

Government of India
Ministry of Railways
(Railway Board)

New Delhi, July 1, 2003

No. E(NG)I-2001/RE-3/8

The General Managers (P),
All Indian Railways and P Us,
(As per Standard list)

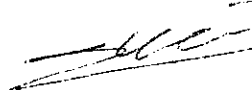
Sub: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 – Absorption of disabled/medically decategorised staff in alternative employment – Amendment to IREM.

Reference this Ministry's letter No. E(NG)I-96/RE-3/9(2) dated 29.04.1999 read with their letter No. E(NG)I-2000/RE-3/5 dated 31.07.2001 on the above subject.

2. The question whether the services of an employee who has been declared totally incapacitated, not fit for any post even in the lowest medical category can be terminated, has been examined in consultation with the Ministry of Social Justice and Empowerment and the Ministry of Law and Justice, Department of Legal Affairs. It has been clarified that the provision in Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, for creation of supernumerary post pending location of a suitable alternative post for a medically decategorised/disabled person is intended to cover cases where a disabled person is in a position to discharge duties other than those which he was performing before the disablement and that the employee should be within the permissible limit of disability so as to be covered under Section 47 of the act *ibid*. It has, therefore, been decided by the Ministry of Railways that since a Railway servant who has been declared totally incapacitated is not fit for any alternative post even in the lowest medical category, he should be declared invalidated and retired from service as per procedure in force prior to coming into force of revised procedure laid down in ACS No. 77 issued under this Ministry's letter No. E(NG)I-96/RE-3/9(2) dt. 29.04.99.

3. The Indian Railway Establishment Manual, Vol. I, 1989 should also be amended as in the Advance Correction Slip No. 148 enclosed.

Please acknowledge receipt.


(J.S. Gusain)
Joint Director, Estt(N)
Railway Board

DA: Advance Correction Slip No. 148

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