

SOUTH CENTRAL RAILWAY

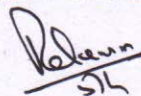
Headquarters Office
Personnel Branch
Secunderabad.
Date: 05.04.2018

No. P[R]500/XXVI

ALL CONCERNED

PERSONNEL BRANCH SERIAL CIRCULAR No. 60/2018

Copy of Board's letter No.F[E]III/2008/PN1/12 dated 23.03.2018 is forwarded for information, guidance and necessary action. Board's letter dated 30.08.2017 quoted therein was circulated under S.C. No.145/2017.



[K.RAVI KUMAR]
Secy. to PCPO

For Principal Chief Personnel Officer

Copy of Board's letter No. F[E]III/2008/PN1/12 dated 23.03.2018 [RBE No.46/2018]

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 of 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.

sd/-

[G.Priya Sudarsani]/JDF[E]

Copy of DOP&PW's O.M. 21/1/16-P&PW(F) dated 30th September, 2016

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 of rights and full participation) Act, 1995".

The undersigned is directed to say that Section 47 of the Persons with Disabilities (Equal opportunities, protection of 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 25-2-2015 and O.M. No.25012/1/2015-Estt.(A-IV) dated 19-5-2015, issued instructions in pursuance of the above provisions of the PWD Act, 1995 in respect of the Govt. employees seeking retirement, on medical grounds, under the CCS (Pension) Rules. The instructions, inter alia provide that whenever a Govt. 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 Govt. servant shall be advised that he/she has option of continuing in service with the same pay scale and service benefits. In case a disabled Govt. 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 & Training's O.M. dated 25-2-2015. If, however, in spite of being so advised, such Govt. 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 Govt. servant if he is boarded out on account of disability due to wound, injury or disease which is attributable to Govt. 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 O.M. dated 19-5-2015 referred to above. It is clarified that the provisions of the PWD Act and the instructions issued by the DoP&T in this regard would also be applicable to Govt. servants covered by the provisions of Central Civil Services (Extraordinary Pension) Rules.

4. Accordingly, in all cases where a Govt. servant acquires disability on account of a wound, injury or disease attributable to Govt. service, administrative authorities shall examine as to whether the case is covered under Section 47 of the Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act, 1995 (PWD Act 1995). In case, the provisions are applicable, the Govt. 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 Govt. servant wishes to continue in service, his case shall be dealt with under the provisions of Section 47 of PWD Act read with the DoP&T's O.M. dated 19-5-2015. In case, however, the Govt. 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 while processing cases of requests for retirement under CCS [Pension] Rules or CCS [EoP] Rules.

sd/-

[Vandana Sharma]/Addl.Secy to GOI

INDEX No. 1058 PENSION RULES	S.C.No.
Board have decided that where a railway servant acquires disability on account of a wound, injury or disease attributable to Railway service and such a railway servant wishes to retire, the request may be processed as per the provisions of RS(EOP)Rules.	60/2018