

APPENDIX 9

**¹THE CENTRAL CIVIL SERVICES
(MEDICAL EXAMINATION) RULES, 1957**

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 in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:—

1. (1) These rules may be called the Central Civil Services (Medical Examination) Rules, 1957.

(2) These rules shall apply to every person—

(a) who is a member of a Civil Service of the Union; or

(b) who holds a civil post under the Union; or

(c) who is a civilian Government servant in the Defence Services, but shall not apply to any railway servant as defined in Rule 102 of Volume 2 of the Indian Railways Establishment Code.

EXPLANATION.— For the purpose of this sub-rule "Defence Service" means services under the Government of India in the Ministry of Defence paid out of the Defence Service Estimate and not subject to the Army Act, 1950 (6 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1959 (45 of 1959).

2. (1) Where the competent authority has reason to believe that a Government servant to whom these rules apply is suffering from—

(a) a contagious disease, or

(b) a physical or mental disability which in its opinion interferes with the efficient discharge of his duties,]

that authority may direct the Government servant to undergo a medical examination within such period not exceeding one month as may be specified by it and may, if it considers it essential to do so, also direct the Government servant to proceed on leave forthwith pending medical examination. Such leave shall not be debited to the leave account of the Government servant, if the examining Medical Authority subsequently expressed the opinion that it was unnecessary for the Government servant to have been required to proceed on leave.

(2) On the basis of the opinion expressed by the examining medical authority and subject to the provisions of sub-rule (3), the competent

¹ G.I., M.H.A., Notification No. 38/11/54-Estt. (A), dated the 28th December, 1957, as amended by Notification No. 38/3/59-Estt. (A), dated the 22nd September, 1960 and No. 38/3/66-Estt. (A), dated the 6th April, 1967.

authority may require the Government servant to proceed on leave or, if he is already on leave to continue to remain on leave or may retire him from service if he is a permanent Government servant, or may terminate his services if he is a quasi-permanent Government servant.

(3) The procedure for a medical examination, grant of leave on retirement from service, or termination of service under this rule shall be such as the President may by order prescribe.

(4) For the purpose of this rule, competent authority in relation to a Government servant means the authority competent to dismiss him and includes such other authority as the President may by order specify in his behalf.

(5) For the avoidance of doubt, it is hereby declared that non-compliance with a direction given under sub-rule (1) or sub-rule (2), of this rule will be considered a good and sufficient reason for the imposition of a penalty in accordance with the rules governing discipline applicable to the Government servant concerned.

3. A Government servant who has retired from service under sub-rule (2) of Rule 2 may be granted such invalid pension, gratuity or Provident Fund benefits as may be admissible to him under the rules applicable to him on the date of such retirement.

3-A. A Government servant whose services have been terminated in pursuance of sub-rule (2) of Rule 2 may be granted such gratuity as may be admissible under the rules applicable to him on the date of such termination.

4. If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

GOVERNMENT OF INDIA'S DECISIONS

(1) 1. In pursuance of sub-rule (3) of Rule 2 of the Central Civil Services (Medical Examination) Rules, 1959 (hereinafter referred to as the said rules), the examining Medical Authority shall be—

(a) a Medical Board, in the case of (i) all Gazetted Government servants and (ii) those non-gazetted Government servants whose pay, as defined in Rule 9 (21) of the Fundamental Rules, exceeds Rs. 750 p.m.

(b) a Civil Surgeon or District Medical Officer or a Medical Officer of equivalent status, in other cases.

2. (1) The authority directing the Government servant to undergo medical examination under sub-rule (1) of Rule 2 of the said rules shall communicate to the examining Medical Authority all such details concerning the medical history of the case as might be available in his office records of the case and shall include a directive and the standard of physical fitness to be adopted, should make due allowance for the age and length of service of the Government servant concerned.

1. Now Rs. 2,200 p.m. See Rule 38, CCS (Pension) Rules, 1972.

(2) The authority directing the Government servant to proceed on leave pending medical examination under sub-rule (1) of Rule 2 of the said rules shall also intimate the fact to the examining medical authority and require it to express an opinion on the necessity for the Government servant to have been required to proceed on leave.

3. (1) If the examining medical authority finds the Government servant to be in a bad state of health and consider that a period of absence from duty is necessary in his case for the recovery of his health, it may recommend the grant of leave to him for that period.

(2) If that authority considers that there is no reasonable prospect of the Government servant recovering his health and becoming fit to resume his duties, it shall record the opinion that the Government servant is permanently incapacitated for service and also give detailed reasons for that opinion.

(3) In either case the examining medical authority shall communicate its findings to the authority which directed the Government servant to undergo the medical examination.

4. (1) A Government servant in whose case the grant of leave is recommended by the examining medical authority, shall be required to proceed on leave, or, if he is already on leave, continue to remain on leave, by the authority competent to grant him leave as soon as findings of the medical authority become available.

(2) The leave granted under sub-rule (1) or sub-rule (2) of Rule 2 of the said rules shall be of such nature and for such period as would be admissible to the Government servant under the rules applicable to him if he had applied for the leave on medical certificate provided that the period of leave shall not extend beyond the date of expiry of the period recommended by the medical authority.

5. (1) A Government servant declared by the examining medical authority to be permanently incapacitated for further service shall be retired from service, but before the Government servant is actually retired from service, the authority which directed him to undergo the medical examination shall inform him in writing of the action proposed to be taken in regard to him indicating briefly the grounds on which such action is proposed to be taken—

(2) the Government servant shall also be informed that—

(a) subject to the provisions of Supplementary Rule 233 (1) (b) and (2) [cf. Rule 20 of CCS (Leave) Rules, 1972], as the case may be, and any orders regarding grant of leave to persons suffering from specified diseases like tuberculosis, his retirement will have effect on expiry of a period of one month from the date of communication unless he so desires to retire from an earlier date;

- (b) he may submit, if he so desires, within the period of one month, a request to be examined by Medical Review Board supported by prima facie evidence that good grounds exist for doing so; and
- (c) if he prefers a request for examination by a Medical Review Board, he shall be liable to pay the fees prescribed under Paragraph 7 below.

(3) For the period from the date of communication up to the date of retirement under Paragraph 6, the Government servant shall be granted leave under the rules applicable to his post or service as if he had applied for leave on medical certificate.

6. On receipt of an application for review, the competent authority shall take steps to constitute a Special Review Board in consultation with the administrative Medical Officer of the State. If the Review Board confirms the opinion of the examining authority, the retirement of the Government servant shall, subject to the provisions of SR 233 (1) (b) and (2), [cf. Rule 20 of CCS (Leave) Rules, 1972], be effective from the date on which the decision is communicated to the Government servant. If, on the other hand, the Review Board recommends grant of leave to the Government servant, action shall be taken as provided in Paragraph 4.

7. The entire expenditure for medical examination conducted at the instance of the employing department to ascertain whether a Government servant is fit for continuance in service or not shall be borne by the Government. This will include Travelling Allowance as on tour with halting allowance where the medical examination is carried out at a station other than the headquarters of the Government servant concerned and also reimbursement of fee charged, if any, for such examination. The expenditure incurred in assembling the Review Board shall also be borne by the Government, provided that the Government servant shall be required to pay a prescribed fee which shall be refunded if the Government servant is not retired or his services are not terminated as recommended by the examining authority.

[G.I., M.H.A., O.M. No. 38/3/63-Ests. (A), dated the 12th September, 1963.]

(2) Under orders of the Government of India no employee is, under any circumstances whatever, has to be retained in active employment when he is physically or mentally unfit for the proper discharge of his duty. When a Government servant is in bad health and unable to perform his duties in a satisfactory manner, it is his business to apply for and obtain leave. If he does not go on leave and neglects his duty, the excuse, if put forward, that he was in bad health, will not be accepted. In appropriate cases, the employees may be sent for medical examination for adjudging his fitness to continue in service in accordance with the provisions of the above rules.

[Para. 61, Chapter I of Posts and Telegraphs Manual, Volume-III.]

शुद्धिपत्र

नई दिल्ली, 15 जुलाई, 2002

सा.का.नि. 282.—भारत के राजपत्र भाग II, खंड 3, उप खंड (i) में दिनांक मई 13, 2000 को पृष्ठ 852 से 855 तक प्रकाशित, भारत-सरकार, कार्मिक, लोक-शिकायत तथा पेंशन-मंत्रालय (कार्मिक और प्रशिक्षण-विभाग) की दिनांक अप्रैल 28, 2000 की सा.का.नि. संख्या 166 के रूप में प्रकाशित अधिसूचना में पृष्ठ 855 पर अनुसूची में कॉलम 11 के अंतर्गत "लागू नहीं" के स्थान पर "प्रतिनियुक्ति" पढ़ा जाए।

[फा. संख्या ए-12018/1/99-प्रशामन-I]

राजेश्वर दयाल, अवर सचिव

CORRIGENDUM

New Delhi, the 15th July, 2002

G. S. R. 282.—In the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), GSR No. 166, dated the 28th April, 2002, published, at pages 852 to 855 in Part II, Section 3, Sub-section (i), the Gazette of India, dated 13th May, 2000, at page 855, in the Schedule, under column 11, for "Not applicable", read "Deputation".

[File No. A-12018/1/99-Ad I]

RAJESHWAR DAYAL, Under Secy.

नई दिल्ली, 19 जुलाई, 2002

सा. का. नि. 283.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक तथा अनुच्छेद 148 के खंड 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखा-परीक्षा तथा लेखा-विभाग में कार्यरत व्यक्तियों के संबंध में भारत के नियंत्रक तथा महालेखा परीक्षक से परामर्श करते हुए केन्द्रीय सिविल सेवाएँ (चिकित्सा परीक्षा) नियमावली, 1957 में आगे और संशोधन करने के लिए एतद्वारा निम्नलिखित नियम प्रकट हैं, अर्थात्:—

1. (1) इन नियमों का नाम केन्द्रीय सिविल सेवा (चिकित्सा परीक्षा संशोधन) नियमावली, 2002 है।

(2) ये नियम शासकीय राजपत्र में इनके प्रकाशन की तारीख से लागू होंगे।

2. केन्द्रीय सिविल सेवा (चिकित्सा परीक्षा) नियमावली, 1957 के नियम 2 में उप नियम (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा:—

“जहाँ, सक्षम प्राधिकारी के पास यह विश्वास करने का कारण है कि कोई सरकारी कर्मचारी, जिस पर उपर्युक्त नियम लागू होते हैं किसी मंक्रामक रोग से पीड़ित है, तो वह प्राधिकारी उस सरकारी कर्मचारी को यथानिर्दिष्ट अधिकतम एक माह की अवधि के भीतर डॉक्टरों जाँच करवाने के निर्देश दे सकता है और यदि वह ऐसा करना अनिवार्य समझता है तो सरकारी कर्मचारी की डॉक्टरों जाँच होने तक उसे तत्काल छुट्टी पर चले जाने के निर्देश दे सकता है। यदि बाद में जाँचकर्ता चिकित्सा प्राधिकारी यह राय व्यक्त करता है कि सरकारी कर्मचारी का अपेक्षित रूप से छुट्टी पर चले जाना अनावश्यक था तो ऐसी छुट्टी सरकारी कर्मचारी के खाते में से काटी नहीं जाएगी।”

[संख्या-11014/1/99-स्थापना (क)]

वी.ए. पिल्लै, अवर सचिव

पाद टिप्पण:—मूल नियम गृह मंत्रालय की दिनांक 28-12-1957 की अधिसूचना संख्या 38/11/54-स्थापना (क) द्वारा भारत के राजपत्र में प्रकाशित किए गए थे और बाद में 22 सितम्बर, 1960 की अधिसूचना संख्या 38/3/59-स्थापना (क) द्वारा दिनांक 6 अप्रैल, 1967 की अधिसूचना संख्या 38/3/66 द्वारा संशोधित किए गए।

New Delhi, the 19th July, 2002

G.S.R. 283.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and in consultation with the Comptroller and Auditor General, in regard to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, further to amend the Central Civil Services (Medical Examination) Rules, 1957 namely:—

1. (1) These rules may be called the Central Civil Services (Medical Examination Amendment) Rules, 2002.
- (2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Central Civil Services (Medical Examination) Rules, 1957 in rule 2, for sub-rule (i), the following sub-rule shall be substituted, namely:—

"Where the competent authority has reason to believe that a Government servant to whom these rules apply is suffering from a contagious disease, that authority may direct the Government servant to undergo a medical examination within such period not exceeding one month as may be specified by it and may, if it considers it essential to do so, also direct the Government servant to proceed on leave forthwith pending medical examination. Such leave shall not be debited to the leave account of the Government servant, if the examining medical authority subsequently expressed the opinion that it was unnecessary for the Government servant to have been required to proceed on leave."

[F. No. 11014/1/99-Estt. (A)]

V.A. PILLAI, Under Secy.

Foot note:—The principal rules were published in the Gazette of India vide Ministry of Home Affairs Notification No. 38/1154-Estt. (A), dated the 28th December, 1957 amended by Notification No. 38/3/59-Estt. (A) dated 22nd September, 1960 and No. 38/3/66-Estt. (A) dated the 6th April, 1967.