



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-9/2014-CDN

Date the 7th February, 2014

ENDORSEMENT

Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi has issued O. M. No. 1401/02/2012-Estt.(D) dated 16.1.2013 & 30.5.2013 regarding Consolidated Instructions on compassionate appointment. The above mentioned O.M. is being uploaded on the ICAR Web-Site www.icar.org.in for information and further guidance.

(J.N. Bhagat)

Under Secretary (GAC)

DISTRIBUTION :-

1. All Directors/Project Directors of all ICAR Institutes/National Research Centres/Project Coordinators/Coordinated Research Projects/Zonal Project Coordinators/Bureaux
2. Sr.PPS to DG, ICAR/PPS to Secretary, ICAR/PPS to FA (DARE).
3. Chairman ASRB/ND, NAIP/ Project Director(DKMA), Pusa, New Delhi.
4. ✓ Shri Hans Raj, ISO, (DIPA) KAB-I for putting in the ICAR Web-Site.
5. All officers/sections at ICAR Krishi Bhawan/KAB – I & II.
6. Secy. (Staff Side), CJSC, NRC on Meat, Chengicherla, Hyderabad -500039
7. Secy. (Staff Side), HJSC, ICAR, KAB-II, Pusa, New Delhi-110012
8. Guard file/Spare copies

F.No.14014/02/2012--Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)


North Block,
New Delhi
Dated the 16th January, 2013

OFFICE MEMORANDUM

Subject:- **Consolidated Instructions on compassionate appointment** –
regarding.

The undersigned is directed to invite attention to this Department's O.M. No.14014/6/94-Estt(D) dated 09.10.1998 vide which Scheme for "**Compassionate Appointment under Central Government**" was issued. Subsequently a number of instructions on compassionate appointments under the Central Government have been issued. The content of important/relevant O.Ms and orders on the subject have been further consolidated for the facility of reference and guidance and are being made available on this Department's website www.persmin.nic.in in the dynamic form (OMs & Orders>Establishment>(A) Administration (III) Concessions in appointment (a) compassionate appointment). This may be brought to the notice of all concerned for information, guidance and necessary action.

2. Hindi version will follow.


16/1/2013
(Virender Singh)


Under Secretary to the Government of India
Tel. No. 2309 3804

To,
All Ministries/Departments of Government of India

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.

8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Centre, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (200 copies).


(Virender Singh)
16/1/2013

Under Secretary to the Government of India
Tel. No. 2309 3804

SCHEME FOR COMPASSIONATE APPOINTMENT

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 get over the emergency.

2. TO WHOM APPLICABLE

To a dependent family member —

(A) 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 in the Central Civil Service Regulations before attaining the age of 55 years (57 years for erstwhile Group 'D' Government servants); 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 Regulations before attaining the age of 55 years (57 years for erstwhile Group 'D' Government servants); or

(B) of a member of the Armed Forces who —

- (a) dies during service; or
- (b) is killed in action; or
- (c) is medically boarded out and is unfit for civil employment.

Note I **"Dependent Family Member"** means:

- (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 or
- (e) member of the Armed Forces referred to in (A) or (B) of this para,

-- who was wholly dependent on the Government servant/ member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.

Note II **"Government servant"** for the purpose of these instructions means a Government servant appointed on regular basis and not one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.

Note III **"Confirmed work-charged staff"** will also be covered by the term 'Government servant' mentioned in Note III above.

Note IV **"Service"** includes extension in service (but not re-employment) after attaining the normal age of retirement in a civil post.

Note V **"Re-employment"** does not include employment of ex-serviceman before the normal age of retirement in a civil post.

3. **AUTHORITY COMPETENT TO MAKE
COMPASSIONATE APPOINTMENT**

- (a) Joint Secretary in-charge of administration in the Ministry/Department concerned.
- (b) Head of the Department under the Supplementary Rule 2(10) in the case of attached and subordinate offices.
- (c) Secretary in the Ministry/Department concerned in special types of cases.

4. **POSTS TO WHICH SUCH APPOINTMENTS CAN BE MADE**

Group 'C' posts against the direct recruitment quota.

5. **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.

6. **A. 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 the Department of Personnel and Training/Directorate General of Employment and Training.
- (c) The ban orders on filling up of posts issued by the Ministry of Finance (Department of Expenditure).

B. RELAXATIONS

- (a) 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.

- (b) In exceptional circumstances Government may consider recruiting persons not immediately meeting the minimum educational standards. Government may engage them as trainees who will be given the regular pay bands and grade pay only on acquiring the minimum qualification prescribed under the recruitment rules. The emoluments of these trainees, during the period of their training and before they are absorbed in the Government as employees, will be governed by the minimum of the – 1S pay band Rs.4440-7440 without any grade pay. In addition, they will be granted all applicable Allowance, like Dearness Allowances, House Rent Allowance and Transport Allowance at the admissible rates. The same shall be calculated on the minimum- 1S pay band without any grade pay. The period spent in the-1S pay band by the future recruits will not be counted as service for any purpose as their regular service will start only after they are placed in the pay band PB-1 of Rs.5200-20200 along with grade pay of Rs.1800. **(Para 1 of O.M. No.14014/2/2009-Estt.(D) Dated the 11th December, 2009)**

Note In the case of an attached/subordinate office, the Secretary in the concerned administrative Ministry/Department shall be the competent authority for this purpose.

- (c) In the matter of exemption from the requirement of passing the typing test those appointed on compassionate grounds to the post of Lower Division Clerk will be governed by the general orders issued in this regard:-

- (i) by the CS Division of the Department of Personnel and Training if the post is included in the Central Secretariat Clerical Service; or
 - (ii) by the Establishment Division of the Department of Personnel and Training if the post is not included in the Central Secretariat Clerical Service.
- (d) In case of appointment of a widow not fulfilling the requirement of educational qualification, against the post of MULTI TASKING STAFF, she will be placed in Group 'C'- Pay Band - 1 (Rs. 5200-20200)+ Grade Pay Rs. 1800/- directly without insisting on fulfillment of educational qualification norms, provided the appointing authority is satisfied that the duties of the post against which she is being appointed can be performed with help of some on job training. This dispensation is to be allowed for appointment on compassionate ground against the post of MULTI TASKING STAFF only.
(Para 2 of O.M. No.14014/2/2009-Estt. (D) Dated 03.04.2012)

7. DETERMINATION/AVAILABILITY OF VACANCIES

- (a) Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available.
- (b) Compassionate appointments can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' post. The appointing authority may hold back upto 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise so as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category viz SC/ST/OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against the vacancy point meant for General category.
- (c) While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/ad-hoc/contract basis against regular vacancies, there is no bar to considering him for such appointment if he is eligible as per the normal rules/orders governing such appointments
- (d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilising any other vacancy e.g. sports quota vacancy.

- (e) The Committee constituted for considering a request for appointment on compassionate grounds should limit its recommendation to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in Group 'C' posts. **(O.M.No.14014/18/2000-Estt.(D) dated 22.06.2001)**
- (f) **Calculation of vacancies by grouping of posts for small offices/cadres -** Grouping of posts in small Offices/Cadres for the purpose of calculation of vacancies for appointment on compassionate grounds is allowed. Consequently, Group 'C' posts in which there are less than 20 direct recruitment vacancies in a recruitment year may be grouped together and out of the total number of vacancies 5% may be filled on compassionate grounds subject to the condition that appointment on compassionate grounds in any such post should not exceed one. For the purpose of calculation of vacancies for compassionate appointment, fraction of a vacancy either half or exceeding half but less than one may be taken as one vacancy. **(Para 2 and 3 of O.M. No. 14014/24/1999-Estt.(D) dated 28.12.1999)**
- (g) **Liberalized method of calculation of vacancies for small Ministries/Departments -** The small Ministries/Departments may apply a more liberalized method of calculation of vacancies under 5% quota for compassionate appointment. The small Ministries/Departments, for the purpose of these instructions, are defined as organizations where no vacancy for compassionate appointment could be located under 5% quota for the last 3 years. Such small Ministries/Departments may add up the total of DR vacancies in Group 'C' and erstwhile Group 'D' posts (excluding technical posts) arising in each year for 3 or more preceding years and calculate 5% of vacancies with reference to the grand total of vacancies of such years, for locating one vacancy for compassionate appointment. This is subject to the condition that no compassionate appointment was/has been made by the Ministries/Departments during 3 years or number of years taken over and above 3 years for locating one vacancy under 5% quota. **(Para 4 of O.M. No. 14014/3/2005-Estt.(D) dated 09.10.2006)**
- (h) The compassionate appointment can also be made against technical 'posts' at Group 'C' and erstwhile Group 'D' level. The 5% quota of vacancies will be calculated on the basis of total DR vacancies arising in a year in the technical posts. **(Para 2 of O.M. No. 14014/3/2005-Estt(D) dated 19.01.2007.)**

8. **TIME LIMIT FOR CONSIDERING APPLICATIONS FOR COMPASSIONATE APPOINTMENT:**

Prescribing time limit for considering applications for compassionate appointment has been reviewed vide this Department O.M No.14014/3/2011-Estt.(D) dated 26.07.2012. Subject to availability of a vacancy and instructions on the subject issued by this Department and as amended from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case

9. **BELATED REQUESTS FOR COMPASSIONATE APPOINTMENT**

- (a) Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back, say five years or so. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the level of the Secretary of the Department/Ministry concerned.
- (b) Whether a request for compassionate appointment is belated or not may be decided with reference to the date of death or retirement on medical ground of a Government servant and not the age of the applicant at the time of consideration.
- (c) The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment **(Para 4 of O.M No.14014/3/2011-Estt.(D) dated 26.07.2012**

10. **WIDOW APPOINTED ON COMPASSIONATE GROUNDS GETTING REMARRIED**

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

11. **WHERE THERE IS AN EARNING MEMBER**

- (a) In deserving cases even where there is already an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department/Ministry concerned who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to number of

dependents, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he should not be a source of support to other members of the family.

- (b) In cases where any member of the family of the deceased or medically retired Government servant is already in employment and is not supporting the other members of the family of the Government servant, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the Government servant so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the member of the family already employed is not supporting the family.

12. MISSING GOVERNMENT SERVANT

Cases of missing Government servants are also covered under the scheme for compassionate appointment subject to the following conditions:-

- (a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the Government servant has been missing, provided that:
 - (i) an FIR to this effect has been lodged with the Police,
 - (ii) the missing person is not traceable, and
 - (iii) the competent authority feels that the case is genuine;
- (b) This benefit will not be applicable to the case of a Government 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 any terrorist organisation or suspected to have gone abroad.
 - (c) Compassionate appointment in the case of a missing Government servant also would not be a matter of right as in the case of others and it will be subject to fulfillment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme;
 - (d) While considering such a request, the results of the Police investigation should also be taken into account; and
 - (e) A decision on any such request for compassionate appointment should be taken only at the level of the Secretary of the Ministry/Department concerned.

13. **PROCEDURE**

- (a) The proforma as in Annexure may be used by Ministries/Departments/ Offices for ascertaining necessary information and processing the cases of compassionate appointment.
- (b) The Welfare Officer in each Ministry/Department/Office 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 requirements and formalities to be completed by him.
- (c) An application for appointment on compassionate grounds should be considered in the light of the instructions issued from time to time by the Department of Personnel and Training (Establishment Division) on the subject by a committee of officers consisting of three officers – one Chairman and two Members – of the rank of Deputy Secretary/ Director in the Ministry/Department and officers of equivalent rank in the case of attached and subordinate offices. 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.
- (d) 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.

14. **UNDERTAKING FOR MAINTENANCE OF THE FAMILY OF THE DECEASED EMPLOYEE**

A person appointed on compassionate grounds under the scheme should give an undertaking in writing (as in Annexure) that he/she will maintain properly the other family members who were dependent on the Government servant/member of the Armed Forces in question and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by him/her, his/her appointment may be terminated forthwith. The question of its legal enforceability has been examined in consultation with the Ministry of Law (Department of Legal Affairs) and it has been decided that it should be incorporated as one of the additional conditions in the offer of appointment applicable only in the case of appointment on compassionate grounds **(O.M No.14014/16/1999-Estt.(D) dated 20.12.1999).**

15. 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, should be deemed to have ceased to exist. Therefore, --

- (a) he/she should strive in his/her career like his/her 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.

16. SENIORITY

A person appointed on compassionate ground in a particular year may be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate ground. **(Para 4.8 of O.M. No. No.20011/1/2008-Estt.(D) dated 11.11.2010)**

17. TERMINATION OF SERVICE

The compassionate appointments can be terminated on the ground of non-compliance of any condition stated in the offer of appointment after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him/her to explain why his/her services should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Rules/Temporary Service Rules for his purpose.

In order to check its misuse, it has also been decided that this power of termination of services for non-compliance of the condition(s) in the offer of compassionate appointment should vest only with the Secretary in the concerned administrative Ministry/Department not only in respect of persons working in the Ministry/Department proper but also in respect of Attached/Sub-ordinate offices under that Ministry/Department. **(O.M. No. 14014/19/2000-Estt(D) dated 24.11. 2000).**

18. **GENERAL**

- (a) 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 and experience required for the post consistent with the requirement of maintenance of efficiency of administration.
- (b) It is not the intention to restrict employment of a family member of the deceased or medically retired (erstwhile) Group 'D' Government servant to a erstwhile Group 'D' post only. As such, a family member of such erstwhile Group 'D' Government servant can be appointed to a Group 'C' post for which he/she is educationally qualified, provided a vacancy in Group 'C' post exists for this purpose.
- (c) The Scheme of compassionate appointments was conceived as far back as 1958. Since then a number of welfare measures have been introduced by the Government which have made a significant difference in the financial position of the families of the Government 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 Government 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 essential needs of the family, etc.
- (d) Compassionate appointment should not be denied or delayed merely on the ground that there is reorganisation 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.
- (e) Requests for compassionate appointment consequent on death or retirement on medical grounds of erstwhile Group 'D' staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.
- (f) Compassionate appointment will have precedence over absorption of surplus employees and regularisation of daily wage/casual workers with/without temporary status.
- (g) Any request to increase the upper age-limit of 55 years for retirement on medical grounds prescribed in para 2(A) (b) and (c) above in respect of Group 'A'/'B'/'C' Government servants and to bring it at par with the upper age-limit of 57 years prescribed therein for erstwhile Group 'D' Government servants on the ground that the age of retirement has recently (May, 1998) been raised from 58 years to 60 years for Group 'A'/'B'/'C'

Government servants (which is at par with the age of retirement of 60 years applicable to erstwhile Group 'D' Government servants) or on any other ground should invariably be rejected so as to ensure that the benefit of compassionate appointment available under the scheme is not misused by seeking retirement on medical grounds at the fag end of one's career and also keeping in view the fact that the higher upper age-limit of 57 years has been prescribed therein for erstwhile Group 'D' Government servants for the reason that they are low paid Government servants who get meagre invalid pension in comparison to others.

19. **IMPORTANT COURT JUDGEMENTS**

The ruling contained in the following judgements may also be kept in view while considering cases of compassionate appointment:-

- (a) The Supreme Court in its judgement dated April 8, 1993 in the case of Auditor General of India and others vs. G. Ananta Rajeswara Rao [(1994) 1 SCC 192] has held that appointment on grounds of descent clearly violates Article 16(2) of the Constitution; but if the appointment is confined to the son or daughter or widow of the Government servant who died in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.
- (b) The Supreme Court's judgement dated May 4, 1994 in the case of Umesh Kumar Nagpal vs. State of Haryana and others [JT 1994(3) S.C. 525] has laid down the following important principles in this regard:
 - (i) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate ground.
 - (ii) The posts in Group 'C' and 'D' (formerly Class III and IV) are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds and no other post i.e. in the Group 'A' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.
 - (iii) 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.
 - (iv) 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.

- (v) 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.
- (vi) 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.
- (vii) Compassionate appointment cannot be offered by an individual functionary on an ad-hoc basis.
- (c) The Supreme Court has held in its judgement dated February 28, 1995 in the case of the Life Insurance Corporation of India vs. Mrs Asha Ramchandra Ambekar and others [JT 1994(2) S.C. 183] 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.
- (d) The Supreme Court has ruled in the cases of Himachal Road Transport Corporation vs. Dinesh Kumar [JT 1996 (5) S.C. 319] on May 7, 1996 and Hindustan Aeronautics Limited vs. Smt A. Radhika Thirumalai [JT 1996 (9) S.C. 197] on October 9, 1996 that appointment on compassionate grounds can be made only if a vacancy is available for that purpose.
- (e) The Supreme Court has held in its judgement in the case of State of Haryana and others vs. Rani Devi and others [JT 1996(6) S.C. 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.
- (f) The Hon'ble Supreme Court in its judgment dated 05.04.2011 in Civil Appeal No. 2206 of 2006 filed by Local Administration Department vs. M. Selvanayagam @ Kumaravelu has observed that "an appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death, simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind". **(O.M. No. 14014/3/2011-Estt.(D) dated 26.07.2012).**

ANNEXURE

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT
SERVANTS 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 MTS (erstwhile
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 dependent family
member has been appointed on
compassionate grounds. _____

III. Particulars of total assets left including amount of	_____
(a) Family Pension	_____
(b) D.C.R. Gratuity	_____
(c) G.P.F. Balance	_____
(d) Life Insurance Policies (including Postal Life Insurance)	_____
(e) Moveable and Immovable properties and annual income earned therefrom by the family.	_____
(f) C.G.E. Insurance amount	_____
(g) Encashment of leave	_____
(h) Any other assets.	_____
Total	_____
(IV). Brief particular of liabilities if any.	_____

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

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

1.

2.

3.

4.

5.

VI.

DECLARATION/UNDERTAKING

1. I hereby declare that the facts given by me above are, to the best of my knowledge, correct. If any of the facts 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 dependent on the Government servant/member of the Armed Forces mentioned against 1(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 the candidate

Name:- _____

Address:-_____

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

Date:

Signature of permanent
Government servant.

Name:_____

Address:-_____

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

Date:

Signature of permanent
Government servant.

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 (Group C) which employment is Proposed _____
- (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 is included in the Central Secretariat Clerical Service or not. _____
- (g) Whether the relevant Recruitment Rules provide for direct recruitment. _____
- (h) Whether the candidate fulfils the requirements of the Recruitment Rules for the post. _____
- (i) Apart from waiver of Employment Exchange/Staff Selection Commission procedure what other relaxation are to be given. _____
- (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 recommendation of the Head of the Department in the Ministry/Department/Office. _____
(With his signature and office Stamp/seal)

Department of Personnel & Training

Establishment 'D' Division

Frequently Asked Questions (FAQs) on Compassionate Appointment

S.No.	Question	Answer
Introduction and Objective		
1.	Under what provisions of Government, appointments on compassionate grounds are regulated?	The appointments on compassionate grounds against a post in Central Government are regulated in terms of the provisions of "Scheme for Compassionate Appointment under Central Government" issued under Department of Personnel & Training O.M. No. 14014/6/1994-Estt(D) dated 09.10.1998, as amended from time to time. <u>All the instructions on compassionate appointments have been consolidated vide O.M. 14014/02/2012-Estt(D) dated 16.01.2013 and are available on the Department's website www.persmin.nic.in (OMs & Orders > Establishment > (A) Administration (III) Concessions in Appointments (a) Compassionate Appointments).</u>
2.	What is the objective of scheme for compassionate appointments?	The objective of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant who has died while in service or who is retired on medical grounds before attaining the age of 55 years (57 years for erstwhile Group 'D' employees), thereby leaving the family in penury and without any means of sustainable livelihood <u>so as to provide relief to the family of the Government servant concerned from financial destitution and to help it get over the emergency.</u>
3.	Is the Scheme applicable to member of Armed Forces?	Yes. Dependent family member of a Armed Force personnel can be considered for appointment against a civilian post within any establishment/organisation under the Ministry of Defence, if the armed force personnel: a) Dies during service; or b) Is killed in action; or c) Is medically boarded out and is unfit for civil employment

4.	Can dependents of a deceased government employee who committed suicide be considered for compassionate appointment?	Yes. If the family satisfies the criteria to be considered for compassionate appointment (see S. No. 29).
Age Limit for appointment on compassionate grounds		
5.	What is the upper and lower age limit for making compassionate appointment?	The age limits would be based on the Recruitment Rules of the post to which the compassionate appointment is proposed to be made.
6.	Whether upper age limit prescribed for a post can be relaxed while making appointment on compassionate ground?	Yes. Upper age limit can be relaxed wherever found to be necessary.
7.	Whether lower age limit prescribed for a post can be relaxed while making appointment on compassionate ground?	No. The lower age limit cannot be relaxed below 18 years of age.
8.	What is the crucial date for determining age eligibility for appointment on compassionate grounds?	Age eligibility shall be determined with reference to the 'date of application' for compassionate appointment.
9.	Which authority is competent to grant relaxation of upper age limit?	Authority competent to take a final decision for making compassionate appointment in a case is the competent authority to grant relaxation of upper age limit.
10.	Is there any restriction of age limit of medically retired government servant for consideration of cases of dependents for compassionate appointment?	Yes. The Government servant should have retired on medical grounds before attaining the age of 55 years (57 years for erstwhile Group D employees).
Definition of a Dependent Family Members		
11.	Who are considered dependent Family Members	Dependent Family Member means: a) spouse; or

	for the purpose of consideration of appointment on compassionate grounds?	<p>b) son (including adopted son); or</p> <p>c) daughter (including adopted daughter); or</p> <p>d) brother or sister in the case of unmarried Government servant; or</p> <p>e) member of the Armed Forces, as defined in S.No. 3, who was wholly dependent on the Government servant/ member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.</p>
12.	Whether a 'married daughter' can be considered for compassionate appointment?	<p><u>Yes</u>, but subject to conditions:</p> <p>i. That she was wholly dependent on the Government servant at the time of his/her death in harness or retirement on medical grounds</p> <p>ii. She must support other dependents members of the family.</p>
13.	Whether 'married son' can be considered for compassionate appointment?	<u>No</u> . A married son is not considered dependent on a government servant.
14.	Whether 'married brother' can be considered for compassionate appointment?	<u>No</u> . A married brother is not considered dependent on a government servant.
15.	Whether dependent of an employee working on 'daily wage or casual or apprentice or ad-hoc or contract or re-employment' basis can be considered for compassionate appointment?	<u>No</u> . Only the dependent of regular government employee can be considered for compassionate appointment.
16.	Whether dependent of "confirmed work-charged staff" can be considered for compassionate appointment?	<u>Yes</u> . Confirmed work-charged staff is covered by the term Government servant.
17.	Whether a widow appointed on	<u>Yes</u> .

	compassionate ground be allowed to continue in service after re-marriage?	
18.	Whether dependent of deceased government employee can be considered for compassionate appointment when there is an earning member in the family?	Yes. In deserving cases, even where there is already an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department/Ministry concerned who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to number of dependents, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he should not be a source of support to other members of the family.
19.	Whether dependent of a missing government employee can be considered for compassionate appointment?	Yes. Subject to conditions prescribed in this Department O.M. dated 09.10.1998, dependent family of missing government employees can be considered for compassionate appointment.
Competent Authority for Compassionate Appointments		
20.	Who is the competent authority to make appointment on compassionate grounds in case of a Ministry / Department?	a) Joint Secretary in-charge of administration in the Ministry / Department concerned; b) Head of the Department under the Supplementary Rule 2(10) in case of attached and subordinate office; c) Secretary in the Ministry/Department concerned in special type of cases;
Posts/vacancies against which compassionate appointments can be made		
21.	Against which group of posts a compassionate appointment can be made?	Compassionate appointment can be made only upto 5% of vacancies falling under direct recruitment quota in Group 'C' posts (Including erstwhile Group 'D' posts) in a 'recruitment year'. <u>The manner of determination of vacancies has been explained in the consolidated instructions on compassionate appointment dated 16.01.2013</u>
22.	How do we make	Group 'C' posts, in which there are less than 20

	appointment on compassionate grounds in small offices/cadres in which there are less than 20 direct recruitment vacancies in a 'recruitment year', the minimum vacancies required to make a compassionate appointment?	direct recruitment vacancies in a recruitment year, may be grouped together and out of the total number of vacancies 'in a year', 5% may be filled up on compassionate grounds subject to the condition that appointment on compassionate grounds in any such post should not exceed one. For the purpose of calculation of vacancies for compassionate appointment, fraction of a vacancy either half or exceeding half but less than one may be taken as one vacancy.
23.	How are vacancies for appointment on compassionate grounds to be calculated in small Ministries / Departments where sufficient vacancies do not arise, year after year, for making compassionate appointment?	The small Ministries / Departments may apply a more liberalized method of calculation of vacancies under 5% quota for compassionate appointment. Small Ministries / Departments, for the purpose of these instructions, are defined as organizations where no vacancy for compassionate appointment could be located under 5% quota for the last 3 years. Such small Ministries/Departments may add up the total of DR vacancies in Group 'C' and erstwhile Group 'D' posts (excluding technical posts) arising in each year for 3 or more preceding years and calculate 5% of vacancies with reference to the grand total of vacancies of such years, for locating one vacancy for compassionate appointment. This is subject to the condition that no compassionate appointment was/has been made by the Ministries/Departments during 3 years or number of years taken over and above 3 years for locating one vacancy under 5% quota.
24.	Can compassionate appointment be made against a Group 'A' or Group 'B' post?	<u>No.</u>
25.	Can compassionate appointment be made to a Group 'A' or Group 'B' post if the dependent has higher qualifications?	<u>No.</u>
26.	If compassionate appointment cannot be given in a year, can it be considered in the next recruitment year?	<u>Yes.</u> There is no time limit for compassionate appointment. A request for compassionate appointment can be carry forward to next or more years, but the total compassionate appointment made in a year should not exceed 5% limit of the

		direct recruitment Group C quota.
27.	Can compassionate appointment be made against a future vacancy?	No. Compassionate appointment can be made only if a regular vacancy is available for that purpose. No appointment can be made against a future vacancy.
28.	Whether the administrative Ministry / Department / Office are required to prepare a waiting list for appointment on compassionate ground?	No. Since no compassionate appointment can be made against a future vacancy, no waiting list is to be prepared.
29.	Can a Committee constituted in a Ministry/Department for considering the request for appointment on compassionate ground recommend persons for appointment against the next year vacancy?	No. The recommendation of the Committee should be limited to existing vacancies only. No recommendation for appointment on compassionate ground can be made against a future vacancy.
30.	Can appointment on compassionate grounds be made against a Technical post?	Yes. Compassionate appointment can also be made against technical 'posts' at Group 'C' and erstwhile Group 'D' level. The 5% quota of vacancies will be calculated on the basis of total DR vacancies arising in a year against the technical posts.
31.	Is reservation roster applicable to compassionate appointments?	Yes. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category viz SC/ST/ OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against the vacancy point meant for General category.
Criteria for consideration of the desirability of compassionate appointments		
32.	What is criteria for determining eligibility of a person for consideration for	Following factors are to be mandatorily taken into consideration for making compassionate appointments:

	compassionate appointment	<p>a) The family is indigent and deserves immediate assistance for relief from financial destitution; and</p> <p>b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.</p> <p>The onus for examining the penurious condition of the dependent family rest with authority making compassionate appointment. Courts have clearly stated in various judgments that 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 untenable.</p>
Exemptions admissible for compassionate appointees		
33.	What are exemptions available to administrative Ministry/Departments while making compassionate appointment?	<p>Compassionate appointments are exempted from observance of the following requirements:-</p> <p>a) Recruitment procedure i.e. without the agency of the Staff Selection Commission or the Employment Exchange.</p> <p>b) Clearance from the Surplus Cell of the Department of Personnel and Training/Directorate General of Employment and Training.</p> <p>c) The ban orders on filling up of posts issued by the Ministry of Finance (Department of Expenditure)</p>
34.	Whether a person appointed as LDC on compassionate ground exempted from requirement of passing the type writing test.	<p>In the matter of exemption from the requirement of passing the typing test, those appointed on compassionate grounds to the post of Lower Division Clerk will be governed by the general orders issued in this regard:-</p> <p>i. by the CS Division of the Department of Personnel and Training, if the post is included in the Central Secretariat Clerical Service; or</p> <p>ii. by the Establishment Division of the Department of Personnel and Training, if the post is not included in the Central Secretariat Clerical Service.</p>

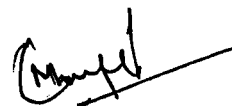
35.	Whether a person who does not fulfill education qualification of a post can be appointed on compassionate ground?	Yes. A person who does not fulfill educational qualification of a post can be appointed as “Trainee” (DOPT OM No. 14014/2/2009-Estt(D) dated 11.02.09 and 03.04.2012)
36.	Whether Government Department can appoint a widow who does not fulfill educational qualification requirement of a post?	Yes. In case a widow who does not fulfill educational requirement of a post is considered for compassionate appointment, she can be appointed only against a multi-tasking staff post provided the appointing authority is satisfied that she can satisfactorily perform duties of the post with the help of some on job training.
37.	Can dependents of deceased government employee be considered for appointment on compassionate ground on casual/daily wage/ad-hoc/contract basis?	No. Only <u>regular appointment</u> can be made on compassionate grounds against a regular vacancy.
Time-Limit for considering cases of compassionate appointments		
38.	Is there any time limit for considering a case for compassionate appointment?	Subject to availability of a vacancy and instructions on the subject issued by this Department, as amended from time to time, any application for compassionate appointment can be considered without any time limit subject to the merit of each case (see criteria mentioned in S.No. 32).
39.	Can a Department consider belated requests for compassionate appointment?	Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as an adequate proof that the family had some dependable means of subsistence.
40.	Can the cases which were closed on completion of 3	Yes, provided that the cases were closed due to non-availability of vacancies during the 3 year

	years' time-limit as provided in DOPT OM dated 5.5.2003, be re-opened after the waiver of time-limit in DoPT OM dated 26.07.2012?	time-period and subject to the criteria mentioned in S.No. 32 and S.No. 39. <u>Such cases should not be opened merely because the time limit has been waived off.</u>
41.	Whether belated case of compassionate appointments against the Group D can be considered now after regularization of all Group 'D' employees as Group 'C' employees.	The belated cases of compassionate appointment are to be considered as per the revised recruitment rules for the MTS posts.
Status and admissibility of pay /allowances of a Trainee		
42.	What will be Status of Trainee?	A person appointed as 'Trainee' enjoys the Status of Government servant from initial day and will be allowed all the allowances and benefit allowed to a government servant.
43.	What will be maximum time period allowed for a person appointed as 'Trainee' to acquire minimum education qualification	A person appointed as a 'Trainee' on compassionate grounds has to acquire minimum educational qualifications in 5 years.
44.	Whether a person appointed on compassionate grounds as 'Trainee' will have probation period.	Yes. The probation period, as specified in Recruitment rules of the post/grade against which he/she is appointed would commence from the date he/she acquires minimum educational qualifications.
45.	Whether Earned Leave, Half pay leave and other types of leave as applicable to regular Government employees would be admissible to a Trainee	A 'Trainee' appointed on compassionate ground would be entitled for all kinds of leave allowed to a regular Government servant.
46.	Admissibility of Leave Travel concession as applicable to regular government servants.	A 'Trainee' appointed on compassionate ground would be allowed LTC concession only on completion of one year service
47.	Is a Trainees appointed on	Yes. As allowed to a regular government servant in

	compassionate grounds entitled to Medical facilities/ Benefit of CGEGIS/CGHS and Children Educational Allowance.	the pre-revised pay scale of Rs. 4440-7440/- without grade pay. However, he would not be entitled to OTA during the period as a Trainee.
48.	Admissibility of New Pension Scheme	Yes. As allowed to a regular government servant in the pre-revised pay scale of Rs. 4440-7440/- without grade pay
49.	Whether dependent of a Trainee appointed on compassionate grounds entitled to compassionate appointment.	Yes.
Miscellaneous		
50.	Which administrative authority is responsible for informing the dependents of deceased government employee or a medically retired official about the scheme for compassionate appointment?	Welfare Officer of the concerned Ministry/Department/Office is responsible for appropriate counselling and facilitating the process of compassionate appointment of the dependent of a deceased or medically retired Government employee.
51.	Whether maintenance of the family of the deceased employee is responsibility of person appointed on compassionate ground?	Yes. A person appointed on compassionate grounds under the scheme has to give an undertaking in writing that he/she will maintain properly the other family members who were dependent on the Government servant/member of the Armed Forces in question and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by him/her, his/her appointment may be terminated forthwith.
52.	Once a person has been appointed on compassionate ground, can be considered eligible for consideration for appointment on compassionate ground against another post?	No. When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist and he/she should strive in his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion should invariably be rejected.

53.	Can an appointment on compassionate ground be transferred from one person to another person?	Appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion is invariably to be rejected.
54.	How is the seniority of a person appointed on compassionate ground to be determined?	A person appointed on compassionate ground in a particular recruitment year may be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate ground.
55.	Can service of an employee appointed on compassionate grounds terminated for not fulfilling the terms and condition of offer of appointment.	The compassionate appointments can be terminated on the ground of noncompliance of any condition stated in the offer of appointment after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him/her to explain why his/her services should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Rules/Temporary Service Rules for his purpose.
56.	Can a dependent of deceased government employee who held the erstwhile Group 'D' now MTS post, considered for appointment on compassionate ground against a Group 'C' post?	<u>Yes.</u> A family member of erstwhile Group 'D' post Government servant (now MTS) can be appointed to a Group 'C' post for which he/she is educationally qualified, provided a vacancy in Group 'C' post exists for this purpose.
57.	Can an application on compassionate ground rejected because the family of the deceased government employee has received benefits under various welfare scheme?	<u>No.</u> An application for compassionate appointment cannot be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes and will have to be considered on the basis of criteria mentioned in S.No. 32 and S.No. 39.
58.	Can an application on compassionate ground be rejected on the ground of re-	<u>No.</u> Compassionate appointment cannot be denied or delayed merely on the ground that there is reorganisation in the Ministry/Department/ Office.

	organisation 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 (see criteria mentioned under S.No. 32).
59	Can courts order appointment on compassionate grounds?	The Supreme Court has held in its judgement dated February 28, 1995 in the case of the Life Insurance Corporation of India vs. Mrs Asha Ramchandra Ambekar and others [JT 1994(2) S.C. 183] 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.



(Mukta Goel)
Director (E.I)
Tele: 23092479