

DPE-GM-0043/2014-GM (FTS-1899)

Government of India

Ministry of Finance

Department of Public Enterprises

Public Enterprises Bhawan,  
Block No.14, C.G.O. Complex,  
Lodhi Road, New Delhi-110 003.

Dated: 5th April, 2023

Office Memorandum

**Subject: Adhering to the provisions / guidelines relating to transfer of divyang employees- regarding**

The undersigned is directed to refer to communication No. Case No./ F.No.: 13604/1022/2022 dated 07.02.2023 (copy enclosed) from the Court of Chief Commissioner for Persons with Disabilities (Divyangjan) on the subject mentioned above wherein relevant provisions and guidelines in respect of transfer of Divyang employees have been indicated for ready reference. All the administrative Ministries / Departments of the CPSEs are requested to bring into the notice of the CPSEs under their administrative control for strict compliance of the above mentioned provisions/ guidelines.

  
05/4/23  
(M R Meena)

Dy. Secretary to the Government of India

Tel. 24365841

To

Secretaries of the Administrative Ministries/ Departments of CPSEs

Copy to:

CMDs/CEOs of CPSEs



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार / Government of India

Case No/ F. No: 13604/1022/2022

Dated: 07.02.2023

Dispatch No:

To,

The Secretary  
Department of Personal & Training (DOP&T)  
Ministry of Personnel, P G and Pensions  
Government of India  
North Block, New Delhi - 110 001  
Phone no. 011-23092338  
Email id: secy\_mop@nic.in

The Secretary  
Department of Public Enterprises  
Public Enterprises Bhawan  
Lodi Road, CGO Complex,  
Block No. 14, New Delhi-110003  
Contact No: 24362646  
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The Secretary  
Department of Financial Services  
Ministry of Finance  
3<sup>rd</sup> Floor, Jeevan Deep Building  
Sansad Marg, New Delhi-110001  
Email: secy-fs@nic.in

**Sub:** Adhering to the provisions/guidelines/relating to transfer of divyang employees regarding

The office of the Chief Commissioner for Persons with Disabilities has been set up to promote and protect the rights of persons with disabilities (PwDs) as per the provisions of the Rights of Persons with Disabilities Act, 2016. This office, inter alia, receives grievances relating to violation of the rights of PwDs and addresses them after a proper hearing as a Civil Court. A lot of grievances are received in this office regarding not following the rules and guidelines relating to transfer of Divyang employees.. In this context, please find enclosed a copy of complaint dated 01.12.2022, of Shri C. Ramesh Babu, working as Chief Manager (F&A) in a Central Public Sector undertaking, Gurugram.

2. I would like to mention for ready reference, the relevant provisions and guidelines in respect of transfer of Divyang employees as under: -



- a) SECTION 20 (5) OF RPWD ACT, 2016 – Sub Section 5 of Section 20 provides that the appropriate government may frame policies for posting and transfer of employees with disability.
- b) SECTION 20 (2) OF RPWD ACT, 2016 – Sub Section 2 of Section 20 lays down that government establishment shall provide reasonable accommodation, appropriate barrier free and conducive environment to Divyang employees.
- c) O.M. No. 302/33/2/87 dated 15.02.1988 issued by Ministry of Finance - This O.M. provides guidelines related to posting of Divyang employees at their native place and exemption of such employees from routine transfer. This O.M. also provides that employees should not even be transferred on promotion if vacancy exists in the same branch or in the same town. Further, this O.M. provides that if it is not possible to retain Divyang employee at his place of posting, due to administrative exigences, even then he must be kept nearest to his original place and in any case he should not be transferred at far off or remote place of posting.
- d) O.M. No. 14017/41/90 dated 10.05.1990 issued by DoP&T – This O.M. provides that employees belonging to Group C and D must be posted near to their native place.
- e) O.M. No. 14017/16/2002 dated 13.03.2002 issued by DoP&T – This O.M. clarifies rule laid down in O.M. dated 10.05.1990 that Government employees belonging to Group C and Group D must be posted near to their native place. O.M. of year 2002 further extends this rule for employees belonging to group A and B as well.
- f) O.M. No. 36055/3/2013, dated 31.03.2014 issued by DoP&T – This O.M. lays down certain guidelines for providing facilities to Divyang employees of government establishments. Under heading 'II' of the O.M. two guidelines with respect to transfer and posting of Divyang employees are laid down. Firstly, it is laid down that Divyang employees may be exempted from rotational transfer and allowed to continue in the same job where they would have achieved the desired performance. Secondly, the O.M. provides that at the time of transfer/promotion, preference in place of posting may be given to the Persons with Disabilities subject to the administrative constraints.
- g) O.M. No. 42011/3/2014, dated 06.06.2014 issued by DoP&T – This O.M. is related to posting of government employees who is care giver of Divyang child. Considering challenges which are faced by care giver of Divyang child, this O.M. provides that care giver of Divyang child may be exempted from routine transfer/rotational transfer.
- h) O.M. No. 42011/3/2014, dated 08.10.2018 issued by DoP&T – This O.M. extends the scope of O.M. dated 06.06.2014 and lays down that government employee who serves as main care giver of dependent daughter/son/parents/spouse/brother/sister may be exempted from exercise of routine transfer.

3. I would request all Cadre Controlling Authorities to please issue suitable instructions to all organizations under their respective jurisdictions for strict compliance of the above provisions/guidelines under intimation to this office.



(Upma Srivastava)  
Chief Commissioner for Persons with Disabilities

Registration No.  
54/50/0301

