



THE HIGH COURT OF KERALA

Kochi : 682031

Email: csec.hc-ker@gov.in

Phone: 0484-2562843, 44

HCKL/41343/2023-C3-HCKERALA

Date: 18-07-2026

OFFICIAL MEMORANDUM

Sub:- District Judiciary – Draft *Kerala District Judiciary Employees (Rights and Opportunities for Persons with Benchmark Disabilities and Caregivers) Rules, 2026* – Inviting views, suggestions and objections – Instructions issued.

- Ref:-
1. the Rights of Persons with Disabilities Act, 2016;
 2. Rule 28B of the Kerala State and Subordinate Services Rules;
 3. Judgment dated 30.06.2016 of the Hon'ble Supreme Court of India in *W.P.(C) No. 521 of 2008*;
 4. Judgment dated 14-15.01.2020 of the Hon'ble Supreme Court of India in *Civil Appeal No. 1567 of 2017*; and
 5. Judgment dated 28.06.2021 of the Hon'ble Supreme Court of India in *Civil Appeal No. 59 of 2021*.

Attention is invited to the references cited above.

The High Court has prepared the draft Kerala District Judiciary Employees (Rights and Opportunities for Persons with Benchmark Disabilities and Caregivers) Rules, 2026 in pursuance of the provisions of the Rights of Persons with Disabilities Act, 2016, Rule 28B of the Kerala State and Subordinate Services Rules, 1958 and the principles laid

down by the Hon'ble Supreme Court of India in the judgments referred to above.

Before finalisation of the draft Rules, it has been decided to invite the views, suggestions and objections, if any, of the employees of the District Judiciary, the recognised service organisations functioning in the District Judiciary and the Appointing Authorities.

Accordingly, all Appointing Authorities are requested to ensure that the draft Rules are made available to all employees under their administrative control and to the recognised service organisations functioning in the respective District Judiciaries.

Separate Google Forms have been prepared for submission of responses by the following categories:

1. Employees of the District Judiciary;
2. Recognised service organisations; and
3. Appointing Authorities.

Sl. No.	Category	Google Form Link
1	Employees	https://forms.gle/hBruog69NzSja3356
2	Recognised Service Organisations	https://forms.gle/uGcnabCBovqXyvB2A
3	Appointing Authorities	https://forms.gle/51tymuRWTvemndgy6

The employees and the recognised service organisations shall submit their views, suggestions and objections, if any, through the respective Google Forms on or before **31.07.2026 11.59 PM.**

The Appointing Authorities shall also submit their responses through the designated Google Form within the aforesaid time. In addition, where detailed comments, recommendations or proposals are considered necessary, the same shall also be forwarded through the e-Office system, enclosing or referring to the proceedings, Government Orders, judgments, rules or any other supporting materials, wherever necessary. Submission through the Google Form shall be mandatory notwithstanding the submission

of detailed comments through e-Office.

While furnishing suggestions, comments or objections, the respondents shall, as far as practicable, indicate the proposed modification together with the reasons and justification in support thereof.

The Appointing Authorities may, wherever considered necessary, provide appropriate assistance to the employees for submission of their responses through the Google Form. For this purpose, a help desk or facilitation arrangement may be constituted at the establishment level to assist employees in accessing and submitting the Google Form. Such assistance shall be limited to facilitating the submission process and shall not, in any manner, influence or interfere with the views, suggestions or objections furnished by the employees.

The Appointing Authorities shall ensure that this Official Memorandum is brought to the notice of all employees under their control and the recognised service organisations functioning in their respective establishments without delay. A copy of the draft Kerala District Judiciary Employees (Rights and Opportunities for Persons with Benchmark Disabilities and Caregivers) Rules, 2026 shall also be made available on the Notice Board of the official website of the High Court of Kerala for information and reference.

(By Order)

Saina P S

JOINT REGISTRAR

To:- All Appointing Authorities.

Encl:- Draft Kerala District Judiciary Employees (Rights and Opportunities for Persons with Benchmark Disabilities and Caregivers) Rules, 2026.

GOVERNMENT OF KERALA

Home (L) Department

NOTIFICATION

G.O.(P) No. ___/___/Home

Dated, Thiruvananthapuram

_____ 2026

_____ 1201

S.R.O. No. ___/2025

_____ 1948

In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (Act 19 of 1968), in consultation with the High Court of Kerala, the Government of Kerala hereby makes the following Special Rules governing the rights and service-related entitlements of employees with Benchmark Disabilities in the Keralam Judicial Ministerial Service and the Keralam Judicial Subordinate Service, being the services governing the service conditions of non-judicial employees and officers of the District Judiciary in the State of Kerala.

RULES

1. Short Title and Commencement. -

1. These Rules may be called *the Keralam District Judiciary Employees (Rights and Opportunities for Persons with Benchmark Disabilities and Caregivers) Rules, 2026 (KDJE-ROP Rules, 2026)*.
2. These Rules shall form part of the Special Rules governing the Keralam Judicial Ministerial Service and the Keralam Judicial Subordinate Service.
3. Save as otherwise expressly provided in these Rules, the provisions of these Rules shall be deemed to have come into force with effect from the 30th day of June, 2016.
4. The provisions which are expressly made applicable from the date of publication of these Rules in the Official Gazette shall take effect only from such date.

2. Applicability. -

1. These Rules shall apply to all persons holding posts in the Keralam Judicial Ministerial Service and the Keralam Judicial Subordinate Service, whether

temporary or permanent, and whether appointed before or after the coming into force of these Rules, except insofar as otherwise expressly provided -

1. by or under any law for the time being in force; or
2. in respect of any person holding a post under a contract or agreement subsisting between such person and the Government.

2. These Rules shall apply to -

- a. employees appointed by availing reservation for Persons with Benchmark Disabilities;
- b. employees accommodated in service by creation of supernumerary posts in accordance with the Rights of Persons with Disabilities Act, 2016, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, or the Government Orders issued thereunder;
- c. employees who acquire Benchmark Disability during the course of service;
- d. employees claiming any benefit under these Rules on the basis of such disability; and
- e. employees who are caregivers of dependents with Benchmark Disabilities having High Support Needs, to the extent expressly provided under these Rules.

3. Nothing contained in this Rule shall be construed as -

- a. altering service conditions or reopening matters which have attained finality prior to the date of publication of these Rules; or
- b. affecting disciplinary proceedings initiated or concluded prior to such date,

except to the extent expressly provided elsewhere in these Rules for giving retrospective effect to the implementation of reservation in promotion and other consequential measures.

3. Definitions. -

1. "Appointing Authority" in relation to a member of the Service means-
 1. the authority empowered to make appointments to the post for the time being held by the member; or
 2. the authority which appointed the member to the Service,whichever authority is the higher authority;
2. "By promotion" means the appointment of a member from a category or grade to a higher category or grade in the Service;
3. "By transfer" means appointment from a category in Division I of the Keralam Judicial Subordinate Service to a category of the Keralam Judicial Ministerial Service, or from a category in Division II or Division III of the Keralam Judicial Subordinate Service to a category in Division I of the Keralam Judicial Subordinate Service, as the case may be;
4. "By transfer Appointment" means the appointment of a member from one category to another category within the Divisions of the Keralam Judicial Ministerial Service or the Keralam Judicial Subordinate Service, where the categories are distinct and do not form part of the same normal line of promotion or promotional hierarchy;
5. "Recruitment by transfer" means recruitment, through the Kerala Public Service Commission, to a post in a category in Division I of the Keralam Judicial Subordinate Service from a post in a category in Division III of the Keralam Judicial Subordinate Service, or from a post in a category in the Last Grade Service or Contingent Services of other Departments of the Government, as the case may be;
6. "Promotion", for the purposes of these Rules, includes appointments made by promotion, by transfer, and by transfer appointment, wherever such modes of appointment are provided in the applicable Service Rules, and any reference to "promotion" in these Rules shall be construed accordingly;
7. "District Judiciary" means the judicial establishment under the administrative and disciplinary control of the High Court of Kerala under Article 235 of the Constitution of India, comprising the Civil Unit and the Criminal Unit;

8. "Civil Unit" means the Department of the District Judiciary serving the Civil Courts and such other Courts and Tribunals as may be assigned to it under the Special Rules or by the High Court or the Government;
9. "Criminal Unit" means the Department of the District Judiciary serving the Criminal Courts and such other Courts as may be assigned to it under the Special Rules or by the High Court or the Government;
10. "Government" means the Government of Kerala;
11. "Judicial District" means the territorial area over which a District Court exercises Jurisdiction;
12. "State Service" means the Keralam Judicial Ministerial Service;
13. "Subordinate Service" means the Keralam Judicial Subordinate Service;
14. "Category", in relation to a Service, means a class or group of posts constituting a distinct Category specified in rule 4 of the Keralam Judicial Ministerial Service Rules or rule 6 of the Keralam Judicial Subordinate Service Rules, as the case may be;
15. "Sub-category", in relation to a Service, means a Category forming part of an interchangeable Category constituted under rule 4 of the Keralam Judicial Ministerial Service Rules or rule 6 of the Keralam Judicial Subordinate Service Rules, as the case may be;
16. "Post" means a position, whether permanent or temporary, included in the sanctioned strength of a Category of a Service, carrying definite duties and responsibilities, to which a person may be appointed in accordance with the Keralam Judicial Ministerial Service Rules or the Keralam Judicial Subordinate Service Rules, as the case may be;
17. "Supernumerary Post" means a post created temporarily and personal to a specified employee for the purposes of these Rules, which -
 - a. does not form part of the permanent cadre strength of the Service;
 - b. does not affect the regular vacancy position of the establishment;

- c. is created for administrative reasons including accommodation under reservation in promotion or functional unsuitability; and
- d. shall stand abolished upon the occurrence of the event for which it is created, including adjustment against a regular vacancy, retirement, resignation, further promotion, or cessation of service.
18. "Official Gazette" means Kerala Gazette,
19. "Person with Benchmark Disability" means a person with not less than forty per cent of a specified disability, as certified by the certifying authority under the Rights of Persons with Disabilities Act, 2016;
20. "Person with disability" shall have the meaning assigned to it under the Rights of Persons with Disabilities Act, 2016;
21. "Person with disability having High Support Needs" means a person with Benchmark Disability certified under clause (a) of sub-section (2) of section 58 of the Rights of Persons with Disabilities Act, 2016;
22. "High Support" means intensive support, physical, psychological or otherwise, which may be required by a person with Benchmark Disability for daily activities and participation in areas of life including employment;
23. "Certifying Authority" means an authority designated under sub-section (1) of section 57 of the Rights of Persons with Disabilities Act, 2016 ;
24. "Caregiver" means an employee of the Department who provides care, support or assistance to a dependent person with Benchmark Disability having High Support Needs, as certified under the Rights of Persons with Disabilities Act, 2016;
25. "Discrimination", in relation to disability, shall have the meaning assigned to it under the Rights of Persons with Disabilities Act, 2016;
26. "Information and Communication Technology" shall have the meaning assigned to it under the Rights of Persons with Disabilities Act, 2016;
27. "Reasonable Accommodation" shall have the meaning assigned to it under the Rights of Persons with Disabilities Act, 2016;

28. "Candidate" means a person who applies for appointment by direct recruitment to any post under the Keralam Judicial Ministerial Service Rules or the Keralam Judicial Subordinate Service Rules.

4. Interpretation and Purposive Construction. -

These Rules are framed to give effect to the statutory mandate under the Rights of Persons with Disabilities Act, 2016 and the law declared by the Hon'ble Supreme Court of India, and shall be interpreted in a manner consistent therewith.

5. Overriding Effect and Relationship with the Kerala State and Subordinate Services Rules, 1958. -

These Rules are issued in furtherance of Rule 28B of the Kerala State and Subordinate Services Rules, 1958, as inserted by G.O.(P) No. 16/2025/P&ARD dated 28.11.2025.

The provisions of the Kerala State and Subordinate Services Rules, 1958 shall apply to matters not specifically provided for in these Rules.

In the event of any inconsistency between these Rules and the Kerala State and Subordinate Services Rules, 1958, the provisions of these Rules shall prevail to the extent of such inconsistency in their application to the Keralam Judicial Ministerial Service and the Keralam Judicial Subordinate Service.

6. Reservation Benefits for Persons with Benchmark Disabilities. -

Reservation in recruitment and promotion under these Rules shall be available only to Persons with Benchmark Disabilities as defined in these Rules and certified by the competent authority in accordance with the Rights of Persons with Disabilities Act, 2016.

No benefit of reservation shall be granted on the basis of a temporary or non-benchmark disability.

7. Identification of Categories. -

The identification of categories suitable for Persons with Benchmark Disabilities (PwBDs) and the physical requirements thereof, as made by the Social Justice Department in G.O.(P) No. 5/2023/SJD dated 01.10.2023 and in such other Government Orders issued in this behalf, as amended from time to time, shall apply, *mutatis mutandis*, to the District Judiciary.

Where a category has been identified as suitable for Persons with Benchmark Disabilities⁴ in the feeder category, all posts in the corresponding line of promotion shall also be deemed to have been identified for Persons with Benchmark Disabilities for the purpose of reservation in promotion, subject to functional suitability and except the categories exempted under rule 17 of these Rules.

Where a category is found, by the Department to involve substantially identical duties and functions and similar workplace conditions as those of a post already identified, such post shall be deemed to have been identified for Persons with Benchmark Disabilities, notwithstanding any difference in nomenclature, classification or grouping.

8. Identified Categories for Reservation in Promotion. -

1. Keralam Judicial Ministerial Service:

Civil Unit:

Sl. No.	Category
	Division I
1	Sheristadar of District Courts and State Transport Appellate Tribunal.
2	Sheristadar of Additional District Courts, Special Courts having the status of Additional District Courts and Motor Accidents Claims Tribunals.
3	Sheristadar of Sub Courts and Senior Superintendent.
4	Selection Grade Confidential Assistant / Personal Assistants to the Principal District Judges.
	Division II
1	Court Manager
2	Principal Counsellors

Criminal Unit:

Sl. No.	Category
	Division I
1	Sheristadar of Chief Judicial Magistrate's Courts.
2	Senior Superintendent.
3	Selection Grade Confidential Assistant.

Note:

1. The Benchmark Disability criteria applicable to the category of Clerk / Protocol Officer (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. Nos. 1 to 3 of Division I of the Civil Unit.
2. The Benchmark Disability criteria applicable to the category of Confidential Assistant (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 4 of Division I of the Civil Unit.
3. The Benchmark Disability criteria applicable to the category of Clerk (Criminal Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. Nos. 1 and 2 of Division I of the Criminal Unit.
4. The Benchmark Disability criteria applicable to the category of Confidential Assistant (Criminal Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 3 of Division I of the Criminal Unit.

C3, C-Section

2. Keralam Judicial Subordinate Service

Civil Unit:

Sl. No.	Category
	Division I
1	Junior Superintendent

2	Bench Clerk Grade I / Central Nazir
3	Head Clerk / Bench Clerk Grade II
4	Senior Clerk / Deputy Nazir / Bench Clerk Grade III
5	Tamil and Malayalam knowing Senior Clerk
6	Kannada and Malayalam knowing Senior Clerk
7	Kannada Translator
8	Clerk / Protocol Officer
9	Senior Grade Confidential Assistant
10	Confidential Assistant Grade I
11	Confidential Assistant Grade II
12	Fair Copy Superintendent
13	Selection Grade Typist
14	Senior Grade Typist
15	Upper Division Typist
16	Lower Division Typist
17	Selection Grade Typist (Kannada)
18	Senior Grade Typist (Kannada)
19	Upper Division Typist (Kannada)
20	Lower Division Typist (Kannada)
	Division III
1	Amin
2	Process Server

3	Court Keeper / Duffedar
4	Office Attendant Grade I

Criminal Unit:

Sl. No.	Category
	Division I
1	Junior Superintendent
2	Head Clerk / Bench Clerk Grade II
3	Senior Clerk / Bench Clerk Grade III
4	Tamil and Malayalam knowing Senior Clerk
5	Kannada and Malayalam knowing Senior Clerk
6	Kannada Translator
7	Clerk
8	Senior Grade Confidential Assistant
9	Confidential Assistant Grade I
10	Confidential Assistant Grade II
11	Selection Grade Typist - Section
12	Senior Grade Typist
13	Upper Division Typist
14	Lower Division Typist
15	Selection Grade Typist (Kannada)
16	Senior Grade Typist (Kannada)

17	Upper Division Typist (Kannada)
18	Lower Division Typist (Kannada)
	Division III
1	Office Attendant Grade I (Civil Unit)

Note:

1. The Benchmark Disability criteria applicable to the category of Clerk / Protocol Officer (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. Nos. 1 to 6 and 8 of Division I of the Civil Unit.
2. The Benchmark Disability criteria applicable to the category of Confidential Assistant (Civil Unit), Typist (Civil Unit) or Clerk / Protocol Officer (Civil Unit), as the case may be, of the Keralam Judicial Subordinate Service shall apply to Sl. Nos. 7 of Division I of the Civil Unit.
3. The Benchmark Disability criteria applicable to the category of Confidential Assistant (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 9 to 11 of Division I of the Civil Unit.
4. The Benchmark Disability criteria applicable to the category of Typist (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 12 to 20 of Division I of the Civil Unit.
5. The Benchmark Disability criteria applicable to the category of Office Attendant (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 1 to 4 of Division III of the Civil Unit.
6. The Benchmark Disability criteria applicable to the category of Clerk (Criminal Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. Nos. 1 to 5 and 7 of Division I of the Criminal Unit.
7. The Benchmark Disability criteria applicable to the category of Confidential Assistant (Civil Unit), Typist (Civil Unit) or Clerk / Protocol Officer (Civil Unit), as the case may be, of the Keralam Judicial

Subordinate Service shall apply to Sl. Nos. 6 of Division I of the Criminal Unit.

8. The Benchmark Disability criteria applicable to the category of Confidential Assistant (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 8 to 10 of Division I of the Criminal Unit.
9. The Benchmark Disability criteria applicable to the category of Typist (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 11 to 18 of Division I of the Criminal Unit.
10. The Benchmark Disability criteria applicable to the category of Office Attendant (Civil Unit) of the Keralam Judicial Subordinate Service shall apply to Sl. No. 1 of Division III of the Civil Unit.

Provided that where higher grade posts exist in respect of a category identified above in the same line of promotion, all such higher grade posts shall also be deemed to be identified categories for the purpose of reservation in promotion under these Rules.

The categories listed in this Rule are without prejudice to the deemed identification principles contained in Rule 7.

9. Quantum of Reservation and Manner of Operation. -

1. Grouping and Separate Rosters. -

All categories of posts shall be grouped as specified in sub-rule (7), and a separate continuous one hundred point roster shall be maintained and operated for each such Group.

Explanation: Reservation under this Rule shall operate horizontally within each Group through the group-wise one hundred point roster and shall not exceed the percentage prescribed herein.

2. Period from the 30th day of June, 2016 to the 18th day of April, 2017, -

Three per cent horizontal reservation shall be provided, distributed as:

- a. one per cent – blindness or low Vision
- b. one per cent – hearing impairment

- c. one per cent – locomotor disability or cerebral palsy

against posts identified as suitable.

3. With effect from the 19th day of April, 2017, -

Four per cent horizontal reservation shall be provided, distributed as:

- a. one per cent - blindness and low vision;
- b. one per cent - deaf and hard of hearing;
- c. one per cent - locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; and
- d. one per cent, in the aggregate, for autism, intellectual disability, specific learning disability and mental illness, and for multiple disabilities including deaf-blindness.

against posts identified as suitable.

4. Statutory Ceiling. -

In no case shall total reservation exceed the percentage prescribed under Section 34 of the Rights of Persons with Disabilities Act, 2016.

5. Unit of Calculation. -

Reservation shall be computed with reference to the total number of vacancies arising in each Group to be filled by promotion during the relevant period.

6. Mode of Operation. -

Reservation shall be operated through the continuous group-wise one hundred point roster.

Provided that promotion under reservation shall be effected only to posts identified as suitable for the relevant category of benchmark disability.

7. Division of Categories of Posts into Groups. -

The categories of posts shall be divided into the following Groups, namely: -

Civil Unit

Group A

- Sheristadar of District Courts and State Transport Appellate Tribunals
- Sheristadar of Additional District Courts, Special Courts having the status of Additional District Courts and Motor Accidents Claims Tribunals (in the case of Family Court, only if the vacancy belongs to Civil Unit)
- Sheristadar of Sub Courts and Senior Superintendent
- Selection Grade Confidential Assistant / Personal Assistants to the Principal District Judges

Group B

- Junior Superintendent
- Bench Clerk Grade I / Central Nazir
- Head Clerk / Bench Clerk Grade II
- Senior Clerk / Deputy Nazir / Bench Clerk Grade III
- Tamil and Malayalam knowing Senior Clerk
- Kannada and Malayalam knowing Senior Clerk
- Kannada Translator
- Clerk / Protocol Officer
- Confidential Assistant Senior Grade
- Confidential Assistant Grade I
- Confidential Assistant Grade II
- Fair Copy Superintendent
- Selection Grade Typist
- Senior Grade Typist
- Upper Division Typist

- Lower Division Typist
- Selection Grade Typist (Kannada)
- Senior Grade Typist (Kannada)
- Upper Division Typist (Kannada)
- Lower Division Typist (Kannada)
- Driver / Driver-cum-Office Attendant (Selection Grade)
- Driver / Driver-cum-Office Attendant (Senior Grade)
- Driver / Driver-cum-Office Attendant Grade I

Group C

- Amin
- Process Server
- Court Keeper / Duffedar
- Office Attendant Grade I

Criminal Unit

Group A

- Sheristadar of Chief Judicial Magistrate's Courts
- Sheristadar of Family Court (if the vacancy belongs to Criminal Unit)
- Senior Superintendent
- Selection Grade Confidential Assistant

Group B

- Junior Superintendent
- Head Clerk / Bench Clerk Grade II
- Senior Clerk / Bench Clerk Grade III

- Tamil and Malayalam knowing Senior Clerk
- Kannada and Malayalam knowing Senior Clerk
- Kannada Translator
- Clerk
- Confidential Assistant Senior Grade
- Confidential Assistant Grade I
- Confidential Assistant Grade II
- Selection Grade Typist
- Senior Grade Typist
- Upper Division Typist
- Lower Division Typist
- Selection Grade Typist (Kannada)
- Senior Grade Typist (Kannada)
- Upper Division Typist (Kannada)
- Lower Division Typist (Kannada)
- Driver / Driver-cum-Office Attendant (Selection Grade)
- Driver / Driver-cum-Office Attendant (Senior Grade)
- Driver / Driver-cum-Office Attendant Grade I

Group C

- Office Attendant Grade I

Explanation.- Grouping of categories shall be in accordance with the Keralam Judicial Ministerial Service (Amendment) Rules, 2026 and the Keralam Judicial Subordinate Service Rules, 2026.

Provided that for the period commencing from 30.06.2016 up to the commencement of the aforesaid Amendment Rules, grouping shall be determined

in accordance with the rules in force during the relevant period, insofar as such grouping is consistent with the principle used in these rules.

10. Computation of Vacancies, Roster/Seniority Lists and Procedure for Filling Vacancies. -

1. Basis of Computation:

Reservation in promotion for Persons with Benchmark Disabilities (PwBDs) shall be computed with reference to the total number of vacancies to be filled by promotion arising in each Group referred to in these Rules, and not with reference to individual categories.

In every cycle of one hundred (100) vacancies arising in each Group for promotion, reservation in promotion for PwBDs shall be provided and operated strictly in accordance with the roster points, block system, retention and carry-forward provisions specified in this Rule.

The one hundred point roster shall be deemed to have commenced on the 30th day of June, 2016 and shall run continuously and uninterrupted, irrespective of the date of publication of these Rules.

The roster shall not be restarted at any stage on account of change in percentage of reservation or publication of these Rules.

2. Definition and Maintenance of the one hundred point roster:

For the purposes of this Rule, a “one hundred point roster” means a running cycle of one hundred successive vacancies to be filled by promotion in a Group, arranged serially from Point No. 1 to Point No. 100, and repeated continuously after completion of each cycle.

The Appointing Authority shall maintain, group-wise, a running one hundred point roster register indicating -

- a. the serial number of each vacancy in the cycle;
- b. whether the vacancy is a normal turn or reserved for PwBDs;
- c. category of benchmark disability;
- d. the manner in which each such vacancy has been filled; and

- e. whether shifted, retained or carried forward.

On completion of one cycle of one hundred vacancies, the roster shall recommence from Point No. 1 and continue in the same manner for subsequent vacancies, subject to the provisions relating to retention and carry forward contained herein.

3. Roster Points:

- a. For the period from 30.06.2016 to 18.04.2017

In every cycle of one hundred vacancies of promotion in each Group, reservation in promotion shall be provided at the following roster points -

1st vacancy – Blindness or Low Vision;

34th vacancy – Hearing Impairment;

67th vacancy – Locomotor Disability or Cerebral Palsy,

- b. With effect from 19.04.2017 onwards

In every cycle of one hundred vacancies of promotion in each Group, reservation in promotion shall be provided at the following roster points -

1st vacancy – Blindness and Low Vision;

26th vacancy – Deaf and Hard of Hearing;

51st vacancy – locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

76th vacancy –

- i. Autism, Intellectual Disability, Specific Learning Disability and Mental Illness; and
- ii. Multiple Disabilities from amongst persons under clauses (a) to (c), including deaf-blindness,

4. Structure of the 100-Point Cycle:

- a. For the period from 30.06.2016 to 18.04.2017

The cycle shall consist of three blocks -

First Block – Points 01 to 33;

Second Block – Points 34 to 66;

Third Block – Points 67 to 100.

b. With effect from 19.04.2017 onwards

The cycle shall consist of four blocks -

First Block – Points 01 to 25;

Second Block – Points 26 to 50;

Third Block – Points 51 to 75;

Fourth Block – Points 76 to 100.

5. Preferred Category of Each Block:

a. For the period from 30.06.2016 to 18.04.2017:

First Block – Blindness or Low Vision;

Second Block – Hearing Impairment;

Third Block – Locomotor Disability or Cerebral Palsy.

b. With effect from 19.04.2017 onwards

First Block – Blindness and Low Vision;

Second Block – Deaf and Hard of Hearing;

Third Block – locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

Fourth Block –

i. Autism, Intellectual Disability, Specific Learning Disability and Mental Illness; and

ii. Multiple Disabilities including deaf-blindness,

6. Transition from Three Per Cent to Four Per Cent:

Where the 100-point cycle was in progress as on 19.04.2017 -

- a. the cycle shall continue without interruption;
- b. roster points already utilised under the three per cent regime shall not be reopened or recalculated;
- c. the enhanced fourth reservation point shall operate prospectively at the next applicable roster point falling due within the running cycle after 19.04.2017;
- d. no retrospective insertion of additional roster points prior to 19.04.2017 shall be made.

7. Seniority Lists of PwBDs:

The Appointing Authority shall maintain separate seniority lists of eligible PwBD employees for each category of disability.

For the period from 30.06.2016 to 18.04.2017, a common seniority list shall be maintained and operated for Locomotor Disability or Cerebral Palsy.

With effect from 19.04.2017 onwards, a common seniority list shall be maintained and operated for -

Autism, Intellectual Disability, Specific Learning Disability and Mental Illness; and Multiple Disabilities including deaf-blindness.

Seniority shall be determined as follows in respect of entry into the relevant category in the respective unit:

- a. in the case of direct recruits, from the date of advice of the Kerala Public Service Commission / High Court of Kerala as the case may be;
- b. in the case of appointments under the compassionate employment scheme, appointment of outstanding sportspersons, or inter-departmental, inter-district or inter-unit transfers, from the date of joining duty in the unit;

- c. in the case of employees who acquire benchmark disability during service,⁴ from the date of issue of the Permanent Benchmark Disability Certificate certifying not less than forty per cent disability, for the purpose of inclusion in the PwBD seniority list of that category; and
- d. in all other cases -
 - i. in the case of members of the Subordinate Service, from the later of the following dates, namely -
 - i. the date of the proceedings of appointment; or
 - ii. the date of occurrence of the vacancy; and
 - ii. in the case of members of the State Service, from the date of assumption of charge in the respective category.

8. Filling of Reserved Roster Points:

The roster point earmarked in each block shall be filled by a PwBD candidate only if the post occurring at that point is identified as suitable for the relevant category of benchmark disability.

If the post occurring at the reserved roster point is not identified as suitable for that category, the reservation shall shift to the immediately succeeding vacancy within the same block which is identified as suitable for that category.

If no such vacancy exists within the block, the reserved vacancy shall be retained and reallocated in the subsequent block in accordance with the retention provisions contained in this Rule.

The original roster point so shifted shall be treated as a normal turn.

Once the reserved roster point allotted to a particular category of benchmark disability in a one hundred point cycle has been utilised, no further vacancy in that cycle shall be filled under reservation from that category.

9. Filling Where the Preferred Category Is Not Available:

Where no eligible employee is available in the preferred category of the block, the vacancy shall be filled by an eligible PwBD employee belonging to the next category in the prescribed order of preference for the relevant period.

Such sequential consideration shall continue until an eligible candidate is available or the block is exhausted.

10. Retention and Re-allocation Within the 100-Point Cycle:

A. For the period from 30.06.2016 to 18.04.2017 (Three Blocks)

If the reserved vacancy in the First Block remains unfilled, the 35th point in the Second Block shall be earmarked and reserved for the First Block and filled in accordance with the preferred category of the First Block.

If still unfilled, the 68th point in the Third Block shall be earmarked and reserved for the First Block.

If, in addition, the Second Block vacancy also remains unfilled, the 69th point in the Third Block shall be earmarked and reserved for the Second Block.

Where only one of the First or Second Block vacancies remains unfilled, the 68th point in the Third Block shall be earmarked and reserved for the Block whose vacancy remains unfilled.

The retained vacancies shall be filled in the Third Block strictly in accordance with the preferred category applicable to the originating Block.

B. With effect from 19.04.2017 onwards (Four Blocks)

If the reserved vacancy in the First Block remains unfilled, the 27th point in the Second Block shall be earmarked and reserved for the First Block.

If still unfilled, the 52nd point in the Third Block shall be earmarked and reserved for the First Block.

If, in addition, the Second Block vacancy also remains unfilled, the 53rd point in the Third Block shall be earmarked and reserved for the Second Block.

If only one of the First or Second Block vacancies remains unfilled, the 52nd point in the Third Block shall be earmarked for the Block whose vacancy remains unfilled.

If vacancies remain after operation of the Third Block -

- a. where only one Block remains unfilled, the 77th point in the Fourth Block shall be earmarked for that Block;
- b. where two Blocks remain unfilled, the 77th and 78th points shall be earmarked for those Blocks in order of occurrence;
- c. where three Blocks remain unfilled, the 77th, 78th and 79th points shall be earmarked for the First, Second and Third Blocks respectively.

Such retained vacancies shall be filled strictly in accordance with the preferred category applicable to the originating Block.

11. Filling After Exhaustion of the Cycle:

- a. If a reserved vacancy cannot be filled within the same 100-point cycle after applying the above provisions, it shall be filled by the next eligible person in the relevant PwBD seniority list, notwithstanding that such person may fall in a subsequent cycle.
- b. Only where the vacancy cannot be filled in the manner specified in clause (a) shall it be treated as an unfilled vacancy for the purpose of carry forward.

12. Carry Forward and Lapse

A reserved vacancy remaining unfilled shall be retained and carried forward for a period of one year from the completion of the relevant 100-point cycle.

Only the actual number of unfilled vacancies shall be carried forward.

During the retention period, such vacancies shall be filled before operating reserved vacancies in the succeeding cycle.

If no eligible PwBD candidate is available within one year, the vacancy shall lapse and be filled as a normal turn.

For this purpose, the date of arising of such vacancy shall be deemed to be the date of expiry of the one-year retention period.

13. Notification of Vacancies

In every promotion exercise, the Appointing Authority shall notify -

- a. the number of vacancies reserved for PwBDs under the current cycle; and
- b. the number of vacancies retained and carried forward,

so as to ensure transparency and adequate notice to all eligible persons.

11. Reservation in Categories Identified for Limited Categories of Benchmark Disabilities. -

Where a category of post is identified as suitable only for one or more specific categories of benchmark disability, reservation in promotion in respect of such category shall be confined exclusively to persons belonging to the category or categories of benchmark disability for which the post has been identified.

Where, in respect of such a post, a vacancy reserved for Persons with Benchmark Disabilities arises at a roster point or within a block earmarked for a category of benchmark disability for which the post is not identified as suitable, such vacancy shall be filled by an eligible Person with Benchmark Disability belonging to a category for which the post has been identified, notwithstanding the block preference applicable to that roster point.

Provided that such filling shall be treated as utilisation of the reserved roster point of the relevant identified category within the corresponding one hundred point roster cycle.

Provided further that where a Person with Benchmark Disability belonging to a particular identified category has been promoted against a vacancy under this Rule within a one hundred point roster cycle, such promotion shall be deemed to have satisfied the reserved roster entitlement of that category for that cycle, and no further reserved roster point within the same one hundred point cycle shall thereafter be filled by a person belonging to that category.

Provided also that no category of benchmark disability shall be considered for filling a vacancy under this Rule if its reserved roster entitlement in the corresponding one hundred point cycle has already been utilised.

Nothing contained in this Rule shall be construed as permitting filling of a reserved vacancy by a category of benchmark disability for which the post has not been identified

as suitable, or as altering the overall percentage of reservation or the structure and operation of the one hundred point roster prescribed under these Rules.

12. Promotion of Persons with Benchmark Disabilities Against Unreserved Vacancies. -

1. Where, in a promotion process, a Person with Benchmark Disability is otherwise eligible in accordance with the applicable Service Rules, such person shall be considered for promotion against any unreserved vacancy, and no such person shall be denied promotion merely on the ground that the vacancy is not earmarked or reserved for Persons with Benchmark Disabilities.
2. Promotion of a Person with Benchmark Disability against an unreserved vacancy shall be treated as a normal turn of promotion and shall not be adjusted against, or counted towards, the reservation provided for Persons with Benchmark Disabilities under these Rules.
3. Vacancies reserved for Persons with Benchmark Disabilities shall be filled separately from among eligible Persons with Benchmark Disabilities strictly in accordance with the applicable one hundred point roster, block system and other provisions contained in these Rules.

13. No Stepping Up of Pay or Notional Promotion and Regulation of Seniority in PwBD Promotions. -

Where a Person with Benchmark Disability, who was junior in the seniority list of the feeder category, is promoted under reservation in accordance with these Rules, no employee senior to such person in the feeder category shall be entitled to stepping up of pay or pay scale solely on account of such promotion, even if such senior employee is subsequently promoted to the same category.

Except as expressly provided under the transitional provisions relating to notional promotion with effect from 30th June 2016, promotion under reservation shall not confer any retrospective monetary benefit, and pay and allowances shall be admissible only from the date of actual assumption of charge of the promoted post.

14. Reservation in Promotion to Persons with Benchmark Disabilities on Notional Basis for the Period from 30.06.2016 up to the Date of Publication of these Rules in the Official Gazette. -

1. The realignment of promotions under this Rule shall be carried out in a manner that is proportionate and minimally intrusive.
2. Persons with Benchmark Disabilities (PwBDs) serving in posts of the Keralam Judicial Ministerial Service and the Keralam Judicial Subordinate Service shall be considered for reservation in promotion on a notional basis for the period commencing from the 30th day of June, 2016 and ending on the date of publication of these Rules in the Official Gazette, subject to fulfilment of the prescribed eligibility conditions.
3. The determination of entitlement to notional promotion under this Rule shall be made strictly in accordance with the grouping of categories, computation of vacancies, continuous one hundred point roster operation, block system, retention and carry forward provisions contained in these Rules, as if such provisions had been in force on the date of occurrence of the respective vacancies.
4. For the purpose of giving full effect to reservation in promotion during the aforesaid period, all promotions effected between the 30th day of June, 2016 and the date of publication of these Rules shall be reviewed and realigned in accordance with the continuous one hundred point roster deemed to have commenced on 30.06.2016.
5. Where, upon such realignment, it is found that a vacancy earmarked for Persons with Benchmark Disabilities under the applicable roster had arisen and was filled otherwise, and such roster point was not occupied by a PwBD belonging to the category for which the roster point was reserved, the eligible PwBD employee shall be granted promotion with effect from the date of occurrence of such vacancy on a notional basis, by creation of a supernumerary post in the category concerned.
6. Promotion granted under sub-rule (5) shall be deemed to constitute utilisation of the relevant roster point in the corresponding 100-point cycle for all purposes under these Rules.
7. Creation of supernumerary posts under this Rule shall be treated as a transitional adjustment mechanism and shall not be construed as increasing the percentage of reservation in the cadre beyond that prescribed under these Rules.

8. The creation of such supernumerary posts for the transitional period shall not, prior to the date of publication of these Rules, disturb or invalidate promotions or seniority already granted to any other employee.
9. Where a PwBD employee becomes eligible and suitable for promotion from a date subsequent to the 30th day of June, 2016, the benefit under this Rule shall be admissible only from the date on which such employee becomes so eligible.
10. Where a PwBD employee becomes entitled to consideration for promotion to more than one successive higher level during the said period, the benefit of reservation in promotion may be extended notionally level by level, subject to independent satisfaction of roster position, vacancy computation and fulfilment of the prescribed eligibility conditions applicable to each such level.
11. Promotions granted under this Rule shall be purely notional up to the date of actual assumption of charge of the promoted post.
12. Monetary benefits shall accrue only from the date of actual assumption of charge of the promoted post, and no arrears of pay or allowances shall be admissible for the period between the date of notional promotion and the date of such assumption.
13. No employee shall be subjected to recovery of pay, allowances, pensionary benefits, or other monetary benefits already drawn solely by reason of realignment under this Rule.
14. In the case of employees governed by the Contributory Pension Scheme, the employee's contribution and the corresponding employer's contribution, calculated on the pay that would have been admissible in the promoted post for the notional period, together with applicable interest, shall be credited to the employee's Contributory Pension Scheme account:

Provided that such credit shall not be construed as grant of arrears of pay or as actual drawal of pay for any purpose other than regulation of pensionary benefits under the Contributory Pension Scheme, and shall not be treated as pay drawn for the purpose of increments, leave salary or any other service benefit.

15. Notwithstanding anything contained in Rule 10 or any other provision of these Rules, the lapse or retention provisions contained in the roster rule shall not

operate so as to defeat realignment of vacancies for the transitional period covered under this Rule.

16. The Appointing Authority shall ascertain the requirement of supernumerary posts for the establishments under its control and shall submit a consolidated proposal to the Liaison Officer with certification that the proposal comprehensively covers the entire establishment; piecemeal proposals shall not be entertained.
17. The Liaison Officer shall scrutinise the proposal and forward the same to the Finance Department for approval.
18. No promotion granted in deviation of the statutory reservation mandate shall confer an indefeasible right to continue in such post.
19. Upon publication of these Rules, the cadre position shall be regularised strictly in accordance with the recomputed continuous roster position, and where necessary, reversion of employees shall be effected prospectively from the date of publication of these rules for the limited purpose of accommodating Persons with Benchmark Disabilities in appropriate regular vacancies.
20. Before issuing any order of reversion pursuant to realignment under this Rule, the affected employee shall be afforded an opportunity of being heard.
21. Any order of reversion or realignment shall be issued only by a reasoned and speaking order indicating the roster computation and statutory basis.
22. Any such reversion shall take effect only from the date of publication of these Rules.
23. All supernumerary posts created under this Rule shall stand abolished upon adjustment of cadre position in accordance with sub-rule (19), and in any case with effect from the date of publication of these Rules.
24. If the one hundred point roster cycle is incomplete on the date of publication of these Rules, such cycle shall continue uninterrupted from the point at which it stood on that date and shall not be restarted or recomputed afresh.
25. Nothing contained in this Rule shall adversely affect any PwBD employee who has already been granted reservation in promotion in personam pursuant to any judgment or order of a Court of law.

26. The transitional realignment exercise under this Rule shall be completed within six months from the date of publication of these Rules.

15. Certificate of Disability and its Verification. -

1. Any person seeking to avail the benefit of reservation in recruitment or promotion or any other service benefit under these Rules on the ground of Benchmark Disability shall produce a valid Benchmark Disability Certificate issued by the competent authority in accordance with the Rights of Persons with Disabilities Act, 2016 and the rules, notifications and Government Orders issued thereunder.
2. The Benchmark Disability Certificate so produced shall be subject to verification or re-verification by the Appointing Authority at any stage of recruitment, promotion or during service.
3. Where the Appointing Authority has reason to doubt the genuineness, correctness or continued validity of a Benchmark Disability Certificate, or considers such verification necessary in the public interest, it may require the candidate or employee to appear before a Medical Board competent to assess and certify Benchmark Disabilities under the Rights of Persons with Disabilities Act, 2016.
4. The certificate or opinion issued by such Medical Board shall, subject to any statutory right of appeal available under law, be binding for the purposes of these Rules.
5. Where it is found that a Benchmark Disability Certificate is false, fabricated, materially incorrect, or has been obtained by fraud, wilful misrepresentation or suppression of material facts, or where the Medical Board certifies that the candidate or employee does not possess a Benchmark Disability entitling him or her to the benefit claimed under these Rules, -
 - a. the appointment, promotion or other service benefit obtained on the basis thereof shall be liable to cancellation;
 - b. where the appointment was made by direct recruitment against a vacancy reserved for Persons with Benchmark Disabilities, the appointment shall be liable to termination in accordance with law;

- c. where the employee acquired Benchmark Disability during service and obtained promotion or any other service benefit on that basis, such promotion or service benefit shall be liable to cancellation;
- d. disciplinary proceedings may be initiated under the applicable service rules;
- e. civil or criminal proceedings may be initiated in accordance with law; and
- f. all undue monetary or service benefits obtained by reason thereof shall be liable to recovery in accordance with the applicable rules.

Provided that no action under this sub-rule shall be taken without affording the person concerned a reasonable opportunity of being heard.

6. Any employee or officer who knowingly suppresses material information or acts in collusion in matters relating to the wrongful availing of reservation or any other benefit under these Rules shall be liable to disciplinary action under the applicable service rules.
7. Nothing contained in this Rule shall prejudice the rights of persons possessing genuine and duly certified Benchmark Disabilities in accordance with the Rights of Persons with Disabilities Act, 2016.

16. Protection of Service, Functional Accommodation and Supernumerary Adjustment of Persons with Benchmark Disabilities. -

1. In accordance with Section 20(3) of the Rights of Persons with Disabilities Act, 2016, no employee shall be denied promotion solely on the ground of disability.
2. In accordance with Section 20(4) of the Act, no employee who acquires a disability during the course of service shall be dispensed with or reduced in rank on that ground.
3. This Rule shall apply to -
 - a. employees appointed under the reservation quota for Persons with Benchmark Disabilities; and
 - b. employees who acquire Benchmark Disability during the course of service.

4. Where an employee who is a Person with Benchmark Disability is, upon objective assessment by a duly constituted Medical Board or the competent authority, found to be functionally unsuitable for discharge of the duties attached to the post held by him or her, such employee shall not be terminated, discharged or reduced in rank solely on account of such disability.
5. The employee shall, as far as practicable, be shifted to another suitable post carrying the same pay scale and service benefits.
6. Where no suitable post is immediately available, the Appointing Authority may create a supernumerary post, personal to the employee, carrying the same scale of pay, status and service benefits as the post held by the employee.
7. The supernumerary post so created shall not form part of the permanent cadre strength and shall not be taken into account for determining the sanctioned strength of the establishment. The vacancy in the regular cadre rendered available by such placement may be filled in accordance with the applicable recruitment or promotion rules.
8. An employee accommodated in a supernumerary post shall continue to be entitled to all service benefits, including increments, pay revisions, time-bound grades and consideration for promotion in accordance with the applicable rules.
9. Where such employee becomes eligible for promotion and is otherwise found fit, promotion shall be granted in accordance with the applicable rules and roster provisions, and where necessary, a higher supernumerary post may be created personal to such employee by surrendering the lower supernumerary post, without disturbing the cadre structure.
10. Where any other suitable post consistent with the employee's functional capacity is identified, the employee may be assigned duties of such post while continuing to hold the supernumerary post in his or her original category, without any curtailment of pay, seniority, status or promotional prospects.
11. Where disability renders the employee unable to attend office physically, the Appointing Authority shall, subject to administrative feasibility and functional requirements, provide reasonable accommodation including work-from-home facility or other alternative work arrangements.

12. Placement in a supernumerary post under this Rule shall not be treated as a penalty and shall not adversely affect seniority or promotional prospects otherwise admissible.

13. Every supernumerary post created under this Rule shall stand abolished upon the earliest of the following events -

- a. adjustment against a suitable regular vacancy;
- b. retirement;
- c. resignation;
- d. further promotion to a regular vacancy; or
- e. cessation of service for any other reason.

14. The Appointing Authority shall, in every case where a supernumerary post is proposed, prepare a detailed proposal indicating the justification, medical assessment, scale of pay involved and financial implications, and forward the same through the Liaison Officer to the Finance Department for concurrence and approval. No supernumerary post shall be created without such approval.

15. Supernumerary posts created under this Rule shall be temporary in nature and shall stand abolished immediately upon adjustment of the roster position, and shall not result in permanent expansion of cadre strength.

17. Exemption from Reservation in Recruitment and Promotion. -

Where, having regard to the nature of duties and functional requirements of any category of posts, it is considered necessary to seek exemption from the provisions relating to reservation in recruitment or promotion for Persons with Benchmark Disabilities, such exemption shall be obtained strictly in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016 and the rules, notifications and Government Orders issued thereunder by the appropriate Government.

No category of posts shall be treated as exempt unless such exemption is expressly notified in accordance with law.

18. Guidelines for Providing Suitable Posting and Reasonable Accommodation for Persons with Benchmark Disabilities. -

1. The Appointing Authority shall, having due regard to the nature of duties and functional requirements of the establishment, ensure that Persons with Benchmark Disabilities are provided suitable posting and reasonable accommodation consistent with their functional capacity.
2. The posting, assignment of duties and continuation of a Person with Benchmark Disability in any post shall be determined on a case-by-case basis, based on objective assessment of the individual's functional capacity, aptitude and suitability, and in consultation with the employee concerned, wherever necessary.
3. Subject to sub-rule (2), a Person with Benchmark Disability shall, as far as practicable, be posted to and allowed to continue in duties or posts which he or she is capable of performing efficiently.
4. Where a Person with Benchmark Disability is capable of performing all the duties attached to a post or is able to efficiently discharge multiple assignments, no restriction or confinement to limited duties shall be imposed solely on the ground of disability.
5. Nothing contained in this Rule shall prevent the application of the provisions relating to supernumerary adjustment in cases of functional unsuitability as provided in these Rules.

19. Exemption from Transfer and Preference in Posting in respect of Persons with Benchmark Disabilities. -

1. As far as practicable and subject to administrative exigencies, Persons with Benchmark Disabilities shall ordinarily be exempted from routine transfers, including transfers under the general transfer policy, and shall be permitted to continue in the same post or station where they have demonstrated satisfactory performance.
2. Subject to the requirements of service, preference in the matter of place of posting at the time of transfer or promotion may be accorded to Persons with Benchmark Disabilities, having due regard to their disability, functional capacity and personal circumstances.
3. Before effecting any transfer or posting on promotion of a Person with Benchmark Disability, the choice of place of posting of such person shall, as far

as practicable, be ascertained and due consideration shall be given to the same; however, such preference shall not be binding where administrative necessity requires otherwise.

4. To the extent feasible, such employees shall be retained in posts or establishments where their services can be optimally utilised in light of their disability and functional capacity.

20. Exemption from Transfer in respect of an Employee who is a Caregiver of a Person with Benchmark Disability. -

1. An employee who is a caregiver to a dependent daughter, son, parent, spouse, brother or sister, who is a Person with Benchmark Disability having High Support Needs, as certified by the competent authority under the Rights of Persons with Disabilities Act, 2016 and the rules and orders issued thereunder, may, as far as practicable and subject to administrative exigencies, be exempted from routine transfers.
2. For the purposes of this Rule, the dependent shall be one who is wholly or substantially dependent on the employee for care and support.
3. The claim for such exemption shall be supported by a valid Benchmark Disability Certificate in respect of the dependent and by such proof of dependency and caregiving as may be required by the Appointing Authority.
4. Before effecting any transfer of such employee, the choice of place of posting shall, as far as practicable, be ascertained and due consideration shall be given thereto; however, such preference shall not be binding where administrative necessity requires otherwise.
5. Exemption granted under this Rule shall be subject to periodic review or upon change in the status of disability or dependency.

21. Maintenance of Register of Complaints and Grievance Redressal. -

1. Every Appointing Authority shall designate a senior officer of the respective District Judiciary as the Grievance Redressal Officer for matters concerning Persons with Benchmark Disabilities (PwBDs) under these Rules.

2. The Grievance Redressal Officer shall maintain a register of complaints filed under these Rules, containing the following particulars, namely: -
 - a. date of complaint;
 - b. name and designation of the complainant;
 - c. name of the establishment or person against whom the complaint is made;
 - d. gist of the complaint;
 - e. action taken;
 - f. date of disposal; and
 - g. such other particulars as may be considered necessary.
3. Any person aggrieved by discrimination in promotion, denial of benefits, or any matter relating to implementation of these Rules may submit a complaint before the Grievance Redressal Officer.
4. Every complaint shall be inquired into and disposed of, as far as practicable, within a period of two months from the date of registration, and the decision taken or action initiated shall be communicated to the complainant.
5. Any person aggrieved by the decision of the Grievance Redressal Officer may prefer an appeal, within thirty days from the date of receipt of such decision, before the Committee designated by the High Court for this purpose.
6. The Committee shall dispose of the appeal, after affording opportunity of hearing, within such time as may be practicable, and shall communicate its decision to the appellant.
7. Any person aggrieved by the appellate decision may apply for review before the same Committee within thirty days from the date of receipt of the appellate decision, on the ground of error apparent on the face of the record or discovery of new and material evidence which could not be produced earlier despite due diligence.
8. The decision taken in review shall be final for the purposes of departmental remedies under these Rules.

9. Nothing contained in this Rule shall prejudice the right of any person to seek remedy under the Rights of Persons with Disabilities Act, 2016 or any other law for the time being in force.

22. Liaison Officer for Persons with Benchmark Disabilities. -

1. The Head of Department shall designate a senior officer of the High Court as the Liaison Officer for matters relating to reservation in recruitment and promotion and other service benefits of Persons with Benchmark Disabilities (PwBDs) under these Rules.
2. The Liaison Officer shall be responsible for -
 - a. monitoring the proper maintenance and operation of group-wise rosters;
 - b. scrutinising proposals relating to creation of supernumerary posts under these Rules before submission to the Finance Department;
 - c. reviewing implementation of reservation in recruitment and promotion;
 - d. examining cases of carry forward and backlog, if any;
 - e. ensuring compliance with the Rights of Persons with Disabilities Act, 2016, these Rules, and instructions issued by the High Court from time to time; and
 - f. consolidating and forwarding reports relating to representation of PwBDs in the services to the competent authority.
3. The Liaison Officer may call for records or information from any Appointing Authority for the purpose of discharging functions under these Rules.
4. The Liaison Officer shall not exercise appellate or disciplinary jurisdiction under these Rules unless specifically authorised.

23. Annual Reports on Representation of Persons with Benchmark Disabilities. -

1. Every Appointing Authority shall, in respect of the posts and services under its control, publish annually, as on the 1st day of January of every year, data relating to -
 - a. direct recruitment, other than recruitment made through the Kerala Public Service Commission;

- b. promotion;
 - c. the representation of each category of benchmark disability in the respective Groups constituted under these Rules; and
 - d. backlog, carry-forward or retained vacancies, if any.
2. Such data shall be published on the official website of the respective District establishment.
 3. A copy of the report shall simultaneously be forwarded to the High Court through the Liaison Officer.
 4. The first such report shall be published and forwarded within six months from the date of publication of these Rules in the Official Gazette.

24. Validation and Savings. -

1. Any supernumerary post created on or after the 30th day of June, 2016, in implementation of the principles subsequently embodied in these Rules and in conformity with the law declared by the Hon'ble Supreme Court of India, shall be deemed to have been validly created.
2. Nothing contained in these Rules shall invalidate or reopen -
 - a. any disciplinary proceedings initiated prior to the date of publication of these Rules;
 - b. any action taken or concluded prior to such date,and all such proceedings and actions shall be governed by the rules in force at the relevant time.
3. Save as expressly provided herein, nothing contained in these Rules shall be construed as altering the fundamental cadre structure of the respective services.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into force with effect from the 1st day of January, 1996, providing, inter alia, for reservation in public employment for persons with disabilities. The said Act was repealed upon the coming into force of the Rights of Persons with Disabilities Act, 2016 on the 19th day of April, 2017, which strengthened and expanded the statutory framework relating to

the rights, safeguards and entitlements of persons with disabilities, including reservation in appointments and promotions.

The Hon'ble Supreme Court of India, in its judgment dated the 30th day of June, 2016 in *Rajiv Kumar Gupta v. Union of India* (W.P.(C) No. 521 of 2008), directed the appropriate Governments to give full effect to the provisions of the 1995 Act, including reservation in promotion for persons with disabilities. The said legal position was reaffirmed and clarified in *Siddaraju v. State of Karnataka* (Civil Appeal No. 1567 of 2017, decided on 14-15 January, 2020), wherein the Hon'ble Supreme Court held that persons with disabilities are entitled to reservation in promotion in public services. Subsequently, in *Leesamma Joseph v. State of Kerala* (Civil Appeal No. 59 of 2021, decided on 28 June, 2021), the Hon'ble Supreme Court directed the State of Kerala to implement the law declared in the aforesaid judgments and to ensure effective compliance.

In compliance with the aforesaid judicial pronouncements and in furtherance of Sections 20 and 34 of the Rights of Persons with Disabilities Act, 2016, the Government, by G.O.(P) No.16/2025/P&ARD dated 28.11.2025, inserted Rule 28B in the Kerala State and Subordinate Services Rules, 1958, providing the statutory framework for reservation in promotion in respect of identified posts for Persons with Benchmark Disabilities and contemplating the incorporation of detailed provisions in the Special Rules governing the respective services for its implementation.

The Government had earlier, by G.O.(P) No.40/2013/SJD dated 18.05.2013, exercising the powers conferred under Rule 39 of Part II of the Kerala State and Subordinate Services Rules, 1958, ordered the creation of supernumerary posts for granting re-appointment / regular appointment to persons with disabilities who had been temporarily appointed through Employment Exchanges under Rule 9(a)(i) of Part II of the Kerala State and Subordinate Services Rules, 1958 during the period from the 16th day of August, 1999 to the 31st day of December, 2003 and had completed 179 days of service. Subsequently, G.O.(P) No.63/2013/SJD dated 07.08.2013 prescribed guidelines for implementation of the said Government Order, whereby clauses 5 and 6 imposed restrictions affecting the service benefits of such employees. The validity of the said clauses was challenged before the High Court of Kerala in W.P.(C) No.9832 of 2016, wherein, by judgment dated the 13th day of September, 2017, the learned Single Judge set aside the said clauses. The said judgment was subsequently reversed by a Division Bench of the High Court in W.A. No.2633 of 2017 and connected cases by judgment dated the 1st day of February, 2021. The Hon'ble Supreme Court, by judgment dated the 23rd

day of May, 2025 in Civil Appeal Nos.14915, 14916 and 14919 of 2024, allowed the appeals, set aside the judgment of the Division Bench and restored the judgment of the learned Single Judge, thereby restoring the legal position that employees appointed against such supernumerary posts are entitled to continuity of service and the consequential service benefits in accordance with law.

These Rules are accordingly framed in furtherance of Rule 28B of the Kerala State and Subordinate Services Rules, 1958 and form part of the Special Rules governing the Keralam Judicial Ministerial Service and the Keralam Judicial Subordinate Service. The Rules provide a comprehensive and self-contained statutory framework governing the rights and service benefits of Persons with Benchmark Disabilities in the District Judiciary, including reservation in promotion, identification and grouping of categories of posts, computation of vacancies, operation of the one hundred-point roster, retention and carry forward of unfilled vacancies, maintenance of disability-wise seniority lists, verification of Benchmark Disability Certificates, protection of employees acquiring disability during service, creation and regulation of supernumerary posts, reasonable accommodation, posting and transfer guidelines, protection to caregivers, grievance redressal, monitoring, reporting and other matters incidental thereto.

The Rules further provide transitional arrangements for implementing reservation in promotion with effect from the 30th day of June, 2016, being the date on which the Hon'ble Supreme Court in *Rajiv Kumar Gupta v. Union of India* declared that reservation in promotion for persons with disabilities is enforceable in public services. As implementation of reservation in promotion from the said date would otherwise disturb promotions already effected and the existing cadre structure, the Rules adopt a mechanism of notional promotion and creation of supernumerary posts, wherever necessary, so as to give full effect to the statutory mandate while preserving the settled cadre structure and administrative continuity. Provision has also been made to regulate, to the extent applicable, the service conditions, service benefits and continuance of employees appointed against supernumerary posts created pursuant to G.O.(P) No.40/2013/SJD dated 18.05.2013, in conformity with the law declared by the Hon'ble Supreme Court.

These Rules are therefore intended to operationalise the statutory and constitutional rights of Persons with Benchmark Disabilities within the District Judiciary by prescribing a comprehensive framework governing reservation in promotion and other service benefits, in conformity with the Rights of Persons with Disabilities Act, 2016, Rule 28B of the Kerala State and Subordinate Services Rules, 1958, and the binding judgments of the Hon'ble Supreme Court of India, thereby ensuring effective and uniform implementation of the law while securing

equality of opportunity in matters of public employment under Articles 14, 16 and 21 of the Constitution of India and preserving administrative stability and institutional integrity.



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