

IMMEDIATE

No.13015/3/2002-Estt.(L)  
Government of India  
Ministry of Personnel, P.G.& Pensions  
Department of Personnel & Training  
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New Delhi, dt. 13<sup>th</sup> January, 2004

OFFICE MEMORANDUM

Subject :- Non invalidation of a Govt. servant who has been permanently incapacitated from Govt. service on account of mental or physical disability – Information regarding

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The Ministry of Social Justice & Empowerment (Disabilities Div.) has amended Section 47 of the Persons with Disabilities Act 1995 and under the amended provisions:

1) No establishment shall dispense with or reduce in rank an employee who acquires a disability during his service and the employee who has acquired disability if is not suitable for the post he was holding, could be shifted to some other post with the same pay scale & service benefits. In case it is not possible to adjust him against any post, he may be kept on 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 govt. may having regard to the type of work carried on in any establishment, by Notification and subject to such conditions, if

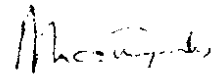
any as may be specified in such Notification, exempt any establishment from the provision of this section.

In view of the aforesaid position, the position of Rule 20(2) of CCS (Leave) Rules, 1972 shall be as under :

- a) if he is on duty, shall not be invalidated from service during his service period.
- b) if he is already on leave, the period of leave or an extension thereafter to the extent permissible under sub-rule (1) of this rule and even beyond that may be granted as per relevant rule(s).

3. Amendment in Rule 20(2) is being carried out on the above lines.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India.



(D.R. CHATTOPADHYAY)

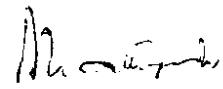
Under Secretary to the Govt. of India

To

All Ministries/Departments of Government of India etc.  
Endorsements as per Standard List.

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(D.R.CHATTOPADHYAY)

Under Secretary to the Govt. of India