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NO.AN/XIV/14162/VI CPC/Circular/VOL-III

O/o C.G.D.A, Ulan Batar Road, Palam

Delhi Cantt-110010

Dated: 10/03/2010

To,

**All PCsDA/CsDA
PC of A(Fys) Kolkata
Jt. CDA(AF) Nagpur**

Sub:- Forwarding of Office Memorandum issued by Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training.

A copy of Office Memorandum issued by Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training on the subject mentioned against each are forwarded herewith for your information, guidance and necessary action please.

Sl No	Number and Date	Issuing Authority	Subject
1	No.13018/6/2009- Estt.(L) dated 03.03.2010	Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training.	Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission – Child Care Leave Waiving of age restriction of 18 years for the Government servant having mentally challenged/disabled children-
2	No. F.1/4/2009-Estt (Pay-I) dated 08.03.2010	– DO--	Restriction of officiating pay under FR 35 – Clarification – Regarding.
3	No.14028/1/2010- Estt.(L) dated 02.03.2010	– DO--	Encashment of 10 days earned leave alongwith LTC by re-Employed pensioners – Clarification regarding.

Sr. Dy. CGDA(AN) has seen

--Sd--

(R.K.Bhatt)

For C.G.D.A

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(R.K.Bhatt)

Account Officer(AN)

No.13018/6/2009-Estt.(L)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

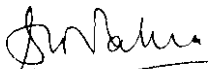
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New Delhi, dated the ^{3rd} March, 2010.

OFFICE MEMORANDUM

Subject: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Child Care Leave Waiving of age restriction of 18 years for Government servant having mentally challenged/disabled children --

The undersigned is directed to refer to DOP&T OM No.13018/2/2008-Estt.(L), dated 11.9.2008 on the subject mentioned above and to say that this Department has been receiving various references regarding waiving of the age restriction of 18 years in respect of disabled/mentally challenged children for grant of Child Care Leave to women employees. The matter has been considered in consultation with Ministry of Finance and it has been decided to permit Child Care Leave to women employees with disabled children upto the age of 22 years for a maximum period of 2 years (i.e 730 days) subject to the other conditions stipulated by the Government in this regard from time to time. However, it is stressed that CCL cannot be demanded as a matter of right and under no circumstances can any employee proceed on CCL without prior approval of the Leave sanctioning authority. Disabled Child having a minimum disability of 40% is elaborated in the Ministry of Social Justice and Empowerment Notification No.16-18/97-N.I.I, dated 1.6.2001 (copy enclosed). Documents relating to the handicap as specified in the Notification, as well as a certificate from the Government Servant regarding dependency of the child on the Govt. servant would have to be submitted by the employee. The Child Care Leave would be permitted only if the child is dependent on the Government servant.

2. Hindi version will follow.


(Simmi R. Nakra)
Director (P&A)

To

All Ministries/Departments of Govt. of India etc.
(As per standard mailing list.)

13018/6/2009-Estt.(Leave) dated March, 2010

1. Office of the Comptroller & Auditor General of India/Controller General of Accounts, Ministry of Finance.
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5. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi.
6. All Members of the Staff Side of the National Council of JCM/Departmental Council.
7. All Officers/Sections of the Department of Personnel & Training/Department of Pension & Pensioners Welfare.
8. Ministry of Finance, Deptt. of Expenditure, (E.IV) Branch)
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(Simmi R. Nakra)
Director

Annexure-

EXTRACTS OF THE NOTIFICATION**MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT****NOTIFICATION**New Delhi, the 1st June 2001

Subject:- Guidelines for evaluation of various disabilities and procedure for certification.

No. 16-18/97-NI.I In order to review the guidelines for evaluation of various disabilities and procedure for certification as given in the Ministry of Welfare's O.M.No.4-2/83-HW.III, dated the 6th August, 1986 and to recommend appropriate modifications/alterations keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Government of India in Ministry of Social Justice and Empowerment, vide Order No. 16-18/97-NI.I, dated 28.8.98, set up four committees under the Chairmanship of Director General of Health Services-one each in the area of mental retardation, Locomotor/Orthopaedic disability, Visual disability and Speech & Hearing disability. Subsequently, another Committee was also constituted on 21.7.1999 for evaluation, assessment of multiple disabilities and categorization and extent of disability and procedure for certification.

2. After having considered the reports of these committees the undersigned is directed to convey the approval of the President to notify the guidelines for evaluation of following disabilities and procedure for certification:-

Visual impairment
Locomotor / Orthopaedic disability
Speech & hearing disability
Mental retardation

Copy of the Report is enclosed herewith as Annexure *.

3. The minimum degree of disability should be 40% in order to be eligible for any concessions/benefits.
4. According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996 notified by the Central Government in exercise of the powers conferred by sub-section (1) and (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), authorities to give disability Certificate will be a Medical Board duly constituted by the Central and the State Government. The State government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/Visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.
5. Specified test as indicated in Annexure * should be conducted by the medical board and recorded before a certificate is given.
6. The certificate would be valid for a period of five years for those whose disability is temporary and are below the age 18 years. For those who acquire permanent disability, the validity can be shown as 'Permanent'.
7. The State Govts./UT Admn. may constitute the medical boards indicated in para 4 above immediately, if not done so far.
8. The Director General of Health Services, Ministry of Health and Family Welfare will be the final authority, should there arise any controversy/doubt regarding the interpretation of the definitions/classifications/evaluations tests etc.

(GAURI CHATTERJI)
Joint Secretary to the Government of India

NOTE

*The Annexure mentioned above may please be seen from the Ministry of Social Justice and Empowerment notification.

No.F.1/4/2009-Estt(Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi the 8th March, 2010.

OFFICE MEMORANDUM

Subject: Restriction of officiating pay under FR 35 - clarification - regarding.

The undersigned is directed to say that in terms of the provisions contained in Fundamental Rule 35, the Central Government may fix the pay of an officiating Government Servant at an amount less than that admissible under the Fundamental Rules. Accordingly, orders have been issued from time to time indicating the circumstances and the extent to which provisions of FR 35 would apply. This Department's OM NO. 18/7/98-Estt(Pay-I) dated 15th December, 1998 lays down the ceilings based on the pay scales sanctioned by the Government on the recommendation of the Fifth Central Pay Commission.

2. The question of revising these ceilings consequent upon implementation of CCS(RP) Rules, 2008, which have replaced pre-revised pay scales by the running pay bands and grade pay, has been considered by the Government and the President is pleased to decide to replace the existing criteria of basic pay regarding imposition of the above restriction by the criteria of **pay in the pay band**. Accordingly, the pay under FR 35 shall be restricted so as not to exceed the basic pay in the revised scales by more than the amounts shown below:

- a) For employees in receipt of Pay in the pay band above Rs. 14880 p.m. 12-1/2% of the basic pay subject to a maximum of Rs.2000 p.m.(including the difference of grade pay between the feeder and the promotional post).
- b) For employees in receipt of Pay in the pay band upto Rs.14880 p.m. 15% of the basic pay subject to a maximum of Rs.2000 p.m.(including the difference of grade pay between the feeder and the promotional post).

3. Insofar as the rate of increment to be drawn in cases where the pay is fixed under FR 35 is concerned, the Government servant may be allowed to draw his annual

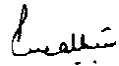
F.No.1/4/2009-Estt(Pay-I)

dated 8th March, 2010

increment @ 3% of the basic pay granted to him after imposition of restrictions under FR 35.

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

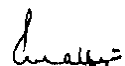
5. Hindi version will follow.



(RITA MATHUR)
DIRECTOR(PAY)

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7. Secretary, National Council(Staff Side, 13, Feroz Shah Road, New Delhi.
8. All Members of the Staff side of the National Council of JCM/Departmental Council.
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(RITA MATHUR)
DIRECTOR(PAY)

NIC please upload the OM in the What's New Column of this Department's Website.

No.14028/1/2010-Estt.(L)
Government of India
Ministry of Personnel, P.G. and Pensions
(Department of Personnel and Training)

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2nd
New Delhi, dated the March, 2010.

OFFICE MEMORANDUM

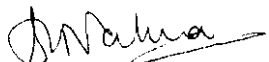
Sub: Encashment of 10 days earned leave alongwith LTC by re-
Employed pensioners – Clarification regarding.

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The undersigned is directed to refer to DOP&T O.M.No.31011/4/2008-Estt.(A), dated 23rd September, 2008 allowing encashment of earned leave alongwith LTC and to say that various references are being received from Ministries/Departments with regard to the applicability of encashment of earned leave by re-employed pensioners.

2. In this regard, it is clarified that re-employed pensioner will be entitled to encashment of Earned Leave alongwith LTC during the period of re-employment upto the limit of 60 days in accordance with Rule 38-A (including the no. of days for which encashment has been allowed alongwith Leave Travel Concession while in service) provided he is entitled to LTC.

2. Hindi version will follow.



(Simmi R. Nakra)
Director

To

All Ministries/Departments of the Govt. of India etc.
(As per standard mailing list.)

14028/1/2010-Estt.(Leave) dated 2nd March, 2010

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