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प्राधिकार से प्रकाशित

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नई दिल्ली, शुक्रवार, अक्टूबर 7, 2016/आश्विन 15, 1938

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NEW DELHI, FRIDAY, OCTOBER 7, 2016/ASVINA 15, 1938

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(पेंशन और पेंशनभोगी कल्याण विभाग)

अधिसूचना

नई दिल्ली, 30 सितम्बर, 2016

सा.का.नि. 962(अ).—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखापरीक्षा और लेखा विभाग में सेवा करने वाले व्यक्तियों के संबंध में भारत के नियंत्रक-महालेखापरीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) संशोधन नियम 2016 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 में नियम 38 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :

"38 अशक्त पेंशन -

(1) निःशक्त होने वाले किसी सरकारी सेवक के मामले में, जहां निःशक्त व्यक्ति (समान अवसर, अधिकार संरक्षण और पूर्ण भागीदारी) अधिनियम, 1995 (1996 का 1) की धारा 47 के उपबंध लागू हैं, उक्त धारा के उपबंधों द्वारा शासित किया जाएगा:

परन्तु यह कि ऐसा कर्मचारी, समय-समय पर यथासंशोधित निःशक्त व्यक्ति (समान अवसर, अधिकार संरक्षण और पूर्ण भागीदारी) नियम, 1996 के अधीन यथाविहित सक्षम प्राधिकारी से एक निःशक्तता प्रमाणपत्र प्रस्तुत करेगा।

(2) यदि कोई सरकारी सेवक, जिसके मामले में निःशक्त व्यक्ति (समान अवसर, अधिकार संरक्षण और पूर्ण भागीदारी) अधिनियम, 1995 (1996 का 1) लागू नहीं हैं, किसी भी शारीरिक या मानसिक अशक्तता, जो उसे स्थायी रूप से सेवा के लिए असमर्थ बना दे, के कारण सेवा से सेवानिवृत्त होता है, तो उसे सेवानिवृत्ति की तारीख को उसकी अर्हक सेवाकाल पर निर्भर करते हुए नियम 49 के अनुसार, अशक्त पेंशन या सेवा उपदान मंजूर किया जा सकता है।

(3) जहां उप-नियम (2) में निर्दिष्ट सरकारी सेवक, अशक्त पेंशन के लिए आवेदन करता है, उसे निम्नलिखित चिकित्सा प्राधिकारी से असमर्थता चिकित्सा प्रमाणपत्र प्रस्तुत करना आवश्यक होगा, अर्थात्:-

(क) राजपत्रित सरकारी सेवक और अराजपत्रित सरकारी सेवक जिसका वेतन, मूल नियमों के नियम 9 (21) में परिभाषित के अनुसार प्रतिमास चौवन हजार रुपए से अधिक है, के मामले में मेडिकल बोर्ड से;

(ख) अन्य मामलों में सिविल सर्जन या जिला चिकित्सा अधिकारी या समतुल्य हैसियत के चिकित्सा अधिकारी से।

टिप्पण 1.- सेवा के लिए असमर्थता का चिकित्सा प्रमाणपत्र तब तक प्रदान नहीं किया जाएगा, जब तक आवेदक इस आशय का पत्र प्रस्तुत नहीं करता है कि उसके कार्यालय अध्यक्ष या विभागाध्यक्ष को चिकित्सा प्राधिकारी के समक्ष आवेदक के उपस्थित होने के आशय की जानकारी है। चिकित्सा प्राधिकारी को उस कार्यालय के या उस विभाग के, जिसमें आवेदक नियोजित है, अध्यक्ष द्वारा यह विवरण भी भेजा जाएगा कि सरकारी अभिलेखों में आवेदक की क्या आयु है और यदि आवेदक के लिए कोई सेवा पुस्तिका रखी जा रही है, तो उसमें अभिलिखित आयु सूचित की जानी चाहिए।

टिप्पण 2.- जब किसी महिला अभ्यर्थी का परीक्षण किया जाना है, तब चिकित्सा बोर्ड में एक महिला चिकित्सक को सम्मिलित किया जाएगा।

(4) चिकित्सा प्राधिकारी द्वारा प्रदत्त किए जाने वाले उस चिकित्सा प्रमाणपत्र के प्ररूप जो उप-नियम (3) में विनिर्दिष्ट है, प्ररूप 23 के अनुसार होगा।

(5) जहां उप-नियम (3) में निर्दिष्ट चिकित्सा प्राधिकारी, उपनियम (2) में उल्लिखित किसी सरकारी सेवक के बारे में यह घोषणा करता है कि वह जिस प्रकृति का कार्य करता रहा है, उससे कम श्रमसाध्य प्रकृति की सेवा और आगे करने के योग्य है वहां ऐसे सरकारी सेवक को, यदि वह इस प्रकार नियोजित किए जाने का इच्छुक हो तो, निम्नतर पद पर नियोजित किया जाएगा, और यदि निम्नतर पद पर नियोजित करने के भी कोई साधन न हों तो, उसे यथास्थिति, नियम 49 के अधीन अशक्त पेंशन या सेवा उपदान अनुज्ञात किया जा सकेगा।"

[फा. सं. 21/1/2016-पी एंड पीडब्लू (एफ)]

वंदना शर्मा, अपर सचिव

टिप्पण:-मूल नियम, भारत के राजपत्र, भाग II, खंड 3, उपखंड (i) में का.आ. 934, तारीख 1 अप्रैल, 1972 द्वारा प्रकाशित किए गए थे जुलाई, 1988 तक संशोधित नियमों का चौथा संस्करण, वर्ष 1988 में प्रकाशित किया गया था। उक्त नियम तत्पश्चात्तुर्वर्ती निम्नलिखित अधिसूचनाओं द्वारा संशोधित किए गए थे, अर्थात्:-

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|---------------------------------------|--|
| 1. का.आ. 254, तारीख 4 फरवरी, 1989;    | 7. का.आ. 3269, तारीख 8 दिसम्बर, 1990   |
| 2. का.आ. 970, तारीख 6 मई, 1989;       | 8. का.आ. 3270, तारीख 8 दिसम्बर, 1990   |
| 3. का.आ. 2467, तारीख 7 अक्टूबर, 1989  | 9. का.आ. 3273, तारीख 8 दिसम्बर, 1990   |
| 4. का.आ. 899, तारीख 14 अप्रैल, 1990   | 10. का.आ. 409, तारीख 9 फरवरी, 1991     |
| 5. का.आ. 1454, तारीख 26 मई, 1990      | 11. का.आ. 464, तारीख 16 फरवरी, 1991    |
| 6. का.आ. 2329, तारीख 8 सितम्बर, 1990; | 12. का.आ. 2287, तारीख 7 सितम्बर, 1991; |

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|--|---|
| 13. का.आ. 2740, तारीख 2 नवम्बर, 1991         | 29. का.आ. 860(अ), तारीख 28 जुलाई, 2003        |
| 14. सा.का.नि. 677, तारीख 7 दिसम्बर, 1991     | 30. का.आ. 1483(अ), तारीख 30 दिसम्बर, 2003     |
| 15. सा.का.नि. 39, तारीख 1 फरवरी, 1992        | 31. का.आ. 1487(अ), तारीख 14 अक्टूबर, 2005     |
| 16. सा.का.नि. 55, तारीख 15 फरवरी, 1992       | 32. सा.का.नि. 723(अ), तारीख 23 नवम्बर, 2006;  |
| 17. सा.का.नि. 570, तारीख 19 दिसम्बर, 1992;   | 33. का.आ. 1821(अ), तारीख 25 अक्टूबर, 2007     |
| 18. का.आ. 258 तारीख 13 फरवरी, 1993           | 34. सा.का.नि. 258(अ) तारीख 31 मार्च, 2008     |
| 19. का.आ. 1673, तारीख 7 अगस्त, 1993          | 35. का.आ. 1028(अ), तारीख 25 अप्रैल, 2008      |
| 20. सा.का.नि. 449, तारीख 11 सितम्बर, 1993    | 36. का.आ. 829(अ), तारीख 12 अप्रैल, 2010       |
| 21. का.आ. 1984, तारीख 25 सितम्बर, 1993       | 37. सा.का.नि. 176, तारीख 11 जून, 2011         |
| 22. सा.का.नि. 389 (अ), तारीख 18 अप्रैल, 1994 | 38. सा.का.नि. 928(अ), तारीख 26 दिसम्बर, 2012; |
| 23. का.आ. 1775, तारीख 19 जुलाई, 1997         | 39. सा.का.नि. 938(अ), तारीख 27 दिसम्बर, 2012  |
| 24. का.आ. 259, तारीख 30 जनवरी, 1999          | 40. सा.का.नि. 103(अ), तारीख 21 फरवरी, 2014    |
| 25. का.आ. 904(अ), तारीख 30 सितम्बर, 2000     | 41. सा.का.नि. 138(अ), तारीख 3 मार्च, 2014     |
| 26. का.आ. 717(अ), तारीख 27 जुलाई, 2001       | 42. सा.का.नि. 233(अ), तारीख 28 मार्च, 2014;   |
| 27. सा.का.नि. 75(अ), तारीख 1 फरवरी, 2002     | 43. सा.का.नि. 628(अ), तारीख 1 सितम्बर, 2014   |
| 28. का.आ. 4000, तारीख 28 दिसम्बर, 2002       | 44. सा.का.नि. 232 (अ), तारीख 30 मार्च, 2015   |

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department 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.”

[F. 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;    | 15. G.S.R. 39, dated the 1st February, 1992;     |
| 2. S.O. 970, dated the 6th May, 1989;         | 16. G.S.R. 55, dated the 15th February, 1992;    |
| 3. S.O. 2467, dated the 7th October, 1989;    | 17. G.S.R. 570, dated the 19th December, 1992;   |
| 4. S.O. 899, dated the 14th April, 1990;      | 18. S.O. 258, dated the 13th February, 1993;     |
| 5. S.O. 1454, dated the 26th May, 1990;       | 19. S.O. 1673, dated the 7th August, 1993;       |
| 6. S.O. 2329, dated the 8th September, 1990;  | 20. G.S.R. 449, dated the 11th September, 1993;  |
| 7. S.O. 3269, dated the 8th December, 1990;   | 21. S.O. 1984, dated the 25th September, 1993;   |
| 8. S.O. 3270, dated the 8th December, 1990;   | 22. G.S.R. 389(E), dated the 18th April, 1994;   |
| 9. S.O. 3273, dated the 8th December, 1990;   | 23. S.O. 1775, dated the 19th July, 1997;        |
| 10. S.O. 409, dated the 9th February, 1991;   | 24. S.O. 259, dated the 30th January, 1999;      |
| 11. S.O. 464, dated the 16th February, 1991;  | 25. S.O. 904(E), dated the 30th September, 2000; |
| 12. S.O. 2287, dated the 7th September, 1991; | 26. S.O. 717(E), dated the 27th July, 2001;      |
| 13. S.O. 2740, dated the 2nd November, 1991;  | 27. G.S.R. 75(E), dated the 1st February, 2002;  |
| 14. G.S.R. 677, dated the 7th December, 1991; | 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.

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Government of India  
Ministry of Personnel, PG & Pensions  
Department of Pension & Pensioners' Welfare  
3<sup>rd</sup> Floor, Lok Nayak Bhawan  
Khan Market, New Delhi-110 003  
Dated the 30<sup>th</sup> September, 2016

**OFFICE MEMORANDUM**

**Sub :- Retirement of Government Servant under Central Civil Service (Pension) Rules, 1972 and Central Civil Services (Extraordinary Pension) Rules – applicability of provisions of “Persons with Disabilities (Equal opportunities, protection and rights and full participation) Act, 1995”.**

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.
3. Central Vigilance Commission, New Delhi.