

COMPASSIONATE APPOINTMENTS

- G.O.Ms.No.687, General Administration Department, dt.3-10-1977.

Formulation of Rules for Compassionate Appointment to the dependents of Government Servants who die in harness while in service.

- Consolidated instructions
issued
in

Govt.Cir.Memo No. 60681/Ser.A/2003-1,
dt. 12-8-2003 of General Administration
(Ser.A) Department

Object of the Scheme

A social security scheme to provide appointment up to or equal to or less than the category of Junior Assistant to the spouse or dependent Government servant who

dies in harness

medically invalidated

missing for more than 7 years

dies in violence

commits suicide

leaving the family in immediate need of assistance there being no bread winner to provide immediate relief to the distressed family and also to instill a sense of feel secure confidence among the employees who are the main tool in the government administrative machinery.

Circumstances under which Compassionate Appointment takes place

1. Death of the Government servant in harness
(G.O.Ms.No.1005, Emp & Soc.Wel (G) Dept. dt.27-12-74 and Govt. Cir. Memo. No. 600681/Ser.I/2003-1, dt.12-08-2003)
2. Killing by extremist/anti-social elements
(G.O.Ms.No.443, General Administration (SER.C) Dept, dt.28-10-2002)
3. Missing or whereabouts are not known for more than 7 years
(Government Cir.Memo.No.60681/Ser.I/2003, dt.2-8-2003)
4. Committing suicide while in service
(Government Cir.Memo.No.41758/Ser.G/2006-2, dt.19-7-2007)
5. medical invalidation
(G.O.Ms.No. 661 General Administration (Ser.G) Dept, d.23-10-2008)

Applicability of Compassionate Appointments

- The spouse/dependent of regular government servant of 1 to 5.
- The dependent of Full time or part time contingent employee, Daily wage employee/NMR/Employee on Consolidate pay fully eligible for conversion as regular government employee (G.O.Ms.No.118 Fin. Wing (PC.III) Department dated 18-8-1999.

Non applicability

- Dependent of pensioner.
- The dependent of Daily Wage employee/NMR/Employee on Consolidate pay not eligible for conversion as regular government employee
- Non-regular employee.

Qualifications:

- Junior Assistant and equivalent categories in HODs/Directorates: Degree
- Junior Assistant and equivalent categories in Subordinate offices: Intermediate up to 11-5-2014
- From 12-5-2014: Degree
(G.O.Ms.No.35, G.A (Ser.B) Dept, dt.12.5.2014)
- Typist: Typewriting in English/Telugu Higher
- For Office subordinate category in any office: VII Class pass
- For Watchman category: V Pass.

- Conditional appointment subject to acquiring Degree/ Intermediate/Technical qualification within 5/3/2 years which can be extended for a grace period of two years. If fails to secure the qualification, such employee can be considered for appointment on his consent to the post under Last Grade Service, subject to availability of vacancy. Otherwise his service should be terminated.

(G.O.Ms.No.969, GA (Ser.A) Dept, dt.27-10-1995)

- Diploma Holders can also be considered in case the duration of study of such Diploma is equivalent to or longer than that of Intermediate

(G.O.Ms.No.112, Higher Education (TE.1) Dept, dt 27-10-2001)

- The eligibility to be taken for educational qualifications has to be reckoned from the date of application for compassionate appointment .

(Govt.Memo.No.34830/Ser.A/97-1 dt. 19-8-1997 of
G.A (Ser.A) Dept)

Age:

- Minimum: 18 years Maximum 34 years or as fixed by the Government
- For widows : 45 years.
(G.O.M.s.No.144, G.A (Ser.D) Dept, dt.15-6-2003)
- Minor : should attain majority within two years from the date of death.
(Govt. Memo. Dated 17-12-1979).
- The application must be submitted to the concerned authority within one year from the date of death/medical invalidation of the Government employee.
- In case of killing in extremist violence one year can be reckoned from the date of attaining majority.
(G.O.Ms.No.443, G.A (Ser.C) Dept, dt.28-10-2002)

Vacancies

- In the existing vacancy straight away - duly intimating the same to the District Collector/GA(IC) Department.
- In case no vacancy - the application should be forwarded to the District Collector, nodal officer, for allotment to other department in the district where a vacancy is available.
- the District Collector shall send proposals to the Administrative Department in Government. In case of HODs proposals shall be sent to the GA (IC) Department.

- In case vacancy is available at roster point meant for the Community to which the applicant belongs, such reserved community person can be appointed in such reserved vacancy or OC vacancy, but a OC person should not be appointed against the available reserved community vacancy.
- In case no vacancy exists for a OC person, such OC has to be considered by the District Collector by creation of supernumerary post in the concerned department to accommodate him. For creation of supernumerary post exceeding 5, the District Collector has to send proposals to the Administrative Department in Government. In case of HODs proposals be sent to the GA(IC) Department.

- **Competent Authority:** The appointing authority under relevant rules in respect of the post to which he is considered for appointment.
- The age limit and educational qualifications are to be reckoned from the date of application.
- On allotment by the nodal officer, appointment can be made initially on temporary basis subject to getting relaxation of age from the government.

- Appointment in any place where the spouse finds secured to live i.e. native place or at the place where the deceased last worked or in any district according to her choice basing on the local status of such spouse/dependent under Six Point Formula.

(Govt.Cir.Memo NO. 28967/Ser. G/2004-1 dated 5-6-2004)

- These appointments shall be against direct recruitment quota and to the posts where direct recruitment is available.
- The rule of reservation shall be followed.

- **JOINING TIME:** Joining time of 60 days shall be allowed as permissible under Rule 11(a) of State and Subordinate Service Rules.
- **Regularization:** In case of fully qualified appointees, from the date of appointment. In case of conditional appointment prior to 22-6-2004 subject to acquiring qualifications, from the date of appointment and in case of appointment on or after 22-6-2004, from the date of acquiring the qualification

G.O.Ms.No.183, GA (Ser.A) Dept, dt.24.5.2016

- Government have decided to adapt the said orders in G.O.Ms.No.661, G.A.(Ser.G) Dept., dt:23.10.2008 which are in force as on 01.06.2014 for the State of Telangana.

Modifications ordered in G.O.Ms.No.183, GA (Ser.A) Dept, dt.24.5.2016:

1. (i) This order may be called “The scheme of compassionate appointments to the dependents of Government employees who retire on medical invalidation orders issued in G.O.Ms.No.661, G.A.(Ser.G) Department, dt.23.10.2008 (Telangana Adaptation order) 2016.
 - (ii) it shall be come in to force with effect from 24.5.2016.
2. In the said G.O.,
 - (i) through out of the contents of the said orders, for the words “AP”, the word “Telangana” shall be substituted except in para-13 therein.

- (ii) In para-14(1) of the said orders for the words “AP Revised Pension Rules, 1980” the words “Revised Pension Rules 1980” as applicable to the State of Telangana shall be substituted.
- (iii) In para-16(i)(e) of the said orders, the word “SVIMS” shall be omitted.
- (iv) In para-20 of the said orders for the words “A.P. Pension Code”, the words “Pension Code as applicable to the state of Telangana” shall be substituted.

Procedure in case of Medical invalidation and compassionate appointment of dependent/spouse of such employee:

- 1. The appointment is only in cases when the family is in indigent conditions and in great distress and when there is no bread winner in the family.
- 2. The appointment is only in case of eligibility as per rules and in the department from which the employee retired. No relaxation of education qualification is permissible.
- 3. Application should be submitted within one year from the date of Invalidation.

- **4.** Appointments are initially temporary limiting to 5% in the vacancies meant for direct recruitment in the unit duly observing provisions under SPF.
- **5.** Normal process of recruitment need not be followed. However, a formal notification of the vacancy should be sent to the Employment Exchange. After appointment the particulars of the persons appointed should be sent to the E.E. The Director of Employment and Training shall be intimated.
- **6.** On the date of invalid retirement, such employees should have 5 years of left over service irrespective of the age of superannuation.
- **7.** The appointment shall be provided to the family members as defined under Rule 50 (12) (b) Revised Pension Rules 1980.

- Family means 50(12)(b) :
- **Category I: (i) wife/husband including judicially separated.**
- (ii) sons/daughters including such son/daughter adopted legally before retirement or son/daughter born after retirement and also including physically/mentally disabled son/daughter
- **Category II: (i) Unmarried/widowed/divorced daughter not covered under Cat. I above.**
- (ii) Parents wholly dependent when the employee was alive provided the deceased left behind neither widow nor a child

- **On receipt of the application for medical invalidation, the appointing authority shall refer such case to the Medical Board:**
- **At Districts:**
- Where there are Teaching Hospitals other than Rangareddy and Hyderabad
- Medical Board consisting of :
 - 1. Superintendent of Govt. General Hospital
 - 2. Civil Surgeon-1 } Nominated by
 - 3. Civil Surgeon-2 } Superintendent of Govt. General Hospital.
- (One of the two Civil Surgeons should be a specialist of the illness/decease of the employee is suffering; in case of women employees, one lady Civil Surgeon should be nominated.)

- In case of Rangareddy and Hyderabad: Medical Boards existing in Osmania and Gandhi Hospital
- In all other Districts: The Medical Board consisting of
 - 1. District Co-coordinator of the District Head Quarters Hospital of Vaidya Vidhana Parishad
 - 2. Civil Surgeon-1 } Nominated by
 - 3. Civil Surgeon-2 } District Co-coordinator
- (One of the two Civil Surgeons should be a specialist of the illness/decease being suffered by the employee; in case of lady employee, a lady Civil Surgeon should be nominated.)
- The Medical Board at NIMS, gives its report based on the detailed clinical examination and relevant investigations in Govt. Hospital/Govt. Institutions.

In case of the following diseases only the medical invalidation should be allowed:

- 1. Paralysis -- All 4 limbs ;
One side upper limb and lower limb;
both lower limbs,
- 2. End stage Renal disease
- 3. End stage Liver disease
- 4. Cancer with metastasis or secondaries.
- 5. Dementia – Mental Disorder.
- 6. Severe Parkinson disease.
- 7. Loss of limbs (hands or legs) in case of drivers.

- On receipt of the Medical Board report, the appointing authority shall refer the cases of subordinate offices to the District Level Committee consisting of
 - 1. District Collector-- Chairman
 - 2. The District Medical and Health Officer - Member
 - 3. The District Head of the Department -- Member/Convener

- In case of the HODs and Secretariat Department the following committee shall scrutiny the cases.
- 1. Special Chief Secretary/Prl Secretary nominated by Govt.
-- Chairman
- 2. Prl. Secy/Secy to Govt. Health Medical & F.W -- Member
- 3. Prl. Secy/Secy to Govt. of Dept in which the employees is seeking Medical Invalidation -- Member
- 4. Prl. Secy/Secy to Govt., Finance Dept -- Member
- 5. Prl. Secy/Secy to Govt., G.A (Ser) Dept -- Member
- 6. Secy to Govt, Law Dept -- Member
- 7. Director of Medical Education-- Member
- 8. Dy Secretary/Jt Secy/Addl Secy to Govt, M & F.W Dept
-- Member/Convener

- The above committees scrutinize the Medical reports and recommend for appointment on compassionate grounds
- Basing on the medical board's report and the report of the above committee, the Head of the Department shall retire the employee on medical invalidation and appoint the dependents of such employee.

G.O.Rt.No.893, GA (Ser.A) Dept, dt.10.4.2017

- Government have nominated *Sri Rajeshwar Tiwari, IAS, Special Chief Secretary to Government, HM & FW Department*, as Chairman of the State Level Committee constituted in G.O.Ms.No.661, G.A.(Ser.G) Department, Dated.23.10.2008 to consider the reports given by Medical Boards and scrutinize the proposals for appointments on compassionate grounds to eligible dependent family members of Government employees of Head of Departments and Secretariat Departments who retired on medical invalidation in accordance with the guidelines and conditions stipulated in the scheme.

IN CASE WHERE WHEREABOUTS OF THE EMPLOYEE ARE NOT KNOWN

- 1. Request should be entertained only within one year on completion of 7 years from the date of filing FIR with Police.
- 2. The Police should certify that the missing employee is not traceable.
- 3. The competent authority feels that the case is genuine.
- 4. The benefit should not be allowed to the family members of the employee who is having less than seven years of left over service from the date of filing FIR.

- 5. The employee should not have been suspected that he is committing fraud or joined terrorist/extremist organization.
- 6. The result of the police investigation report should be taken into account.
- 7. The appointment should be made by the appointing authority duly obtaining the permission from the Secretary of the Administrative Department against the vacancy available in the department.
- 8. An indemnity should be obtained from the appointee to refund the amounts drawn by him/her for such employment and he/she is liable for termination in the event of appearance of the person missing or the missing employee is alive anywhere.

- In case the person is given the benefit of compassionate appointment, in case of his missing, the spouse of such missing employee is not entitled for appointment under this scheme

(Govt.Memo. No. 14141/Ser.II/2007-6,
Dt.12-5-2008 of the G.A Department)

Dependents eligible for the benefit under the scheme

- (a) Spouse
- (b) son/daughter
- (c) When employed son is separated, when there is no other earning member, one of the eligible out of spouse/son/daughter
- (d) Legally Adopted son or daughter in case of adoption occurred **five years prior** to the date of death of the employee.
- (e) Only daughter married has no brother or sister when the spouse of the deceased is not willing for appointment (Provided she is fully depended on the deceased employee).

- (f) Daughter Unmarried on the date of application for appointment and subsequently married before her appointment
- (g) One of the married daughter and unmarried minor daughter at the choice of the wife of the deceased.
- (h) A widow or widower appointed on compassionate grounds will be continued in service in case of remarriage.
- (i) Unemployed younger brother/sister in case the deceased employee is unmarried.
- (j) Dependent Widowed/deserted daughter without receiving any property from husband, only legal heir of the deceased employee and if spouse is not willing to avail benefit.

(Memo No. 40610/A1/Admn.II/2004 Fin (Admn.II) Dt 20-3-2004)

- (k) One of the married **dependent** daughters subject to eligibility if spouse is not willing
(Govt.Memo.No. 116417/Ser-A/2003-1 GA(Ser.A) Dt. 8-10-2003)
- (l) Married son, dependent on the deceased, if there is no other family member subject to other conditions of the scheme.

(Govt.Memo.No.23327/Ser.G/2007-2 GA(Ser.G) Dept, dt.19-9-2007)

- (m) If the wife is unwilling or unqualified, her choice of selecting one of her dependent children shall vests with her.

(Govt.Memo.No.140733/Ser.A/2003-1, dt.14-11.2003 of G.A (Ser.A) Dept)

Appointments subject to acquiring qualification:

- A minimum period of 2 years for acquiring technical qualifications, 3 years for intermediate and 5 years for degree be allowed. A further period of 2 years as grace period be allowed to acquire academic/technical qualifications.
- In case of failure to acquire the qualifications, considered for appointment to the lower post at the request of the individual.

- Relaxation of age, educational qualification under APLGS contemplated in Govt.Memo.No.2047/Ser.A/83-1 DA(Ser.A) Department, dated 10-10-1983 need not be insisted for temporary appointments. However, service should be regularized only after getting relaxation orders from the HOD.

RELAXATION OF RULES

- No relaxation of rules in case of appointment other than the post in Last Grade Service is permissible.
- Relaxation of stipulated time of one year for application; time limit of two years for appointment of minor appointment; Educational qualifications under LGS in respect of minor may be referred to Government in hard cases. In other case relaxation cannot be entertained.

- Not to accept requests for relaxations of existing rules. Secretariat Departments/
HODs not to entertain such proposals.

(GM No. 28379/Ser.G/A1/2004-1 GA(Ser.G) Dt.
28-5-2005)

Legal position:

- The Supreme Court held that courts/tribunal cannot issue positive directions to the appointing authority in respect of compassionate appointment and also for creation of supernumerary post for such appointments in the absence of specific provision under the scheme for creation of supernumerary post. The appointment under the scheme is only in accordance with relevant provisions and guidelines given under the scheme by the Government.

- Ex Gratia payment:
- In case of death while in service, when there is no other earning family member; when there is no suitable person for appointment in the family, children are minors and the spouse/other dependent does not avail the benefit of appointment; if the spouse crossed 45 years of age exgratia amount can be granted
(G.O.Ms.No. 166 GA(Ser. G) Department dated 31-3-2005

- **Class IV employee** **Rs. 40,000**
- **Non Gazetted Officer** **Rs. 60,000**
- **Gazetted officers** **Rs. 80,000**

- Appointment to the post of Watchman/Chowkidar can be made without requirement of Ex –Service-man or trained in Civil Defense or as a Home Guard subject to undergoing such training after appointment. (Govt.Memo.No.155498/Ser.G/GA(Ser.A) dt. 27-11-2004.

Appointment shall be in accordance with special rules, rule of reservation including local and Non local.

(Govt.Memo.No.46614/Ser.A/2005-1 GA(Ser.A) dt. 27-5-2005)

As there is no direct recruitment to the post of Record Assistant under General Subordinate Service Rules, compassionate appointments cannot be considered against such post

(Govt. Memo No.536/Ser.A/96-1GA (Ser.A)
Dept dt. 9-10-1996 and para 2 (4) of GO
Ms. No. 76 GA(Ser. A) Dept dt. 4-3-1998)

Compassionate appointment is permissible in case of deceased daily wage or NMR or consolidated pay person or contingent worker on full time basis/part time basis who is eligible for regularization as per GO 212 dt. 22-4-1994 and GO 112 dt 23-7-1997 who could not be regularized due to administrative reasons

(G.O.Ms.No.118 F & P (FW PC) Dept, dt. 18-8-1999).

Nature of appointment

- Initially the appointment should be temporary under Rule 10(a) of State and Subordinate Service Rules without subjecting to process of recruitment provided in the relevant recruitment rules in case satisfies the educational/technical qualifications and within the limits of minimum and maximum age.

- Inter Local cadre transfers of compassionate appointees on option to local cadre, holding a localised post, against a clear vacancy and seniority as at request without observing ban on transfer (G.O.Ms.No. 70, GA(MC.III) Dept, dt.11-2-2009)
- Compassionate appointment be made only in the local cadre to which the applicant is a local candidate
- (Govt.Memo.No.20568/Ser.G/299801, GAD(Ser. G) dt. 22-6-2009).

Pension can be treated as earning and pensioner can be treated as an earning member and also that the dependent children of a government employee, who died while in service cannot be considered for appointment under the scheme of compassionate appointment when the other parent, who had retired from service and is in receipt of service pension.

Govt.Cir.Memo.No.15456/Ser.E/2016,
dt.24.12.2016

- All the appointing authorities in the State shall examine the proposals of compassionate appointments on priority basis and appoint the dependents of the deceased Government employee within 10 working days from the date of submission of application, in terms of orders/instructions issued on the scheme of compassionate appointment from time to time, so as to provide immediate relief to the distressed family of such deceased Government employee.

THANK YOU



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