

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

No. E(NG)I-2019/TR/1

New Delhi, dated : 30/01/2019

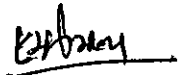
The General Managers (P),
All Indian Railways and Production Units
(As per standard list).

Sub :-Exemption from the routine exercise of transfer/rotational transfer.

Reference is invited to Department of Personnel & Training's OM's Nos. 42011/3/2014-Estt (Res) dated 06.06.2014 and dated 17.11.2014 circulated under Board's letters No. E(NG)I-2014/TR/12 dated 01.08.2014 and 10.12.2014 respectively. DOP&T have now further widened the scope of the term "disability" in the context of the subject matter, vide their OM of even number dated 08.10.2018 (copy enclosed). These instructions will be applicable mutatis-mutandis to Railway Servants.

Please acknowledge receipt.

D.A.: As above


(M.K.Meena)
Deputy Director Estt.(N)
Railway Board.

F. No. 42011/3/2014-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

North Block, New Delhi
dated the 08th October, 2018

OFFICE MEMORANDUM

Subject: Exemption from the routine exercise of transfer/ rotational transfer.

Considering that transfer of a Government employee who serves as the main care giver of persons with disability would have a bearing on the systematic rehabilitation of persons with disabilities, the Government issued OM of even number dated June 6, 2014 to exempt such employee from routine exercise of transfer/rotational transfer, subject to administrative constraints.

2. The scope of disability initially had covered (i) blindness or low vision (ii) hearing impairment (iii) locomotor disability or cerebral Palsy (iv) leprosy cured (v) mental retardation (vi) mental illness and (vii) multiple disabilities, which subsequently, vide OMs of even number dated November 17, 2014 and January 5, 2016, was further extended to include 'Autism', 'Thalassemia' and 'Haemophilia'.

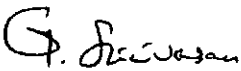
3. With the enactment of the Rights of Persons with Disabilities Act, 2016 on April 17, 2017, the following instructions are issued in supersession of the above-mentioned OMs of even number dated June 6, 2014, November 17, 2014 and January 5, 2016 with regard to the eligibility for seeking exemption from routine exercise of transfer/rotational transfer:

- (i) A Government employee who is a care-giver of dependent daughter/son/parents/spouse/brother/sister with Specified Disability, as certified by the certifying authority as a Person with Benchmark Disability as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine exercise of transfer/rotational transfer subject to the administrative constraints.
- (ii) The term "Specified Disability" as defined in the Schedule to the Rights of Persons with Disabilities Act, 2016, covers (i) Locomotor disability including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and Acid attack victims (ii) Blindness (iii) Low-vision (iv) Deaf (v) Hard of hearing (vi) Speech and language disabilities (vii) Intellectual disability including specific learning disabilities and autism spectrum disorder (viii) Mental illness (ix) Disability caused due to: (a) Neurological conditions such as Multiple sclerosis and Parkinson's disease (b) Blood disorder- Haemophilia, Thalassemia and Sickle cell-disease and (x) Multiple disabilities (more than one of the above specified disabilities) including deaf blindness and any other category of disabilities as may be notified by the Central Government.

Contd.... 2/

- (iii) The term 'Specified Disability' as defined herein is applicable as grounds only for the purpose of seeking exemption from routine transfer/rotational transfer by a Government employee, who is a care-giver of dependent daughter/son/parents/spouse/brother/sister as stated in Para 3(i) above.

4. All the Ministries/Departments are requested to bring these instructions to the notice of all concerned under their control.


(G. Srinivasan)
Director (Res)
Tel.: 2309 3074

To

- (i) All Ministries/Departments of the Government of India
- (ii) Department of Financial Services, Ministry of Finance, New Delhi in respect of Public Sector Banks/Public Sector Insurance Companies
- (iii) Department of Public Enterprises, CGO Complex, New Delhi in respect of Central Public Sector Enterprises
- (iv) Railway Board/Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/NITI Aayog/Comptroller & Auditor General of India
- (v) Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
- (vi) Office of the Chief Commissioner for Persons with Disabilities, Sarojini House, New Delhi

Copy to:

The Director, NIC, DOPT, with a request to upload on the website of this Department

No.42011/3/2014-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 6th June, 2014

OFFICE MEMORANDUM

Sub: Posting of Government employees who have differently abled dependents – reg.

There has been demand that a Government employee who is a care giver of the disabled child may not have to suffer due to displacement by means of routine transfer/rotational transfers. This demand has been made on the ground that a Government employee raises a kind of support system for his/her disabled child over a period of time in the locality where he/she resides which helps them in the rehabilitation.

2. The matter has been examined. Rehabilitation is a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, and psychiatric or a social functional level. The support system comprises of preferred linguistic zone, school/academic level, administration, neighbours, tutors/special educators, friends, medical care including hospitals, therapists and doctors, etc. Thus, rehabilitation is a continuous process and creation of such support system takes years together.
3. Considering that the Government employee who has disabled child serve as the main care giver of such child, any displacement of such Government employee will have a bearing on the systemic rehabilitation of the disabled child since the new environment/set up could prove to be a hindrance for the rehabilitation process of the child. Therefore, a Government servant who is also a care giver of disabled child may be exempted from the routine exercise of transfer/rotational transfer subject to the administrative constraints. The word 'disabled' includes (i) blindness or low vision (ii) hearing impairment (iii) locomotor disability or Cerebral Palsy (iv) leprosy cured (v) mental retardation (vi) mental illness and (vii) multiple disabilities.
4. Upbringing and rehabilitation of disabled child requires financial support. Making the Government employee to choose voluntary retirement on the pretext of routine transfer/rotation

transfer would have adverse impact on the rehabilitation process of the disabled child.

5. This issues with the approval of MoS(PP).

6. All the Ministries/Departments, etc. are requested to bring these instructions to the notice of all concerned under their control.



(Debabrata Das)

Under Secretary to the Govt. of India

Tel. No. 23093307

To

- (i) All Ministries/Departments of the Government of India.
- (ii) Department of Financial Services, Ministry of Finance, New Delhi, in respect of Public Sector Banks/Public Sector Insurance Companies.
- (iii) Department of Public Enterprises, CGO Complex, New Delhi, in respect of Central Public Sector Enterprises.
- (iv) Railway Board/Union Public Service Commission/Supreme Court of India/Election Commission/ Lok Sabha Secretariat/Rajay Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission/C&AG.
- (v) Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- (vi) Office of the Chief Commissioner for Disabilities, Sarojini House, New Delhi.

✓ Copy to: Tech. Director, NIC, DOPT for uploading on the website of this Department.