

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

Objective of the Scheme

- ✓ A social security scheme
- ✓ Appointment to \leq Junior Assistant Post
- ✓ spouse or dependent of Government servant who
dies in harness
medically invalidated
missing for more than 7 years

Objective of the Scheme

- ✓ The family in immediate need of assistance
- ✓ No bread winner
- ✓ To provide immediate relief to the distressed family
- ✓ To instill a sense of feel secure confidence among the employees who are the main tool in the government administrative machinery.

Circumstances

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, dt.23-10-2008)

Applicability

- The spouse/dependent of regular government servant.
- 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

- As prescribed in the T.S Ministerial Service Rules

Or

T.S Last Grade Service Rules

Or

Special Service Rules of the Department

Qualifications

- Junior Assistant and equivalent categories in HODs/Directorates:

Graduation from a recognized University

- Junior Assistant and equivalent categories in Subordinate offices:

Intermediate up to 11-5-2014

From 12-5-2014

Graduation from a recognized University
(G.O.Ms.No.135, G.A (Ser.B) Dept, dt.12.5.2014)

Qualifications

- Typist: **Typewriting in English/Telugu Higher**
- Office Subordinate: **VII Class pass**
- Watchman: **V Class Pass**
- Diploma (in case the duration of Diploma is equivalent to or longer than that of Intermediate)
(G.O.Ms.No.112, Higher Education (TE.1) Dept, dt.27-10-2001)

Conditional Appointment

- Degree – 5 Years
 - Intermediate – 3 Years
 - Technical Qualification – 2 Years
- Grace Period – 2 Years

➤ If fails to acquire the qualification – Consider appointment to lower cadre (on consent) / Terminate from service

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

Age

- Minimum: 18 years
- Maximum: 34 years (or as fixed by the Government)
- For widows: 45 years
(G.O.Ms.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)

Time limit for submission of application

- Within one year from the date of death/medical invalidation of the Government employee
- Killing in extremist violence: Within one year 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
- To the posts where DR is available
- Against DR Quota
- Intimation to District Collector/GAD

- **In case no vacancy** Application should be forwarded to the Nodal Officer (District Collector)
- **In case no vacancy with Nodal Officer also** - Shall send proposals to the Administrative Department in Government.
- **In case of HODs** - Proposals shall be sent to the GA (IC) Department

Rule of Reservation

- Should be followed
- Vacancies belong to SC/ST/BC (A, B, C, D & E) shall not be filled with others
- OC vacancies can be filled with anybody

Powers of District Collector

- Nodal Officer for Compassionate Appointments
- Allots Candidates to Departments as per the vacancy position
- Can create up to 5 Supernumerary posts for OC candidates
- Chairman of District Level Committee (for medical invalidation cases)

- **Competent Authority:** Appointing authority under relevant rules
- **Age limit & educational qualifications:** As on 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)
- **Delay in allotment of candidate:** Appoint initially on temporary basis subject to getting relaxation of age from Government

Where to appoint?

- In a place where
 - Spouse finds secured to live
 - Native place
 - The deceased last worked
 - Any other District according to her choice
 - Basing on the local state of spouse / dependent
 - As per Presidential Order

(Govt.Cir.Memo.No.28967/Ser. G/2004-1, dt.05-6-2004)

- ✓ **Joining Time:** As per Rule 11(a) of State & Subordinate Service Rules

- ✓ **Regularization:**
 - ✓ Fully qualified - from the date of appointment
 - ✓ Conditional appointment - from the date of acquiring the qualification
(G.O.Ms.No.151, GA (Ser.G) Dept, dt.22.6.2004)

Medical Invalidation Scheme

G.O.Ms.No.661, G.A (Ser.G) Dept, dt23.10.2008

as adapted

vide

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

With certain modifications applicable to TS

Procedure for compassionate appointment under Medical Invalidation Scheme

- The appointment is only in case of eligibility as per service rules
- Appointment in the same Department
- No relaxation for educational qualifications
- Application should be submitted within one year from the date of Invalidation
- Employee should have at least 5 years left over service for superannuation

- Initially temporary appointment
- Limiting to 5% in the vacancies meant for direct recruitment in the unit
- Provisions of Presidential Order should be followed
- Formal notification to the Employment Exchange
- After appointment, particulars of candidates should be sent to the Employment Exchange
- 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

Allowable deceases under the Scheme

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

✓ **The appointing authority shall refer the case to the concerned 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 Superintendent of

• 3. Civil Surgeon-2 } 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 all other Districts:

- The Medical Board consisting of
 1. District Co-coordinator Hospital Services of Vaidya Vidhana Parishad
 2. Civil Surgeon-1
 3. Civil Surgeon-2
- Nominated by District Coordinator
of Hospital Services
- 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

- 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 Rangareddy and Hyderabad:** Medical Boards existing in Osmania and Gandhi Hospital

Report of Medical Board



District Level Committee/State Level Committee

District Level Committee

1. District Collector- **Chairman**
2. The District Medical and Health Officer - **Member**
3. The District Head of the Department --
Member/Convener

State Level Committee

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

- ❖ Application should be submitted within one year on completion of 7 years from the date of filing FIR with Police.
- ❖ The Police should certify that the missing employee is not traceable.
- ❖ The competent authority feels that the case is genuine.
- ❖ 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.

- ❖ The employee should not have been suspected that he is committing fraud or joined terrorist/extremist organization.
- ❖ The result of the police investigation report should be taken into account.
- ❖ 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.
- ❖ 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)

- Relaxation of age, educational qualification under TS Last Grade Services contemplated in Govt.Memo.No.2047/Ser.A/83-1, dt.10-10-1983 of GA (Ser.A) Dept 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-Serviceman 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 & 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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