

**GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)**

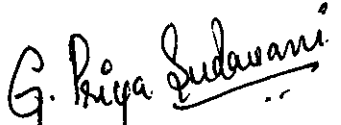
No.F(E)III/2008/PN1/12

New Delhi, Dated: 23.03.2018

**The GMs/Principal Financial Advisers,
All Zonal Railways/Production Units etc.,
(As per mailing list)**

Sub: Retirement of Government Servant under Central Civil Services (Pension) Rules, 1972 and Central Civil Services (Extraordinary Pension) Rules-applicability of provisions of "Persons with Disabilities (Equal opportunities, protection and rights and full participation) Act, 1995".

A copy of Department of Pension & Pensioners' Welfare (DOP&PW)'s O.M. 21/1/16-P&PW(F) dated 30th September, 2016 on the above subject is enclosed for information and compliance. These instructions shall apply mutatis mutandis on the Railways also. Rule 38, 48 & 48-A of the Central Civil Services (Pension) Rules, 1972, correspond to Rule 55, 66 & 67 of the Railway Services (Pension) Rules, 1993 respectively and Civil Services (Extraordinary Pension) Rules, 1939 correspond to Railway Services (Extraordinary Pension) Rules, 1993. Department of Personnel & Training's O.Ms No. 18017/1/2014-Estt.(L) dated 25.02.2015 and No. 25012/1/2015-Estt.(A-IV) dated 19.05.2015 referred to in the enclosed O.M. dated 30.09.2016, have been adopted on Railways vide this office's letter No. E(P&A)I-2017/CPC/LE-5 dated 30.08.2017.



(G. Priya Sudarsani)

**Joint Director, Finance (Estt.),
Railway Board.**

D.A.: as above

No.F(E)III/2008/PN1/12

New Delhi, Dated : 23.03.2018

Copy to Deputy Comptroller and Auditor General of India (Railways), Room No.222, Rail Bhawan, New Delhi (20 spares).



For Financial Commissioner/Railway.

1. The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi (with 20 spares)
2. The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi (with 20 spares)
3. The Members of the National Council, Departmental Council and Secretary Staff Side, National Council, 13-c, Feroze Shah Road, New Delhi (with 30 spares).
4. The Secretary General, FROA, Room No. 256-A, Rail Bhawan, New Delhi.
5. The Secretary, RBSS, Group "A" Officers Association, Room No. 402, Rail Bhawan.
6. The Secretary, RBSS Group "B" Officers' Association.
7. The General Secretary, RBSSSA, Room No. 439, Rail Bhawan, New Delhi.
8. The Secretary General, IRPOF, Room No. 268, Rail Bhawan, New Delhi.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV Staff Association.
11. The Secretary General, All India RPF Association, Room No. 256-D, Rail Bhawan, New Delhi -110 001.
12. The Secretary, Railway Board Promotee Officers Association, Room No. 341-C, Rail Bhawan, New Delhi.
13. The General Secretary, All India SC/ST Railway Employees Association, Room No. 7, Ground Floor, Rail Bhawan, New Delhi.
14. The General Secretary, All India O.B.C. Railway Employee's Federation (AIOBCREF), Room No. 48, Rail Bhawan.



For Secretary/Railway Board.

No.F(E)III/2008/PN1/12

New Delhi, Dated : 23.03.2018

Copy to:

PS to MR, EDPG to MR, PS to MoS(S), EDPG to MoS(S), ED(Innovation) to MoS(S), PS to MoS(G) and EDPG to MoS(G).

PSOs/Sr. PPSs/PPSs/PSs to Chairman, Railway Board, Financial Commissioner (Railways), Member Traffic, Member Engineering, Member Staff, Member Rolling Stock, Member Traction, Secretary, Railway Board.

DG(RHS), DG(RPF), DG/Pers., DG/S&T, DG/RS.

All Additional Members, Advisers, All Executive Directors, IG/RPSF, JS, JS(G), JS(E), JS(E)-II, JS(G)-II/ Railway Board.

Copy to:-

1. The Director General and Ex. officio General Manager, RDSO/Lucknow.
2. The General Manager and FA&CAO, Metro Railway/Kolkata.
3. The Director General, National Academy of Indian Railways (NAIR)/Vadodara.
4. The General Manager, Modern Coach Factory, Lalganj, Raebareli, U.P.- 229120.
5. The Director, IRICEN/Pune, IRIEN/Nasik Road, IRIMEE/Jamapur, IRISSET/ Secunderabad.
6. The CMDs, IRCON, IRFC, MRVC, IRC&TC, CONCOR, RITES, KRCL, RVNL, RAILTEL and the Managing Director, CRIS, IRWO.

7. The Chairman, RCC, Lok Sabha Secretariat/New Delhi.
8. The Chairman, RCT/Delhi.
9. The Chairman, RRT, Chennai.
10. The Chairman, RRB/Ajmer, Ahmedabad, Allahabad, Bangalore, Bhopal, Bhubaneswar, Chandigarh, Chennai, Kolkata, Jammu, Gorakhpur, Guwahati, Malda, Mumbai, Muzaffarpur, Patna, Ranchi, Secunderabad, and Trivandrum.
11. The Pay & Accounts Officer, Ministry of Railways(Railway Board).
12. The Chief Commissioner of Railway Safety/Lucknow. .
13. The Vice Chairman, Rail Land Development Authority, Near Safdarjung Railway Station, Motibagh-1, New Delhi - 110021. Email: mgtrd@rlda.in.
14. The CAO, Indian Railway Organisation for Alternate Fuels, 12th Floor, Core-I, Scope Minar, District Centre, Laxmi Nagar, Delhi-92.
15. Shri V.K. Sthanunathan, National President, National Federation of Railway Pensioners, 36, Venkatanarayana Road, T. Nagar, Chennai-600 017.
16. B. Jayajaya Rao, President, All India Retired Railway Officer's Association, 12-13-268 (505)New, Street-2, Lane 9, Tamaka, Secunderabad-500 017.
17. The General Secretary, All India Federation of Pensioners Association, T.P.M Hall,22, Kavirai Street, Saidapet West, Chennai-600 015.
18. The Secretary General, National Federation of Railway Pensioners' Organization, 825, Supertech Residency, Sector-5, Plot No. 6A, Ghaziabad-201010.

(Copy to Department of Pension and Pensioners' Welfare (DOP&PW) w.r.t their O.M. No. 21/1/16-P&PW(F) dated 30.09.2016)

No. 21/1/16-P&PW (F)
Government of India
Ministry of Personnel, PG & Pensions
Department of Pension & Pensioners' Welfare
3rd Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110 003
Dated the 30th September, 2016

OFFICE MEMORANDUM

Sub :- Retirement of Government Servant under Central Civil Service (Pension) Rules, 1972 and Central Civil Services (Extraordinary Pension) Rules – applicability of provisions of “Persons with Disabilities (Equal opportunities, protection and rights and full participation) Act, 1995”.

The undersigned is directed to say that Section 47 of the Persons with Disabilities (Equal opportunities, protection and rights and full participation) Act, 1995 (PWD Act, 1995) provides as under :-

“Non-discrimination in Government 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”.

2. Department of Personnel & Training have, vide their OM No.18017/1/2014-Estt(L) dated 25.02.2015 and O.M. No. 25012/1/2015 – Estt (A-IV) dated 19.05.2015, issued instructions in pursuance of the above provisions of the PWD Act, 1995 in respect of the Government employees seeking retirement, on medical grounds, under the CCS(Pension) Rules. The instructions inter alia provide that whenever a Government servant seeks retirement under Rule 38 or Rule 48/48(A) of Central Civil Services (Pension) Rules citing medical grounds, or when the notice has been submitted due to a disability, the administrative authorities shall examine as to whether the case is covered under section 47 of the PWD Act, 1995. In case the provisions of the Act are applicable, the Government servant shall be advised that he/she has option of continue in service with the same pay scale and service benefits.

In case a disabled Government servant re-considers his decision and withdraws the notice for voluntary retirement, his case shall be dealt with under the provision of Section 47 of the Act read with the Department of Personnel and Training's OM dated 25.2.2015. If, however, in spite of being so advised, such Government servant still wishes to take voluntary retirement, the request may be processed as per the applicable Rules. A copy each of DoPT's OM dated 25.2.2015 and dated 19.5.2015 is enclosed.

3. Further, in accordance with the Central Civil Services (Extraordinary Pension) Rules disability pension is admissible to a Government servant if he is boarded out on account of disability due to wound, injury or disease which is attributable to Government service. The provisions of the Central Civil Services (Extraordinary Pension) Rules have been examined in the light of provisions of Section 47 of the PWD Act, 1995 and the instructions contained in DoP&T's OM dated 19.5.2015 referred to above. It is clarified that the provisions of the PWD Act and the instructions issued by DoP&T in this regard would also be applicable to Government servants covered by the provisions of Central Civil Services (Extraordinary Pension) Rules.

4. Accordingly, in all cases where a Government servant acquires disability on account of a wound, injury or disease attributable to Government service, administrative authorities shall examine as to whether the case is covered under Section 47 of the Persons with Disabilities (Equal opportunities, protection and rights and full participation) Act, 1995 (PWD Act, 1995). In case the provision are applicable, the Government servant shall be advised that he/she has the option of continuing in service with the same pay scale and service benefits. In case a disabled Government servant wishes to continue in service, his case shall be dealt with under the provision of Section 47 of PWD Act read with the Department of Personnel and Training's OM dated 19.5.2015. In case, however, the Government servant still wishes to retire, the request may be processed as per the provisions of Central Civil Services (Extraordinary Pension)) Rules.

5. All Ministries and Departments are requested to keep the above in view of while processing cases of requests for retirement under CCS (Pension) Rules or CCS (EoP) Rules.


(Vandana Sharma)

Additional Secretary to the Government of India

To

The Secretaries,
All Ministries/Departments of the Government of India

Copy to:

1. Comptroller & Auditor General of India, New Delhi
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.