File No.ECR-HQ0PERS(RULE)/48/2020-O/o Dy.CPO/HQ/ECR

पूर्व मध्य रेल

EAST CENTRAL RAILWAY

कार्यालय
महाप्रबंधक(का)
हाजीपुर

RBE No. 108/2020

PCPO's Sl No 115/2020

No. E/234/O/ECR/HJP Date:- 23.12.2020

1. CAO (Con.)/उत्तर एवं दक्षिण/पटना।
2. सभी PHOD/CHOD/पूमरे/हाजीपुर।
3. DRM/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/प्रशासन/पूमरे/हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/पीडी/डीडीयू, यांत्रिक कारखाना/समस्तीपुर एवं हरनौत।
7. Sr.DPO/पूमरे/दानापुर, डीडीयू, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक/विधि/पटना।
9. प्राचार्य/क्षेत्रीय रेल प्रशिक्षण संस्थान/मुजफ्फपुर एवं भूली।
10. सभी मुकार्याधी/कार्याधी/पूमरे/हाजीपुर

विषयः– 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.

संदर्भः–Railway Board's letter No.2020-E(NG)I-2020/RE-3/4, Date: 09.12.2020.

******

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information, guidance and needful onward action please.

संलग्नकः यथोपरि।

DA: As above.

Signed by Saurabh Sawarn
Date: 24-12-2020 11:47:39
Reason: Approved
(सौरभ सावर्ण)
वकाधि/ई.एस.एम.
कृते महाप्रबंधक (का0)/हाजीपुर

प्रतिलिपि/– निम्नलिखित को सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषितः–

1. महासचिव/ईसीआरकेयू/पूमरे/हाजीपुर।
2. महासचिव/एस.सी.एवं एस.टी.एशोसिएशन/पूमरे/हाजीपुर।
3. सकाधि(एम.पी.पी.)/पूमरे/हाजीपुर–कृपया इसे वेबसाइट पर अपलोड करें।
4. महासचिव/ओ.बी.सी.एशोसिएशन/पूमरे/हाजीपुर।

कृते महाप्रबंधक (का0)

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

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.

DA:- As above.

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

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

....

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.