

## CHAPTER XXV

### COMPASSIONATE APPOINTMENTS

1. *General Scheme and authority competent to make the appointment.*—Ministries/Departments are competent to appoint in relaxation of the procedure of recruitment through the Staff Selection Commission or Employment Exchange, but subject to the other requirements set out below, the son/daughter/near relative of a Government servant who dies in harness (including suicidal deaths), leaving his family in immediate need of assistance, in the event of there being no other earning member in the family, to Group 'C' post or Group 'D' post after the proposal for appointment has been approved by the Joint Secretary in charge of the Administration or Secretary in the Ministry/Department concerned. In attached and Subordinate Offices the power of compassionate appointment may be exercised by the Head of the Department under Supplementary Rules 2(10).

2. *Filling of Posts.*—While the restriction of the percentage of 3% earlier laid down for making compassionate appointments is removed, the appointing authorities may exercise care so that the number of posts to be earmarked do not exceed substantially and significantly 50% of the vacancies in any calendar year after allowing reservations which will not be the same for all cadres :

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| (i) Scheduled Castes . . . . .     | 15%  |
| (ii) Scheduled Tribes . . . . .    | 7.5%   |
| (iii) Ex-Servicemen . . . . .      | 10% in Group C' posts and 20% in Group D' posts subject to proviso 1 of Rule 4 of M.H.A., Notification No. 39016/10/79-Estt(C), dt. the 15th Dec., 1979. |
| (iv) Group 'D' Employees . . . . . | 10%  |
| (v) Handicapped . . . . .          | 3%   |
| (vi) Other categories . . . . .    | Under consideration.   |

3. *Eligibility.*—Ministries/Departments are aware that applicants for compassionate appointment should be appointed only if they are eligible and suitable for the posts in all respects under the provisions of the Recruitment Rules. Cases where the conditions of the family is very hard and appointment can be made only by relaxation of educational qualifications, Departments may relax educational qualifications in case of appointment at the lowest level, i.e., Group 'D' or L.D.C. post where a son/daughter/wife/near relative applying for the posts does not yet have the necessary qualifications and has to be given an opportunity to acquire the requisite qualifications. This relaxation will be permitted for a period up to two years. Beyond this no relaxation of educational qualification will be admissible and the services of the person concerned if still unqualified are liable to be terminated. Where the Ministries/Departments deem it imperative in the context of the impecunious conditions of the family they may relax the age limit in accordance with the general orders No. 4/1/55-RPS, dated 12-2-1955.

*Exemption from educational qualifications.*—The widows of deceased Government servants appointed as peons on compassionate grounds may be exempted from requirements of the educational qualifications laid down in M.H.A., O.M. No. 13/1/51-NGS, dated the 16th November, 1951. Similarly the widows of deceased Government servants appointed in other Group 'D' posts on compassionate grounds may also be exempted from the requirements of educational qualifications provided the duties of these posts can be performed by these widows satisfactorily



without having the prescribed qualification of Middle School pass specified in the Departmental Rules.

[M.H.A., D.P. & A.R., O.M. No. 49019/6/80 Estt. (C) dated the 19th October, 1982, 49015/3/83-Estt. (C), dated the 10th November, 1983 and D.P. & A.R., O.M. No. 14014/1/77-Estt. (D), dated the 25th November, 1978 and 16th October, 1985.]

*Prior consultation with Surplus Cell/D.G., Employment and Training, not necessary.*—As the compassionate appointments are made in relaxation of the normal recruitment procedures with a view to providing immediate succour to the family of the deceased Government servant, prior consultation with the 'Surplus Cell' of the Department of Personnel and Administrative Reforms in the case of Group 'C' posts or of the Director General, Employment and Training in regard to Group 'D' posts, is not necessary where the competent authority decides to appoint a son/daughter/near relative of a deceased Government servant on compassionate grounds.

[M.H.A., D.P. & A.R., O.M. No. 14014/4/83-Estt. (D), dated the 29th July, 1983.]

*Widow may continue in service even after her re-marriage.*—Enquiries are being received as to whether it is permissible to retain in service a widow, appointed on compassionate grounds in case she re-marries after appointment. After careful consideration, it has been decided that the widow appointed on compassionate grounds, may be allowed to continue in service even after her re-marriage.

[M.H.A., D.P. & A.R., O.M. No. 14014/13/81-Estt. (D), dated the 29th July 1983.]

4. *Where the death took place long ago.*—It will no longer be necessary for Departments to refer to Department of Personnel and Administrative Reforms cases of compassionate appointments of the wards of Government servants merely because a long time, say 5 years, has elapsed since the death of the Government servant. The Ministries/Departments may consider such cases themselves on merit but while admitting claim of such applications, Ministries/Departments may please keep in view the important fact that the concept of compassionate appointments is largely related to the need for immediate assistance to the family on the passing away of the Government servant in harness. When several years have passed after the death of a Government servant, it would appear *prima facie* that the family has been able to manage somehow all these years and had some means of subsistence. Ministries/Departments will no doubt deal with such requests with a great deal of circumspection in order to give due allocation to more deserving cases, if any. The decision in such cases of belated appointments may be taken after the Secretary has approved of the proposal.

5. *When there is an earning member.*—In deserving cases even where there is an earning member in the family, a son/daughter/near relative of a Government servant, who dies in harness (including suicidal deaths), leaving his family in indigent circumstances, may be considered for appointment to the post. All such appointments are, however, to be made with the prior approval of the Secretary of the Ministries/Departments concerned, who before approving the appointment will satisfy himself that the grant of the concession is justified, having regard to the number of dependants left by the deceased Government servant, the assets and liabilities left by him, the income of the earning member as also his liabilities, whether the earning member is residing with the family of the deceased Government servant and whether he should not be a source of support to the other members of the family.

6. *Government servants retired on medical grounds.*—In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to the son/daughter/near relative of Government servant retired on medical grounds under Rule 38 of the Central Civil Services (Pension) Rules, 1972 or corresponding provisions in the Central Civil Regulations.

Only such of the Government servants (other than/Group 'D' Government servants) who retire on medical grounds on or before attaining the age of 55 years are eligible for availing



of the concession of appointment of their sons/daughters/near relatives on compassionate grounds. In the case of Group 'D' employees the benefit of compassionate appointment may be extended only when they are retiring on medical grounds before attaining the age of 57 years.

7. Appointment to the post of peon etc.—The ban on filling up of vacancies imposed vide MOF (DOE) OM No. 7(1)/E(Coord)/84, dt. 3-1-84 will not be applicable to cases of compassionate appointments made under DOP & AR OM No. 14014/1/77-Estt(D), dt. 25-11-78, as amended from time to time.

[DOP & AR OM No. 14014/1/84-Estt(D), dt. 12-3-84.]

8. *Deaths during re-employment or extension in service.*—It is hereby clarified that a son/daughter/near relative of a Government servant who dies during the period of extension in service are eligible for the concession under the scheme of compassionate appointments. However, the benefit of this scheme is not admissible to those Government servants who pass away during re-employment.

9. *Request for change in post.*—Even as a person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment, should be deemed to have ceased to exist and thereafter the person who has accepted compassionate appointment in a particular post should strive in his career like his colleagues for future advancement and claims for appointment to higher post on consideration of compassion should invariably be rejected.

10. *Recruitment Rules.*—Ministries/Departments may please take steps to amend Recruitment Rules in order to make specific provision in the Rules for compassionate appointments under the scheme.

11. *Selective Approach.*—It is necessary to emphasise that even though the quota for such appointments has been abolished, Ministries/Departments may kindly adopt a highly selective approach in view of the following considerations :—

- (a) The appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications required for the post consistent with the requirement of the maintenance of efficiency of administration.
- (b) These instructions do not restrict employment of son/daughter/near relatives of deceased Group 'D' employee to a Group 'D' post only. As such a son/daughter/near relative of a deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.
- (c) As the appointments have to be cleared at the Head of Department level, and as all the vacancies are to be pooled for compassionate appointment it may be ensured that subordinate and field offices get an equitable share in the compassionate appointment.

12. *General.*—The general proforma as in Annexure prescribed may continue to be used by Ministries/Departments for processing the cases of compassionate appointments.

[MHA OM No. 14034/1/77-Estt(D) dated the 25th November, 1978, No. 14014/10/80-Estt(D), dated 18th March, 1982 No. 14/1/66-Estt(D) dated the 3rd December, 1966 and No. 35014/1/85-Estt(D), dated the 7th April, 1986.]