

From

The Chief Secretary to Government Haryana.

To

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1. All the Financial Commissioners & Principal Secretaries/Commissioners and Secretaries to Govt. Haryana
 2. All the Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions.
 3. The Registrar, Punjab & Haryana High Court, Chandigarh.
 4. All the Managing Directors of Boards/ Corporations/ Public Undertakings.
 5. The Registrar, HAU, Hisar, Kurukshetra University, Kurukshetra, MDU, Rohtak, GJU, Hisar and Ch. Devi Lal University, Hisar.

Dated Chandigarh, the 19th September, 2011.

Subject:- Instructions regarding implementation of provisions of Section 47 of The Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 : Compliance of the direction of Hon'ble High Court in CWP No. 9723/2009.

Sir/Madam,

I am directed to refer to the subject noted above and to state that it has come to the notice of Government that in some Departments, the provisions of the Disability Act, 1995 are not being implemented properly which causes undue litigation. In Civil Writ Petition No. 9723 of 2009- Sukhdev Gaur Vs. State of Haryana, Hon'ble Punjab and Haryana High Court has taken a very serious view in this regard and has observed that it may be ensured that all persons responsible and who has to implement the provisions are apprised of the provisions of Section 47 of the Act. This should be brought to the notice of all concerned as they have basically to apply themselves. It is brought to the notice of all concerned that the provisions of the Section 47 of the Disability Act, 1995 which are reproduced below should be complied with strictly.

Section 47 Non-Discrimination in Govt. employment:-

(1) – No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service; Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits; Provided further 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.

- 2) No promotion shall be denied to a person merely on the ground of his disability;

Provided 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, as may be specified in such notification, exempt any establishment from the provisions of this section.

These instructions may be complied with in letter and spirit.

Your faithfully,



Under Secretary General Administration
for Chief Secretary to Govt. Haryana.

M 19/9/2011

CC:

State Informatics Officer, National Informatics Center, Haryana
for hosting it on the State Website.