

Scheme of Compassionate Grounds

1. Object

The object of the scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood to relieve the family of the Government servant concerned from financial destitution and to help it to tide over the emergency.

2. To whom Applicable :

Dependent of a Government servant who :-

- a) Dies while in service (including death by suicide); or
- b) Is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules, 1957 or the corresponding provision of the Central Civil Service Regulation before attaining the age of 55 years (57 years for group 'D' Government servant); or
- c) Is retired on medical grounds under Rule 38 of the CCS (pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulation before attaining the age of 55 years (57 years for Group 'D' Government servant; or the Corresponding Rules of DSIIDC.

3) Family Dependents :

- a) Spouse ; or
- b) Son (including adopted son); or
- c) Daughter (including adopted daughter); or
- d) Brother or sister in the case of unmarried Government Servant.

Note-I Government Servant for the purpose of these instructions means a Government servant appointed as regular basis and not one working on daily wages or casual or apprentice or adhoc or contract or re-employment basis.

4. Authority Competent to make Compassionate Appointment :

Head of the Department i.e. MD, DSIIDC.

5. Post to which such appointment can be made :

Group 'C' posts against the direct recruitment quota.

6. Eligibility :

- a) The family is indigent and deserves immediate assistance for relief from financial destitution ; and
- b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

7. Exemptions :

Compassionate appointments are exempted from observance of the following requirements:-

- a) Recruitment procedure, i.e. without the agency of the Staff Selection Commission or the Employment Exchange
- b) Clearance from the Surplus Cell of Delhi Govt.
- c) The ban orders on filling up of posts issued by the Ministry of Finance (Departmental of Expenditure).

8. Relaxations in eligibility criteria :

- a) Eligibility to be seen on the date of filing of application.
- b) Upper age limit could be relaxed wherever found to be necessary. The lower age limit should, however, in no case be relaxed below 18 years of age.

Note I- Age eligibility shall be determined with reference to the date of application and not the date of appointment.

Note-II- Authority Competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of upper age limit also for making such appointment. It is MD in DSII DC.

- c) Relaxation in educational qualification will be permitted up to a period of two years beyond which no relaxation of educational qualifications will be admissible and the services of the person concerned, if remains unqualified even after two years, are liable to be terminated.
- d) Appointment on compassionate grounds should be made only on regular basis and that too only, if regular vacancies meant for that purpose are available.

9. Parameter-Need cum economic status :

Appointing authority should be selective in its approach. The economic status of the family and benefits received by the family of the deceased Government servant should be kept in view while considering the cases of compassionate appointment. Some of the parameters which can be considered in this regard :-

- a) Income of the family of deceased Government servant.
- b) Educational qualifications of the members of the family of the deceased Government servant.
- c) Number of dependants
- d) Assets and liabilities left by the deceased Government servant.

10. Role of Welfare Officer :

The welfare officer in each Ministry/Department should meet the members of the family of the deceased Government servant immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirement and formalities to be completed by him. The Welfare Officer may submit an assessment report keeping in view the above parameters.

It was observed that processing of application for compassionate appointment is often delayed on the grounds that the application is not in the proper proforma. The dealing officials take their own time to advise the applicant to send application in the prescribed proforma and to furnish necessary details. Moreover, the information is called for piecemeal. In this process applicants who are not familiar with the procedure are made to run from pillar to post.

The welfare Officer in the Corporation should advise and assist him applying for appointment on compassionate grounds in a correct manner so that the application can be processed speedily.

11. Humanitarian Grounds :

The officer dealing with compassionate appointments should be made to understand the scheme of compassionate appointments and its objective so that they take a more humanitarian approach towards processing the case of compassionate appointments.

The Corporation should allow candidates selected for compassionate appointment to join on a provisional basis pending detailed verification of their character antecedent.

12. Fixing of time limit for making compassionate appointment :

DSIIDC may consider fixing some reasonable time limit, say 6 to 8 weeks, for making compassionate appointments. The cases which cannot be considered on account of non-availability of vacancies may, however, not be subjected to this limitation.

13. Extent of Appointment :

Compassionate appointment can be made up to 5% of vacancies calculated on the basis of direct recruitment vacancies for 'C' posts including technical post that have arisen in the year.

14. Power to relax quota :

The power to relax limit of 5% of direct recruitment vacancies for making compassionate appointment is vested with the MD, DSIIDC. The concept of compassionate appointments is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress.

15. Belated request for compassionate appointment :

Can consider request for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back.

16. Procedure :

The pro forma annexed may be used by the family member of the deceased Govt. servant for ascertaining necessary information and processing the cases of compassionate appointment.

- a. The Welfare Officer of the Organization should meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stage and advised in person about the requirement and formalities to be completed by him.
- b. An application for appointment on compassionate grounds should be considered in the light of the instructions issued from time to time by the DSIIDC. The Competent Authority of the Organization may constitute a Committee of Officers consisting of three Officers – one Chairman and two Members. The Welfare Officer may also be made one of the Members / Chairman of the Committee depending upon his rank. The Committee may meet during the second week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the Committee, if necessary, for better appreciation of the facts of the case.
- c. Recommendation of the Committee should be placed before the Competent Authority for a decision. If the Competent Authority disagrees with the Committee's recommendation, the case may be referred to the next higher authority for a decision.
- d. Compassionate appointment will have precedence over absorption of surplus employees and regularisation of daily wage / casual workers with / without temporary status.
- e. Appointment on compassionate ground is not a matter of right as we have to follow the laid down procedure.

17. Widow getting re-married :

A widow appointed on compassionate grounds will be allowed to continue in service even after re-marriage.

18. When already one earning member is there in the family :

In Deserving cases even where there is already an earning member in the family, a dependents family member may be considers for compassionate appointment with prior approval of the Board of Directors of DSII DC, provided it is justified having regard to number of depends, assets and liabilities left by the Government servant, income of the earning member also his liabilities including the fact.

19. Team to follow-up the case :

A team comprising CM (P), Sr. Manager (P) and Manager (P) will assess the suitability of the employee for appointment on compassionate ground. A visit to the residence of the applicant is also desirable to check the facts mentioned in the application, if any.

20. Missing Corporation servant :

In case of missing DSII DC employee, compassionate appointment may also be made, subject to the following conditions :

- A. After submission of following documents, a request can be considered for appointment on compassionate ground after elapse of at least 2 years from the date from which the employee has been missing :
 - i. A copy of FIR to the effect of his being missing lodged with the Police
 - ii. A certificate to the effect that the missing person is not traceable.
 - iii. the Competent Authority feels that the case is genuine, he/she can be considered for such appointment.
- B. This benefit will not be applicable to family of a Govt. servant :
 - i. Who had less than two years to retire on the date from which he has been missing ; or
 - ii. Who is suspected to have committed fraud, or suspected to have joined a terrorist organization or suspected to have gone abroad.
- C. This scheme shall also not be applicable as a matter of right as in the case of others and it will be, subject to fulfilment of all the conditions, including the availability of vacancy, laid down for such appointment.

- D. While considering such a request, the results of the Police investigation should also be taken into account; and
- E. A decision regarding Appointment on compassionate ground should be taken by the Competent Authority.

21. **Undertaking :**

A person appointed on compassionate grounds under the scheme should give an undertaking in writing (as in Annexure) that he/she will maintain properly and look after the other family members also who were dependent on the Corporation's servant and in case it is proved subsequently (at any point of time) that the family members also are being neglected or, are not being maintained properly by him/her, his/her appointment may be terminated forthwith.

22. **Request for change in post / person :**

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, shall be deemed to have ceased to exist soon thereafter. Hence,

- a) he/she should strive in his/her career like his/her other colleagues for future advancement and any request for appointment to any higher post on considerations of compassion should invariably be rejected.
- b) an appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion should invariably be rejected.

23. **Seniority :**

a. The inter se seniority of persons appointed on compassionate grounds may be fixed with reference to their date of appointment. Their interpolation with the direct recruits / promotes may also be made with reference to their dates of appointment without disturbing the inter se seniority of direct recruits / promotees. He shall be placed junior most among the candidates appointed against the select list year of the year in which he was actually appointed.

b. Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/her regular appointment.

24. **General :**

- (i) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
- (ii) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired Government servant is legally impermissible.
- (iii) Neither the qualifications of the applicant (dependent family member) nor the post held by the deceased or medically retired Government servant is relevant. If the applicant finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.
- (iv) Compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future.
- (v) Compassionate appointment cannot be offered by an individual functionary on an ad hoc basis.
- (vi) The Supreme Court has given ruling in the cases of a) Himachal Road Transport Corporation v. Dinesh Kumar [JT 1996 (5) SC 319] on May, 7, 1996 and b) Hindustan Aeronautics Limited v. Smt. A Radhika Thirumalai [JT 1996 (9) SC 197] on October 9, 1996 that appointment on compassionate grounds can be made only, if a vacancy is available for that purpose.
- (vii) The Supreme Court has held in its judgment in the case of State of Haryana and others v. Rani Devi and others [JT 1996 (6) SC 646] on July 15, 1996 that if the scheme regarding appointment on compassionate ground is extended to all sorts of casual, ad hoc employees including those who are working as Apprentices, then such scheme cannot be justified on Constitutional grounds.

- (viii) The Supreme Court has held in its judgment, dated February 28, 1995 in the case of the Life Insurance Corporation of India v. Mrs. Asha Ramachandra Ambedkar and others [JT 1994 (2) SC 83] that the High Courts and Administrative Tribunals cannot give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment.
- (ix) The Scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Govt. which have made a significant difference in the financial position of the families of the Govt. servants dying in harness / retired on medical grounds. An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the Govt. servant has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground, a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors, such as, the presence of an earning member, size of the family, ages of the children and the essentials needs of the family, etc..
- (x) Compassionate appointment should not be denied or delayed merely on the ground that there is reorganization in the Ministry / Department / Office. It should be made available to the person concerned, if there is a vacancy meant for compassionate appointment and he or she is found eligible and suitable under the scheme.

25. Position as on date :

In case of any ambiguity / doubt, the case will be dealt with as per the guidelines issued by the DOPT and as amended from time to time.

**Proforma Regarding Employment of Dependants of Government
Servant Dying While In Service / Retired on invalid Pension**

Part- A

- I. (a) Name of the Government Servant
(Deceased/retired on medical grounds). :
- (b) Designation of the Government servant. :
- (c) Whether it is Group 'D' or not? :
- (d) Date of birth of the Government servant. :
- (e) Date of death / retirement on medical grounds:
- (f) Total length of service rendered. :
- (g) Whether permanent or temporary? :
- (h) Whether belonging to SC/ST/OBC? :
- II. (a) Name of the candidate for appointment . :
- (b) His / Her relationship with the Government servant. :
- (c) Date of birth. :
- (d) Educational qualifications. :
- (e) whether any other dependants family member has.
been appointed on compassionate grounds? :
- III. Particulars of total assets left including amount of:-
- (a) Family pension. :
- (b) DCR Gratuity. :
- (c) GPF Balance :
- (d) Life Insurance Policies
(including Postal Life Insurance) :
- (e) Moveable and immoveable properties and
annual income earned therefrom by the family:

- (f) CGE Insurance amount. :
- (g) Encashment of leave. :
- (h) Any other assets. :
- Total :

IV. Brief particulars of liabilities, if any.

V. Particulars of all dependants family members of the Government servant (if some are employed, their income and whether they are living together separately)

S.No	Name(s)	Relationship with the Government Servant	Age	Address	Employed or not (if employed, particulars of employment and emoluments)
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					

Declaration/Undertaking

1. I hereby declare that the fact given by me above are, to the best of my knowledge, correct. If any of the fact herein mentioned are found to be incorrect or false at a future date, my services may be terminated.

2. I hereby also declare that I shall maintain properly the other family members who were dependants on the Government servant/member of the Armed forces mentioned against I (a) of Part-A of this form and in case it is proved at any time that the said family members are being neglected or not being properly maintained by me, my appointment may be terminated.

Date:

Signature of candidate:

Name:

Address:

Shri/Smt./Kum.....is known to me and the facts mentioned by him/her are correct.

Date:

Signature of Permanent
Government Servant

Name:

Address:

I have verified that the facts mentioned about by the candidate are correct.

Date:

Signature of Welfare Officer:

Name:

Address:

Part-B

(To be filled in by office in which employment is proposed)

- I. (a) Name of the candidate for appointment. :
- (b) His/Her relationship with the Government Servant. :
- (c) Age (date of birth), educational qualifications and experience, if any. :
- (d) Post which employment is proposed and whether it is Group 'C' or 'D'. :
- (e) Whether there is vacancy in that post within the ceiling of 5% prescribed under the scheme of Compassionate appointment :
- (f) Whether the post to be filled in included in the Central Secretariat Clerical Service or not? :
- (g) Whether the relevant Recruitment Rules provide for direct recruitment? :
- (i) Whether the candidate fulfils the requirement of The Recruitments Rules for the post? :
- (j) Apart from waiver of employment exchange / Staff Selection Commission procedure, what other relaxation are to be give. :
- II. Whether the facts mentioned in part-A have been verified by the office and if so, indicate the records? :
- III. If the Government servant died/retired on medical grounds more than 5 years back, why the case was not sponsored earlier? :
- IV. Personal recommendations of the Head of the Department in the Ministry/Department/office :

(With his signature and office stamp/seal).

COMPASSIONATE GROUND APPOINTMENT

CHECK LIST

1. Part-A of Synopsis:
(All columns should be filled up)
2. Personal recommendation of CGM on part-B
Of synopsis:
3. Latest financial status of family:
4. Consent of Widow (If son/daughter is seeking employment)
in original:
5. NOC of all eligible dependants (except widow)
6. In case of invalid pension:
- (i) Copy of sanction of department for grant
of invalid pension Rule 38
 - (ii) Medical Certificate of incapacity (in Form 23)
from Competent Medical Authority.
7. Reason of belated claim:
8. If relaxation of earning members required:
- (i) Salary certificate showing gross salary
or income certificate from tehsildar
 - (ii) Earning member is married or unmarried.
If married, details of family
 - (iii) Evidence whether earning member is living
Separately
 - (iv) Supporting point of consideration.
9. Minutes of Circle HPC
10. Any other supporting document: