GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(GP)2022/2/20

New Delhi, dt:13/03/2023

The General Managers,
All Indian Railways and Production Units.

(Kind attn.: PCPOs/PFAs/Dy.CPO(G)/Dy.CAO(G))

Sub.: Reservation in Promotion to the Persons with Benchmark Disabilities (PwBDs)- Promotion from Group 'C' to Group 'B' posts.

Ref.: Board's letter no.E(GP)2022/2/20 dated 18.08.2022.

In terms of Board's aforementioned letter dated 18.08.2022, instructions issued by DOP&T vide their OM No.36012/1/2020-Estt.(Res.II) dated 17.05.2022 have been adopted mutatis mutandis for grant of reservation to PwBD in promotion from Group 'C' to Group 'B' posts.

2. In this regard subsequent to issuance of these instructions, few field units have referred the issue of procedure to be followed for carrying forward of unfilled vacancies due to non-availability of PwBD candidates for promotion in a particular recruitment year. The issue was examined and was referred to DOP&T. In this regard, a copy of DOP&T's OM No.36035/38/2022-Estt(Res.-II) dated 23.02.2023 tendering their advice on the issue is enclosed for information and necessary action.

3. This also disposes off query raised in S.E.C.Railway's letter no.P-HQ/RUL/105/1 dated 3.2.2023.

DA:As above

M. Saluja 13.3.23

(Meenakshi Saluja)
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Railway Board
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I/3024389/2023

No. 36035/38/2022 - Estt. (Res-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment (Res) Section
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North Block, New Delhi
Dated, the 23rd February, 2023

OFFICE MEMORANDUM

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

The undersigned is directed to refer to OM, dated 17.2.2023, received from Ministry of Railways seeking clarification on DoPT OM dated 17.5.2022 regarding reservation in promotion to Persons with Benchmark Disabilities.

2. In this regard, it is submitted that in compliance of directions of the Hon'ble Supreme Court, this Department issued OM No. 36012/1/2020-Estt.(Res.-II), dated 17.05.2022 providing detailed instructions regarding reservation in promotion to Persons with Benchmark Disabilities (PwBDs) in posts and services of Central Government. Para 13 of DoPT OM dated 17.5.2022, inter-alia, provides as under:

> *" 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....."*

3. Therefore, unfilled vacancies in case of promotion under the PwBD category are to be carried forward in the succeeding recruitment year. But, PwBD reservation is horizontal in nature (Para 14 of OM dated 17.5.2022) and it cut across vertical reservation and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. SC/ST/Unreserved, depending upon the category to which they belong in the roster meant for SCs or STs. It is clear that until the PwBDs, are selected for promotion, it would not be possible to identify whether they belong to SC or ST or will they be treated as unreserved. It is obvious that in case of unfilled vacancies for PwBDs, it is not possible to identify beforehand that how many vacancies for SCs, STs or UR will be carried forward to the subsequent recruitment year. Section 34(2) of the RPwD Act, 2016 does not provide for any mechanism how the unfilled vacancies for PwBDs will be carried forward to the subsequent year.

4. As in the case of promotion, if the PwBD candidates are not

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available for promotion in a particular recruitment year, same number of vacancies reserved for PwBDs shall not be dispensed with and shall be added to the succeeding recruitment year, by way of carrying forward of reservation.

5. This issues with the approval of Additional Secretary (Estt.)

Encls.: As above.

Signed by Sitanshu Mohan Routray
Date: 23-02-2023 14:28:53
Reason: Approved

(Sitanshu Mohan Routray)
Deputy Secretary to the Government of India
Ph. 23093180

To
Ms. Meenakshi Saluja
Dy. Director, Estt.(GP)-III
Railway Board, Rail Bhawan, New Delhi