कार्यालय महाप्रबन्धक (कार्मिक), पूर्वोत्तर रेलवे / गोरखपुर 273012
Office of the General Manager (P), N. E. Railway Gorakhpur-273012

क्रमांक 70
आर.बी.ई. सं. 108 / 2020
पत्र सं ई / 255 / 9 / भाग– I / IV (डुप्लिकेट) दिनांक 24.12.2020

सचिव / महाप्रबन्धक
सचिव / अपर महाप्रबन्धक
सभी विभागाध्यक्ष
सभी मण्डल रेल प्रबन्धक
सभी कार्मिक अधिकारी
सभी मुख्य कारखाना प्रबन्धक
सभी अतिरिक्त मण्डलाधिकारी / स्थापना

विषय :–Procedure for disposing off the cases of taking voluntary retirement of Medically unfit Railways'employees-Implementation of Section 20 of Rights of Persons with Disabilities Act, 2016 (RPWD Act,2016) clarification regarding.

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रेलवे बोर्ड का पत्र No.E(NG)I-2020/RE-3/4 Dated 09.12.2020 की प्रतिलिपि सूचना, मार्ग दर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक / यथोपरि

24.12.20

(प्रदीप कुमार)
वकाधि / मुख्यालय
कृते महाप्रबन्धक / कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :–
1) महामन्त्री / एन.ई. रेलवे मजदूर यूनियन / गोरखपुर ।
2) महामन्त्री / प्रमोटी अधिकारी संघ / पूर्वोत्तर रेलवे / गोरखपुर ।
3) पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ / गोरखपुर ।
4) महामन्त्री / एस.सी / एस.टी. एवं ओबीसी एशोसियेशन / गोरखपुर ।

24.12.20

कृते महाप्रबन्धक / कार्मिक

16/12/20

Dy EP O/HQ
SPO/HQ

RBE No. 108/ 2020

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. E(NG)I-2020/RE-3/4

New Delhi, dated 09.12.2020

NER

The General Managers (P)
All Zonal Railways & Production Units.
(As per standard list).

Sub: Procedure for disposing off the cases of taking voluntary retirement of Medically unfit Railways' employees-Implementation of Section 20 of Rights of Persons with Disabilities Act, 2016 (RPWD Act, 2016) - clarification regarding.

In the light of Section 20 of Rights of Persons with Disabilities Act, 2016, and the Hon'ble Supreme Court judgment in the case of Shri Bhagwan Dass and Anr Vs Punjab State Electricity Board (2008), 1 SCC579, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) vide their Office Memorandum No.25012/1/2015-Estt.A-IV dated 07.09.2020 have issued clarification regarding the requests received for voluntary retirement from service (VRS) from Persons With Disabilities. A copy of the same is enclosed herewith for necessary action and compliance. The instructions/guidelines contained therein will apply mutatis mutandis on Zonal Railways also.

Please acknowledge receipt.

Hindi version will follow.

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

DA:- As above.

Asst Madhu

21.12.20

Chief/Ruling

please circulate it

21.12.20

MK Meena/RE letter

No. 25012/1/2015-Estt.A-IV
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment A-IV Desk

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North Block, New Delhi-110 001
Dated: September 7 , '20

OFFICE MEMORANDUM

Subject:- **Request received for Voluntary retirement from service (VRS) from Persons With Disabilities - Supreme Court Order in Bhagwan Dass & Anr Vs Punjab State Electricity Board, (2008) 1 SCC 579 – clarification reg.**

The undersigned is directed to refer to this Department's O.M. of even no. dated 19.05.2015 on the subject noted above regarding the treatment of VRS notice given by a Government servant on medical grounds or on account of disability.

2. In this regard, it is stated that the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act) has been repealed by the Rights of Persons with Disabilities Act, 2016 (RPWD Act, 2016), which came into force on 19th April, 2017. Hence, section 47 of PWD Act, 1995 as stated in DoPT's O.M. of even no. 19.05.2015 is replaced by the provisions of section 20 of the RPWD Act, 2016.

3. Section 20 of Rights of Persons with Disabilities Act, 2016 provides as under:

20. *(1)* No Government establishment shall discriminate against any person with disability in any matter relating to employment: Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

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

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

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall 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.

contd...2/-

from pre-page:

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

4. In view of the above provision of RPWD Act, 2016 and Hon'ble Supreme Court's judgement in case of *Bhagwan Dass & anr vs Punjab State Electricity Board (2008) 1 Scc 579*, it is stated that whenever a Government servant seeks voluntary retirement citing medical grounds, or when the said VRS notice has been submitted due to a disability, the Administrative authorities shall examine as to whether the case is covered under Section 20 (4) of RPWD Act, 2016. In case the provisions 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 reconsiders his decision and withdraws the notice for voluntary retirement, his case shall be dealt with the aforesaid provisions of Section 20 of RPWD Act, 2016. 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.

5. All the Ministries and Departments are requested to keep the above in view while processing cases of requests for voluntary retirement from disabled Government servants.

(Surya Narayan Jha)
Under Secretary to the Government of India

To

The Secretaries
All Ministries/Departments of Government of India
(As per the standard list)

Copy to:-

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/Rajya Sabha Secretariat.
8. All attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. Hindi section for Hindi version.

No. E(NG)I-2020/RE-3/4 New Delhi, dated 04.12.2020

Copy forwarded to:-

1. The General Secretary, All Indian Railwaymen's Federation, Room No.253, Rail Bhavan, New Delhi (35 copies).
2. The General Secretary, National Federation of Indian Railwaymen, Room No.256-E, Rail Bhavan, New Delhi (35 copies).
3. All Members, Departmental Council and National Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (60 spares).
4. The Secretary General, Federation of Railway Officers Association, Room No.256-A, Rail Bhavan, New Delhi (5 spares).
5. The Secretary General, Indian Railway Promotee Officers Association, Room No.268, Rail Bhavan, New Delhi (5 spares).
6. The General Secretary, All India RPF Association, Room No.256-D, Rail Bhavan, New Delhi-110001.
7. The Secretary, RBSS Group 'A' Officers Association, Rail Bhavan, New Delhi.
8. The Secretary, RBSS Group 'B' Officers Association, Rail Bhavan, New Delhi.
9. The Secretary, Railway Board Ministerial Staff Association, Rail Bhavan, New Delhi.
10. The Secretary, Railway Board Group 'D' Employees Association, Rail Bhavan, New Delhi.
11. The Secretary Railway Board Promotee Officers Association, Room No.341-C, Rail Bhawan, New Delhi.
12. Chief Commissioner of Railway Safety, Lucknow.
13. Adviser(Safety), Railway Board, New Delhi.
14. The Director General & Ex Officio General Manager, RDSO, Lucknow
15. The Manager/HRD, Rail Land Development Authority, Near Safdarjung Railway station, Motibagh-1, New Delhi-110021
16. DFCCIL, 5th Floor, Pragati Maidan, Metro Station Complex, New Delhi-110001.
17. Office of Chief Administrative Officer, Indian Railways(Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.
18. The Chief Mechanical Engineer, Indian Railways Organisation For Alternate Fuels, 12th Floor, Core-1, Scope Minar, District Centre, Laxmi Nagar, Delhi-92.

19. General Secretary, All India SCs&STs Railway Employees Association, Room No.7(Ground Floor), Rail Bhawan. New Delhi

20. Chief Administrative Officer, Rail Coach Factory/Raebareli Project, Kishanganj, Delhi-7.

21. Adviser(Projects), Room No.548. M/O Railways, Rail Bhawan, New Delhi.

22. President, RBSS Group 'A' Officer Association, Room No.370, Rail Bhavan, New Delhi.

23. General Secretary, Railway Board Non-Ministerial Staff Association, Room No.42, Rail Bhavan, New Delhi.

24 Chief Admn Officer, Indian Railways Organisation for Alternative Fuels, 12th floor, Core-I, SCOPE Minar, District Centre, Laxmi Nagar, New Delhi - 11009

25. Chairman, Technology Mission for Indian Railways (TMIR), Room No.218, Rail Bhawan, New Delhi-110001.

26. Co-Chairman, Technology Mission for Indian Railways (TMIR), Room No.218, Rail Bhawan, New Delhi-110001.

27. Chairman, Advisory Group of Experts (AGE), Room No.218, Rail Bhawan, New Delhi-110001.

28. The Convener Member, Advisory Group of Experts (AGE), Room No.218, Rail Bhawan, New Delhi-110001.

for Secretary/Railway Board

PSs to MR, MoS(G), MoS(S),

PPSs to CRB, FC, MS. MRS. MT, MTR, ME, Secretary, DG(P), DG(S&T), MMM, DG/RHS and DG/RPF.

PPSs to AM(Comml.), AM(CE), AM(C&IS), AM(Elec.), AM(Budget), AM(F), AM(Mech.), AM(Plg.), AM(PU), AM(Sig.), AM(Stores), AM(Tele), AM(Traffic), AM(Works), AM(T&C), AM(Staff), Adv.(IR) and Adv.(Vig.)

PSs to ED Fin(BC), ED(Safety), EDCE(G), ED(E&R), EDE, EDE(N), EDME(W), ED(Projects), EDERS(G), EDE(Res.), EDE(RRB), EDE(Fin), EDF(B), ED(Planning), ED(RE), ED(Sig), ED/Track(M), EDF(X)I, EDF(X)II, ED(H), EDLM, EDE(GC), EDRE(S&T), ED(Stat). EDRS(S), ED(Track/MC), ED(T&MPP), EDME(Chg.), EDME(Traction), ED(Works), EDME(DAv.), EDRE(S), EDRS(C), EDRS(W), EDPC, EDF(E), EDA, EDV(A), JS(G), JS(E&P) and JS and IG/RPF.

JD(OL), DPC-I, DPC- II, DE(G), D(IH), D(H&FW), D(MPP), Dir.(Safety)I, Dir.(Safety)III, DE(N)II, DE(R), DE(D&A), DE(LL), JDE(Rep), JDE(GP), JDE(RRB), DD(Code Revision), DD(Health), DDE(N), DDE(LR)I, DDE(LR)II, DDE(LR)III, US(A), DDE(D&A). DDV(A&P), DDE(Rep) I, DDE(Rep)II, DD(OL)I, DD(OL)II, E(D&A), E(GP), E(NG)II, E(Rep)I, E(Rep)II , E(Rep)III, E(SCT)I, E(SCT) II, E(RRB), ERB-II, ERB-V, PC-III, PC-IV, PC- V, E(P&A)I, E(P&A) II, CE-I, CE-II, CE-III, Sec.(E), Sec.(ABE), E(MPP), E(G), Health Branch, Safety Branch, A/C-III & Code Revision Cell.