



सां/No. : 5-1(17)/2008-PD

दिनांक/Dated: 01.10.2020

प्रेषक / From : संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

सेवा में / To : सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान  
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी की गई निम्नलिखित कार्यालय ज्ञापन को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है:

I am directed to forward herewith the following Office Memorandum issued by the Government of India for your information, guidance and compliance:

क्रम सं. Sl. No.	कार्यालय ज्ञापन सं/ . Office Memorandum No.	विषय/ Subject
1.	भारत सरकार, कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय, कर्मिक और प्रशिक्षण विभाग का कार्यालय ज्ञापन सं० 25012/1/2015-Estt.A-IV दिनांक 07.09.2020 Govt. of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training OM No. 25012/1/2015-Estt.A-IV dated 07.09.2020	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.

भवदीय/Yours faithfully

(बी. के. सिंह / B. K. Singh)

उप सचिव (नीति प्रभाग)/DS (PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- आई.टी. प्रभाग प्रमुख वेबसाइट और पॉलिसी रिपॉजिटरी पर इस परिपत्र को उपलब्ध कराने के अनुरोध के साथ/  
Head, IT Division with the request to make this circular letter available on the website & Policy Repository.
- कार्यालय प्रति/Office copy.

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with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act) has been repealed by the Rights of Persons with Disabilities Act, 2016 (RPWD Act, 2016), which came into force on 19<sup>th</sup> 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.