कृतिक, लोक विधायक और पेशन मंत्रालय
(पेशन और वित्तशास्त्रीय क्रयाविधि)
अधिसूचना
नई दिल्ली, 30 सितंबर, 2016
साह.सं.ि. 962(अ)—राज्यपति, संविधान के अनुसार 309 के परामर्श और अनुच्छेद 148 के बंट के द्वारा प्रदत्त शासित व्यक्तियों का प्रमाण करते हुए और भारतीय विधानाधीन और नेता विधायक में सेवा करने वाले व्यक्तियों के संबंध में भारत के नियंत्रक-महानिदेशार्थक से परामर्श करने के पश्चातः केंद्रीय सिद्धिलिखित सेवा (पेशन) नियम, 1972 का और संशोधन करने के लिए सिद्धिलिखित नियम बनाते हैं, अविभाज्य—

1. (1) इन नियमों का संक्षिप्त नाम केंद्रीय सिद्धिलिखित सेवा (पेशन) संशोधन नियम 2016 है।

(2) ये राजस्व में प्रकाशित की तारीख को प्रस्तुत होगा।

2. केंद्रीय सिद्धिलिखित सेवा (पेशन) नियम, 1972 में नियम 38 के स्थान पर सिद्धिलिखित नियम रखा जाएगा, अविभाज्य—

"38 अंशक पेशन -

(1) सिद्धकता होने वाले किसी सरकारी सेवक के मामले में, उन्हें सिद्धिलिखित व्यक्ति (समाज अक्सर, अधिकार संस्थान और पूर्ण भागीदारी) अधिनियम, 1995 (1996 वर्ष 1) की दीर्घा 47 के उपर तक है, उत्तर भारत के उपकर्ताओं द्वारा सिद्धिलिखित किया जाएगा:

परन्तु यह कि ऐसा कर्मचारी, समय-समय पर यथासंभवतः सिद्धकता व्यक्ति (समाज अक्सर, अधिकार संस्थान और पूर्ण भागीदारी) नियम, 1996 के अधीन यथासंभवतः समय प्राधिकरण से एक सिद्धकता प्रमाणपत्र प्रस्तुत करेगा।

47/69 GI/2016

(1)
(2) यदि कोई सरकारी सेवक, जिसके मामले में निरस्त्रता व्यक्ति (मनमोहन अधिकार, अधिकार संरक्षण और पूर्ण भारी धारी) अधिनियम, 1995 (1996 का 1) लागू नहीं है, किन्तु भी शारीरिक या मानसिक अवस्था, जो उस स्थानीय स्थिति के लिए अनुपयुक्त बना दे, के कारण सेवा में संसर्ग भी होता है, तो उसे निरस्त्रता की तारीख को उसकी अधिक सेवाकाल पर निर्भर करते हुए नियम 49 के अनुसार, अधिक पेशन या सेवा उपलब्ध में दिखाई देता है।

(3) जब उपनियम (2) में निरस्त्र सरकारी सेवक, अधिक पेशन के लिए आवश्यक करता है, उसे निरस्त्रता चिह्नित सरकारी सेवा अधिकार के सम्बन्ध में नियम 9 (21) में परिभाषित के अनुसार प्रतिबंधित चौंक हृदय स्थायी सब अधिक है, के मामले में सेवा भेदभाव करें;।

(4) अन्य मामलों में सिविल सरकार या जिला चिकित्सा अधिकारी या समान मुख्य नियुक्ति के चिकित्सा अधिकारी के लिए नियम 1.- सेवा के लिए अनुमति का चिकित्सा प्राप्त करने रखा, जब तक अवस्थासंगत आवश्यकता या अवस्था का वर्तमान अवस्था का पद प्रस्तुत नहीं करता है कि उसके वर्तमान अवस्था या सम्मति की चिकित्सा अधिकारी के समान अवस्था के उपस्थित होने के लिए आवश्यक है विचित्रता अधिकारी के हो उस वर्तमान के या उस विनियम के, जिसमें अवस्था निरोधित हो, अवस्था द्वारा यह निर्देशण भी भेजा जाएगा कि सरकारी अर्थव्यवस्था में अवस्था की बात आये है और यदि अवस्था के लिए कोई सेवा पुरस्कार रखी जा रही है, तो उसमें अभिलक्षित अवस्था सुचित की जानी वाहिए।

(5) जहाँ उपनियम (3) में निरस्त्रित चिकित्सा अधिकारी, उपनियम (2) में उनसे निरस्त्रित किसी सरकारी सेवक के बारे में यह देखा जाता है कि वह जिस दिन परिभाषित किया गया है, उसमें कम अधिकार प्राप्ति की सेवा और अन्य करने के कारण है वह ऐसे सरकारी सेवक को, यदि वह इस प्रकार नियोजित किया जाने का इच्छुक हो तो, निमंत्रण पद पर नियोजित किया जाएगा, और यदि निमंत्रण पद पर नियोजित करने के बीच बोधाला न हों तो, उस नियम, नियम 49 के अनुसार अवस्था पेशन या सेवा उपलब्ध अनुशासन किया जा सकता है।

[भू. म. 21/1/2016-पी रंड पीडीजु (एक)]

वंदना श्रीमान, अपर सचिव
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Dept. of Pension and Pensioners’ Welfare)

NOTIFICATION

New Delhi, the 30th September, 2016

G.S.R. 962(E).—In exercise of the powers conferred by the proviso to article 309, and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:

1. (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972, for rule 38, the following rule shall be substituted, namely:

38 Invalid pension—

(1) The case of a Government servant acquiring a disability, where the provisions of section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) are applicable, shall be governed by the provisions of the said section:

Provided that such employee shall produce a disability certificate from the competent authority as prescribed under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996, as amended from time to time.
(2) If a Government servant, in a case where the provisions of section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) are not applicable, retires from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service he may be granted invalid pension or service gratuity in accordance with rule 49, depending upon the length of his qualifying service on the date of retirement.

(3) Where a Government servant, referred to in sub-rule (2), applies for an invalid pension, he shall be required to submit a medical certificate of incapacity from the following medical authority, namely:

(a) a Medical Board in the case of a Gazetted Government servant and of a non-Gazetted Government servant whose pay, as defined in rule 9 (21) of the Fundamental Rules, exceeds fifty-four thousand rupees per mensem;

(b) Civil Surgeon or a District Medical Officer or Medical Officer of equivalent status in other cases.

Note 1.- No medical certificate of incapacity for service may be granted unless the applicant produces a letter to show that the Head of his Office or Department is aware of the intention of the applicant to appear before the medical authority and the medical authority shall also be supplied by the Head of the Office or Department in which the applicant is employed with a statement of what appears from official records to be the age of the applicant, and if a service book is being maintained for the applicant, the age recorded therein should be reported.

Note 2.- A lady doctor shall be included as a member of the Medical Board when a woman candidate is to be examined.

(4) The form of the Medical Certificate to be granted by the medical authority specified in sub-rule (3) shall be as in Form 23.

(5) Where the medical authority referred to in sub-rule (3) has declared a Government servant mentioned in sub-rule (2) fit for further service of less laborious character than that which he had been doing, he shall, provided he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension or service gratuity, as the case may be, under rule 49."

[V. No. 21/1/2016-P&PW (F)]

VANDANA SHARMA, Addl. Secy.

Note.- The principal rules were published in the Gazette of India, Part II, Section 3, Sub-section (i) vide number S.O. 934, dated the 1st April, 1972. The Fourth Edition of the rules corrected up to July, 1988 was published in the year of 1988. The said rules were subsequently amended vide the following notifications, namely:-

1. S.O. 254, dated the 4th February, 1989;
2. S.O. 970, dated the 6th May, 1989;
3. S.O. 2467, dated the 7th October, 1989;
4. S.O. 899, dated the 14th April, 1990;
5. S.O. 1454, dated the 28th May, 1990;
6. S.O. 2329, dated the 8th September, 1990;
7. S.O. 3269, dated the 8th December, 1990;
8. S.O. 3270, dated the 8th December, 1990;
9. S.O. 3273, dated the 8th December, 1990;
10. S.O. 409, dated the 9th February, 1991;
11. S.O. 464, dated the 16th February, 1991;
12. S.O. 2287, dated the 7th September, 1991;
13. S.O. 2740, dated the 2nd November, 1991;
14. G.S.R. 677, dated the 7th December, 1991;
15. G.S.R. 39, dated the 1st February, 1992;
16. G.S.R. 55, dated the 15th February, 1992;
17. G.S.R. 570, dated the 19th December, 1992;
18. S.O. 258, dated the 13th February, 1993;
19. S.O. 1673, dated the 7th August, 1993;
20. G.S.R. 449, dated the 11th September, 1993;
21. S.O. 1914, dated the 18th September, 1993;
22. G.S.R. 389(E), dated the 18th April, 1994;
23. S.O. 1775, dated the 25th September, 1994;
24. S.O. 259, dated the 30th January, 1999;
25. S.O. 904(E), dated the 30th September, 2000;
26. S.O. 717(E), dated the 27th July, 2001;
27. G.S.R. 75(E), dated the 1st February, 2002;
28. S.O. 4000, dated the 28th December, 2002;
29. S.O. 860(E), dated the 28th July, 2003;
30. S.O. 1483(E), dated the 30th December, 2003;
31. S.O. 1487(E), dated the 14th October, 2005;
32. G.S.R. 723(E), dated the 23rd November, 2006;
33. S.O. 1821(E), dated the 25th October, 2007;
34. G.S.R. 258(E), dated the 31st March, 2008;
35. S.O. 1028(E), dated the 25th April, 2008;
36. S.O. 829(E), dated the 12th April, 2010;
37. G.S.R. 176, dated the 11th June, 2011;
38. G.S.R. 928(E), dated the 26th December, 2012;
39. G.S.R. 938(E), dated the 27th December, 2012;
40. G.S.R. 103(E), dated the 21st February, 2014;
41. G.S.R. 138(E), dated the 3rd March, 2014;
42. G.S.R. 233(E), dated the 28th March, 2014;
43. G.S.R. 628(E), dated the 1st September, 2014;
44. G.S.R. 232(E), dated the 30th March, 2015.
OFFICE MEMORANDUM


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 decease 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.