

Time Bound
(Court Matter)

MEETING NOTE

Subject:- Writ petition (Civil) NO. In the Apex Court –regarding implementation Of RPwD Act, 2016.

A meeting was held on 19-12-2019 at 3 p.m. in the Chamber of Director Empowerment, SCs, OBCs & Minorities, and Specially Abled H.P. Shimla which was attended by Executive Engineer (Works) and Supdt Gr. II ES-I of this office . Many issues were discussed in the meeting and directions were also issued to all departments to compliance with the Act, 2016 of persons with disability within a month period and submit report on all the Section pertaining to each department. The Sections pertaining to this department are as under-

SECTION-20(NON-DISCRIMINATION IN EMPLOYMENT)

(1) No Government establishment shall discriminate against any person with disability in matter relating to employment.

Provided that the appropriate government may having regard to the type of work carried on in any establishment, by notification and subject to such condition, if any, exempt any establishment from the provision of this section(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service.

SECTION-21(EQUAL OPPORTUNITY POLICY)

Every establishment/office are required to formulate an Equal Opportunity Policy. The EOP shall list out amenities provided to persons with disabilities, posts identified for persons with disabilities, the manner of selection of persons for such posts. The same is required to display the EOP preferably on their website detailing measures in pursuance of the provision as prescribed by the Central Government. Every establishment shall appoint a liaison officer to supervise recruitment of Persons with Disabilities.

SECTION-22(ESTABLISHMENT SHALL MAINTAIN RECORDS)

Every establishment shall maintains records containing details around the number of PwD employed, their date of joining, names, gender and address and facilities provided in compliance with the provision of this Act.

SECTION-23 (APPOINTMENT OF GRIEVANCE REDRESSAL OFFICER)

(1) Every Government establishment shall appoint Grievance Redressal Officer for the purpose of Section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

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(2) Any person aggrieved with non-compliance of the provisions of Section-20 may file complaint with the Grievance and Redressal Officer.

(1) The Grievance and Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government and every complaint shall be inquired within two weeks of its registration.

SECTION-33 (IDENTIFICATION OF POSTS FOR RESERVATION)

(1) Every Department shall identify posts in the establishment which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provision of Section-34.

(2) Constitute an expert Committee with representation of persons with benchmark disabilities for identification of such posts

(3) Undertake periodic review of the identified posts at an interval not exceeding three years.

SECTION-34 (RESERVATION)

(1) Every Government Establishment shall appoint not less than 4% of total numbers of vacancies in the cadre strength in each group of post meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities under (a),(b),(c), and one percent for persons with benchmark disability under clause (d) and (e), namely

(a) Blindness and low vision.

(b) (b) deaf and hard of hearing.

(c) (c) locomotor disability including cerebral palsy, leprosy cured, Dwarfism, acid attack victim and muscular dystrophy,

(d) (d) autism, intellectual disability, specific learning disability and mental illness.

(e) Multiple disabilities from amongst persons under clause (a) to (d).

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time.

SECTION-45 (TIME LIMIT FOR MAKING EXISTING INFRASTRUCTURE AND PREMISES ACCESSIBLE AND ACTION FOR THAT PURPOSE)



All Public/ Government building shall be made accessible in accordance with the rules formulated by the Central Government within period not exceeding five years from the date of Notification of Rule/Act. i.e. 28th December, 2016.

SECTION-89

Non-compliance with respect to any of the provision of this Act or of any rule made there under shall be punishable with fine Rs. 10 thousand to 5 lakh.

As per discussion on above sections in the meeting, all these Section are required to implement immediately as Director (ESOMA) has issued directions of one month period to submit compliance report on the above.

The copy of above may be sent to the concerned branches to take further necessary action with the directions to submit compliance report pertaining to their branches on aforementioned Sections to Superintendent Section ES-I within 15 days positively. So that reply on the above may be submitted to the office of the Director ESOMA for further necessary action. Delay on the above shall be your personal responsibility.


(Er. R.K. Verma)
Engineer-in-Chief,
HPPWD Shimla-2.


Superintending Engineer (Works) in this office
Chief Architect in this office.
Registrar HPPWD in this office
✓ Executive Engineer I.T. in this office.
Suerintendent Gr.I ES-III in this office.
EA-I/EA-II/EA-III/EA-IV in Section ES-I

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