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

RBE No.89/99

No. E(NG)I/96/RE3/9(2)

New Delhi, dated: 29/04/1999

The General Managers (P),
All Indian Railways and
Production Units,
(As per standard list).

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

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The enactment of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, has necessitated modification of the existing scheme of absorption in alternative employment of staff medically decategorised.

2. The Ministry of Railways have considered the matter and have decided that the Indian Railway Establishment Manual, Volume-I (Revised Edition 1989) may be amended as in the Advance Correction Slip No.77 enclosed.

Please acknowledge receipt.

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

DA: Advance Correction Slip No.77

Contd.....2.

Received on 28.4.99

INDIAN RAILWAY ESTABLISHMENT MANUAL VOLUME-I

(REVISED EDITION 1989)

Chapter XIII - Absorption of Medically Incapacitated Staff in Alternative Employment

ADVANCE CORRECTION SLIP NO.77

Substitute the following for the existing Chapter XIII and paragraphs 1301-1315 therein:

"Chapter XIII

Absorption of disabled/medically decategorised staff in Alternative Employment.

1301. A Railway servant who fails in a vision test or otherwise by virtue of disability acquired during service becomes physically incapable of performing the duties of the post which he occupies should not be dispensed with or reduced in rank, but should be shifted to some other post with the same pay scale and service benefits.

1302. Classification of Railway Servants declared medically unfit:-Railway servants acquiring disability during service and declared medically unfit are divisible into two groups:-

(i) Those completely disabled for further service in any post in the railway, i.e. those who cannot be declared fit even in the 'C' medical category; and

(ii) Those disabled/incapacitated for further service in the post they are holding but declared fit in a lower medical category and eligible for retention in service in posts corresponding to this lower medical category.

1303. The railway servants both in group (i) and group (ii) of para 1302 above cease to perform the duties of the posts they are holding from the date they are declared medically unfit for the present post. No officer has the authority to permit the Railway Servant concerned to perform the duties in the post beyond that date. If such a Railway Servant cannot be immediately adjusted against or absorbed in any suitable alternative post he may be kept on a special supernumerary post in the grade in which the concerned employee was working on.

regular basis before being declared medically unfit pending location of suitable alternative employment for him with the same pay scale and service benefits; efforts to locate suitable alternative employment starting immediately. The special supernumerary post so created will stand abolished as soon as the alternative employment is located.

1304. Disabled Medically decategorised staff to be absorbed in posts they can adequately fill:- In the matter of absorption of disabled/medically decategorised staff in alternative posts, Railway administrations should take care to ensure that the alternative employment offered is only in posts which the staff can adequately fill and as far as possible should broadly be in allied categories where their background and experience in earlier posts could be utilised. While finding alternative posts for absorption of disabled/medically decategorised staff, the Railway Administration should ensure that the interests of other staff in service are not adversely affected and no reversion of any officiating Railway servant is made to absorb the disabled/medically decategorised staff. For this purpose, attempts should be made to absorb the disabled/medically decategorised Railway servant not only within the Unit/Division or Department, but in other Unit/Division or Department.

1305. Absorption in posts identified for employment of physically handi-capped persons/creation of supernumerary posts. The Railway servants falling in group (i) mentioned in para 1302 above i.e. those who are declared unfit even for the lowest medical category, may be absorbed in a post/category identified as suitable for employment of physically handicapped persons and fresh recruitment to that post/category from open market from amongst physically handicapped withheld. In case the alternative post is not carrying the requisite pay scale, a supernumerary post may be created in appropriate scale of pay and the employee adjusted against the same keeping the lower grade post vacant by withholding fresh recruitment thereto. The supernumerary post so created to accommodate a disabled/medically incapacitated employee shall stand abolished as soon as a suitable post in the appropriate scale is found for the Railway servant concerned or the post is vacated by him for other reasons, whichever is earlier.

1306. Steps to be taken for finding alternative employment:-

(1) With a view to determine the categories in which the disabled/medically decategorised Railway servant is suitable for absorption, a committee should examine him. The committee may consist of two or three officers posted at the headquarters of the officer under whom the disabled/medically decategorised Railway servant was working, the Railway servant's immediate officer being one of the members of the committee. After thecommittee has examined the Railway servant and determined his suitability for certain categories of posts, the officer under whom the Railway servant was working will proceed to take further action to find suitable alternative employment for him.

(2) The officer concerned will prepare a list of vacancies within his jurisdiction in the categories for which the disabled/ medically incapacitated Railway servant has been found suitable and a post with same scale of pay as was attached to the post he was holding on regular basis before being declared medically unfit, will be offered to him.

(3) It will be the responsibility primarily of the officer under whom the concerned Railway servant was directly working to find suitable alternative employment for him. This will be done first by trying to find alternative employment in the officer's own unit/division, office, workshop etc. and a register with the details as mentioned in sub-para (6) below will be maintained for this purpose.

(4) If there is no immediate prospect of employment in his own unit/ division, office, etc., the name of the Railway servant with particulars as given in sub-para (6) below will be circulated to all other offices or establishments where suitable employment is likely to be found.

(5) Nothing in the previous paragraphs, however, debars a Railway servant from applying for a particular post for which he is likely to be deemed suitable and it is known to be vacant under any officer. Such an application must be addressed through the immediate officer of the Railway servant concerned and must contain full particulars of his service and must be forwarded to the officer to whom addressed or to the authority competent to make the appointment. The result of the application must be intimated to the Railway servant.

(6) A register containing the names of all Railway servants declared medically unfit and to be absorbed in alternative posts will be main-tained by Headquarters, Divisional and other extra-Divisional offices. These registers will contain not only the names of the staff of the particular division, etc., but also the names notified to the unit Officer concerned by other units/offices.This will not, however, absolve officers under whom the Railway servant was last working from continuing their efforts to find suitable employment for the disabled/medically decategorised employee. The particulars required to be maintained in registers and notified to other officers in accordance with the instructions above are as follows:-

(i) Serial number.

(ii) Date on which incapacitated.

(iii) Name and Father's name.

(iv) Post last held on regular basis with scale of Pay and rate of pay.

(v) Educational qualifications - If no educational qualifications, then general remarks regarding knowledge of English, regional langauge etc.

(vi) Medical category in which placed.

(vii) Details of special supernumerary post till absorption in alternative appointment (Para 1303).

(viii) Date from which absorbed in alternative appointment.

(ix) Nature and category of alternative appointment.

(x) Scale of Pay of the alternative post and the pay fixed at.

(xi) Details of supernumerary posts, if any after absorption in Alternative appointment (Para 1305).

(xii) Remarks.

(7) If and when a Railway servant is absorbed in an alternative post, intimation will be sent by the officer under whom he was previously working to all other officers to whom his name was notified. On receipt of such intimation, his name will be deleted from the registers.

(8) Before any post is filled or a promotion is ordered, officers concer-ned will refer to their registers and satisfy themselves that no disabled medically incapacitated Railway servant who is suitable for the post is available. If any such disabled/medically incapacitated employee is available, he will be given preference over all other categories of staff for appointment.

1307. Element of Running Allowance to be reckoned while finding alternative post to disabled medically decategorised running staff:- In order to determine the same scale of pay for the purpose of absorbing a disabled/medically decategorised running staff in the alternative employment, an amount equal to such percentage of pay in lieu of running allowance as may be in force may be added to the mininum and maximum of the scale of Pay of the running staff. If the scale of Pay so arrived at is not identical with the scale of Pay already existing, the same may be replaced by the equivalent existing scale of pay.

1308. Fixation of Pay: The pay of the disabled/medically decategorised Railway servants will be fixed on absorption in an alternative post at a stage corresponding to the pay previously drawn in the post held by them on regular basis before acquiring disability/ medically decategorisation. For running staff, the fixation will be based on the basic pay plus a percentage of their basic pay, representing the pay element of running

allowance as may be in force. If the basic pay so arrived at does not correspond to any stage in the absorbing grade the pay may be fixed at the stage just below and the difference allowed as Personal Pay to be absorbed in future increase in pay. Similarly if the Pay so arrived at exceeds the maximum of the absorbing grade, the Pay may be fixed at the maximum and the difference may be allowed as personal pay to be absorbed in future increments/increases in pay. Other allowances such as Dearness Allowance, City Compensatory Allowance and House Rent Allowance should be allowed on pay plus personal pay, if any, in the absorbing grade.

1309. Benefit of past service to be allowed: A disabled/medically decate-gorised Railway servant absorbed in alternative post, will for all purposes, have his past service treated as continuous with that in the alternative post.

1310. Fixation of seniority of disabled/medically decategorised staff absorbed in alternative employment: The disabled/medically decategorised staff absorbed in alternative posts should be allowed seniority in the grade of absorption with reference to the length of service rendered on non-fortuitous basis in the equivalent or corresponding grade before being declared medically unfit. This is subject to the proviso that if a disabled/medically decategorised employee happens to be absorbed in the cadre from which he was originally promoted, he will not be placed above his erstwhile seniors in the grade of absorption.

1311. The staff who get their cases recommended for a change of category on medical grounds will not get the benefit of these rules, but will be treated as staff transferred on their own request.

(Authority: Section 47(1) of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Board's letter No.E(NG)I/96/RE3/9(2) dated 29/ 4 /1999)"