

72  
RBE NO. 159/2002

SC NO. 5 TO MC NO.25

**GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF RAILWAYS/RAIL MANTRALAYA  
(RAILWAY BOARD)**

No.E(NG)I-2001/RE-3/9

New Delhi, dated 18.9.2002

The General Manager(P)  
Southern Railway  
Chennai.

**Sub:- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation ) Act 1995- Absorption in alternative employment of disabled/medically decategorised staff.**

Reference S.Rly's letter No.P(R)II/P/Vol.III dated 12.12.01 on the above subject.

2. The points raised by the Railway in the above letter in connection with implementation of the Act in regard to absorption of disabled/medically decategorised employees in the same scale of pay are clarified as under:-

**Points**

**Clarification**

i) Whether request of the employees refusing to take up alternative posts in the same grade involving transfer, for absorption in posts carrying lower scale of pay locally can be agreed to.

There is no objection to such requests being accepted provided the employee continues to enjoy the same scale of pay in which he was working on regular basis at the time of his medical decategorisation on the analogy of clarificatory instructions contained in this Ministry's letter No.E(NG)I-2001/RE3/5 dated 26.6.2002.

ii) Whether employees with less than 20 years of service opting to quit the Railways can be settled under rule 55 of Railway Services (Pension) Rules -1993 duly taking 10 years as the minimum required qualifying service for pension and other benefits.

Yes, such cases can be settled in terms of Rule 55 of Railway Services (Pension) Rules, 1993 read with Rule 69 (2) (b) of Rules ibid.

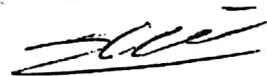
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ii) How to deal with cases of employees who are offered alternative posts in the same grade but are unable to perform duties attached to the posts owing to their physical condition.

Since absorption in the alternative posts is as per the employees' medical category as recommended by the appropriate Medical Authority, the question of his not being able to perform the duties attached to the post should not arise. However, if the tendency persists, the cases may be referred for review and simultaneously job counselling for adaptation to new jobs/tasks given.

3. Clarification on points at 2(ii) and 2 (iii) above issue with the concurrence of the Finance and the Health Dtes. respectively of the Ministry of Railways.

Please acknowledge receipt.



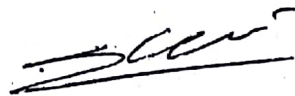
(J.S. Gusain)  
Joint Director Estt.(N)  
Railway Board

No.E(NG)I-2001/RE-3/9

New Delhi, dated 12.9.2002

Copy for necessary action forwarded to:-

1. General Managers, All Zonal Railways/PUs (except Southern Railway)
2. OSD, New Zones.  
(etc. as per standard list.)



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