employees for the purpose of promotion in all the cadres is clear now as given in three below mentioned cases:

(a) Union of India vs National Federation of Blind Judgement dated. 8.10.2013	Hon'ble Supreme Court directed the Government of India and the State Governments to compute 3% reservation for persons with disabilities in all the groups of posts against the total number of vacancies in the cadre strength.
(b)Municipal Corporation of Delhi vs. Manoj Kumar Gupta Judgement dated 10.12.13	The Hon'ble Supreme Court upheld the High Court decision which declared that Section 33 of the Disability Act provided for reservation in promotion for persons with disabilities in Group A and B also.
(c)Rajeev Kumar Gupta vs. Union Government of India & others- Judgement dated 30.6.2016	The Hon'ble Supreme Court has set aside the DoPT instructions dated 29.12.2005 that disallowed reservation in promotion for the persons with disabilities to Group 'A' and 'B' and held that wherever posts are identified to be suitable for disabled persons, 3% reservations must be given in direct recruitment as well as in promotion.

It is disheartening to note that despite the Hon'ble Supreme Court's Judgement dated 30.6.2016, the DOPT has not issued any comprehensive instructions for implementing the Apex court's order paving a way for reservation in promotion to Group 'A' and "B". Any delay in issuance of formal order by DOPT will result in more litigation besides the vacuum created by the DOPT will remain unfulfilled.

Therefore, this Confederation urges the Government of India to issue necessary formal orders immediately and render justice to the physically challenged employees.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Mohan', is written over a single horizontal line.

(S.Mohan)
Secretary General