

GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL  
(Personnel Policies-II Branch)

Dated, Chandigarh, the 21 Nov. 2002.

To

ਕਿਰਾਨਤ ਸਾਕਾ  
ਕਾਇਰੀ ਨੰ ੨੨੨੨  
ਮਿਤੀ ੫-12-2002

All Heads of Departments,  
Registrar, Punjab & Haryana High Court,  
All Commissioners of Divisions,  
All Deputy Commissioners, and  
All Sub-Divisional Officers (Civil);  
in the State of Punjab.

Subject:

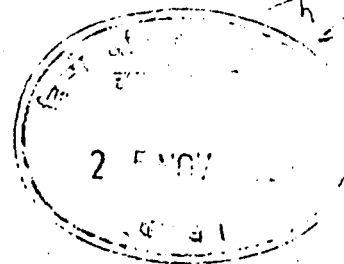
Scheme for compassionate appointments-2002-Grant of employment in the State Services on compassionate grounds-Policy regarding.

Sir/ Madam,

I am directed to address you on the subject noted above and to say that at present the policy regarding grant of employment in the State Services, Class-III and IV on compassionate grounds is mainly contained in circular letter No.11/27/94-2PPI/2364, dated 5.2.1996. This policy was framed on the basis of the judgement of the Hon'ble Supreme Court of India delivered in the case of 'Umesh Kumar Nagpal Versus State of Haryana and others (1994)4 S.C.cases (138)'. The Apex Court held that the object of compassionate appointments is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment. It was further held that mere death of an employee does not entitle his family to compassionate appointment. The authority concerned must consider as to whether the family of the deceased employee is unable to meet the financial crisis resulting from the employee's death. The offering compassionate appointments as a matter of course irrespective of the financial condition of the family of the deceased and making compassionate appointments in posts above Class-III and IV, is legally impermissible. The compassionate appointments can not be granted after a lapse of reasonable period, which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of death of the sole bread-winner, the compassionate employment can not be claimed and offered, whatever the lapse of time and after the crisis is over.

It has been considered appropriate that there is need to review the whole policy on compassionate appointments by taking a cue from the policy of Government of India and to impose strict conditions so that compassionate appointments are available only to very deserving cases. Most of the vacancies that are available or accrue in direct quota posts in various departments are consumed by these compassionate appointments considerably reducing vacancies for carrying out recruitments from the open market. This has a direct reflection on the efficiency and working of the departments as it restricts the Government for making selections from a wider choice of candidates. Imposition of a cap on compassionate appointments will also protect the legitimate right of young qualified persons who are waiting for their turn for being recruited in various departments of the Government for years.

2. The State Government has decided to review the policy on compassionate grounds strictly, on the decision of the Hon'ble Supreme Court of India in the case of 'Umesh Kumar Nagpal Versus State of Haryana', referred as above. The Government has



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appointments and has decided to review the policy to provide the benefit only to deserving candidates as per directions of the Apex Court referred in Para-1 above.

Henceforth, the objective of the Scheme is limited to grant of appointment on compassionate grounds to persons who fall in the categories mentioned below:-

- (1) A dependent member of the family of a person (bread-winner) killed or 100% physically disabled in terrorist action or by security forces acting in aid of civil power, in the State;
- (2) A dependent member of the family of the deceased Government employee, who dies in harness.
- (3) Disabled Ex-Servicemen (fit for Civil Service);
- (4) A dependent member of the family of the Defence Services Personnel;
  - (i) Killed in service, while performing duties; or
  - (ii) Who are severely disabled and totally unfit for re-employment.

NOTE I 'Dependent Family Member' means:-

- (a) Spouse; or
- (b) Son (including adopted son); or
- (c) Un-married Daughter (including adopted Daughter); or
- (d) Un-married Brother or Un-married Sister in the case of un-married Government Servant

-- who was wholly dependent on the Government Servant/member of the Armed Forces at the time of his death in harness.

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 apprentice or adhoc or contract or re-employment or on 89 days basis.

NOTE III 'Confirmed Work-Charged Staff' will also be covered by the terms 'Government Servant' mentioned in Note II above.

NOTE IV 'Service' means a period prior to the date of superannuation. It does not include extension in service or re-employment after attaining the normal age of retirement in a civil post.

NOTE V 'Re-employment' does not include employment of ex-servicemen before the normal age of retirement in a civil post.

#### AUTHORITY COMPETENT TO MAKE COMPASSIONATE APPOINTMENT

- (a) Competent Authority for recruitment as per Standing Order of each Department, and Departmental Service Rules;
- (b) Head of the Department, in relation to the posts under his control and in the case of attached and subordinate offices;
- (c) Secretary of the Department concerned in special types of cases.

POSTS TO WHICH SUCH APPOINTMENTS CAN BE MADE

Group 'C' or Group 'D' posts against the direct recruitment quota available at the time of appointment in the Department of the deceased employee. If no such post is available, the case may be referred to the Redeployment Cell in Department of Personnel for sponsoring the name of the candidate for appointment in other Departments against the available direct quota posts.

6.

ELIGIBILITY

- (a) The family is indigent and deserves immediate assistance for relief from financial destitution. The authority concerned must consider as to whether the family of deceased employees is unable to meet the financial crisis resulting from employee's death.
- (b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

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EXEMPTIONS

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

- (a) Recruitment procedure i.e. without the agency of the Punjab State Subordinate Services Selection Board or the Employment Exchange.
- (b) Clearance from the Surplus Cell of the Department of Administrative Reforms.
- (c) The ban orders of filling up of posts issued by the State Government from time to time.

8.

RELAXATIONS

- (a) Upper age limit could be relaxed wherever found to be necessary. In case of reserved categories of SC/BC, Widows the age relaxation may be allowed as per policy instructions issued from time to time. The lower age limit should, however, in no case be relaxed below 18 years of age in case of Group 'C' and below 16 years in case of Group 'D'. However, the Administrative Department may relax upper age limit by 5 years in deserving cases.

NOTE

Age eligibility shall be determined with reference to the date of application and not the date of appointment;

- (b) No relaxation in educational qualification is permissible. However, for Group 'D' minimum 5<sup>th</sup> standard is necessary. For Group 'C' the appointing authority may temporarily relax the conditions for the passing of Punjabi Language for a period of six months. The person so appointed shall have to pass an examination of Punjabi Language equivalent to Matriculation standard or he/she has to qualify a test conducted by the Language Wing of the Department of Education, Punjab within prescribed period. If he/she fails to qualify the test, he/she may be dealt with like other employees as per rules.

NOTE

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

- (c) Where a widow is appointed on compassionate Group 'D' post, she will be exempted from the requirement of possessing the educational qualifications prescribed in the relevant rules provided the duties of the post can be satisfactorily performed by her without possessing such educational qualification.

#### 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' or 'D' post. The appointing authority may hold back upto 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Subordinate Services Selection Board 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) 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.
- (d) Employment under the scheme is not confined to the Department/office in which deceased Government servant had been working. Such an appointment can be given anywhere under the Government of Punjab depending upon the availability of a suitable vacancy meant for the purpose of compassionate appointment.
- (e) If sufficient vacancies are not available in any particular office to accommodate the person in the waiting list for compassionate appointment, it is open to the Administrative Department/office (through Administrative Department) to take up the matter with the Re-deployment Cell in the Department of Personnel to adjust the candidate in other Departments/offices of the Government of Punjab.

#### WIDOW APPOINTED ON COMPASSIONATE GROUNDS GETTING REMARRIED

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

#### WHERE THERE IS AN EARNING MEMBER

- (a) In deserving cases even where there is already an earning member may be considered for compassionate appointment with prior approval of the Secretary of the Department concerned, who before approving such appointment will consult the Department of Personnel and 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 case where any member of the family of the deceased 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.

### 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 7 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 7 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 Department concerned in consultation with Department of Personnel.

### PROCEDURE

- (a) The performa as in Annexure-I may be used by Departments/offices for ascertaining necessary information and processing the cases of compassionate appointment alongwith the documents as given in Annexure-II, and submitted to the Appointing Authority within a period of 6 months from the date of death or disability of a person/employee as the case may be. Appointment must be made within a period of one year within the Department and 2 years in other departments through Re-deployment Cell. Genuine related requests with cogent reasons for compassionate appointment can be entertained only within a period of 5 years from the date of death or disability of the employee/person with the special approval of the Personnel Department and Finance Department.
- (b) Department office should depute any senior official to 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, within a period of 6 months.

- (c) All applications for appointment on compassionate grounds should be considered in the light of these instructions and appointment be made by the Appointing Authority in all Departments. To solve the complicated cases a Committee of 3 officers -one Chairman and 2 Members in the rank of Deputy Secretary /Director be constituted in each Department. The Committee may meet during the 2<sup>nd</sup> 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) Recommendations of the Committee should be placed before the competent authority for a decision. If the competent authority disagrees with the Committee's recommendations, the case may be referred to the next higher authority for a decision.
- (e) In case of non-availability of posts in the Department, the matter may be taken up with the Re-deployment Cell in Personnel Department which will adjudge the eligibility and suitability of the candidates in the meeting of the Committee already constituted for the purpose and recommend the names of the candidates to different departments for compassionate appointment.

14.

#### UNDERTAKING

A person appointed on compassionate grounds under the Scheme should give an undertaking in writing (as in Annexures) that he/she will maintain properly the other family members who were dependent on the Government servant/members 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, appointment may be terminated forthwith.

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#### 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 can not be transferred to any other person and any request for the same on consideration of compassion should invariably be rejected.

16.

#### SENIORITY

- (a) The interse seniority of persons appointed on compassionate grounds may be fixed with reference to their date of appointment. Their interpolation with the direct recruits/promotees may also be made with reference to their dates of appointment without disturbing the interse seniority of direct recruits/promotees.
- (b) Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/her regular appointment.

17.

#### 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 the service.

- (b) It is not the intention to restrict employment of a family member of the deceased Group 'D' Government servant to a Group 'D' post only. As such, a family member of such 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) Compassionate appointment should not be denied or delayed merely on the ground that there is reorganisation in the 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 under the Scheme.
- (d) Requests for compassionate appointment consequent on death of Group 'D' staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.
- (e) Compassionate appointment will have precedence over absorption of surplus employees and regularisation of daily wage/casual workers with/without temporary status.

18. These instructions shall come into force with immediate effect and may please be brought to the notice of all concerned.

Yours faithfully,

(S.C. HATTA)  
Secretary Personnel.

A copy each alongwith its enclosures is forwarded to all the Financial Commissioner, Principal Secretaries and Administrative Secretaries, Punjab for information and necessary action.

(S.C. HATTA)  
Deputy Secretary Personnel.

To  
All the Financial Commissioners,  
Principal Secretaries and  
Administrative Secretaries to Govt. Punjab.

I.D.No.11/105/98-4PPII/14421

Dated, Chandigarh, the 21.11.2002.

Endst.No.11/105/98-4PPII/14422

Dated, Chandigarh, the 21.11.2002.

A copy is forwarded to the Department of Finance in Bureau of Public Enterprises with the request that abovesaid compassionate policy may be circulated and made applicable in all Corporations/Boards/Autonomous Bodies under the administrative control of Punjab Government departments.

(S.C. HATTA)  
Deputy Secretary Personnel.

ANNEXURE-I

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS WHO DIE WHILE IN SERVICE/RETIRED ON UNVAID PENSION

PART-A

- I. (a) Name of the Government Servant(Deceded) \_\_\_\_\_
- (b) Designation of the Government Servant \_\_\_\_\_
- (c) Whether is Group 'D' or not \_\_\_\_\_
- (d) Date of birth of the Government Servant \_\_\_\_\_
- (e) Date of death \_\_\_\_\_
- (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 Govern-  
ment servant. \_\_\_\_\_
- (c) Date of birth \_\_\_\_\_
- (d) Educational Qualifications \_\_\_\_\_
- (e) Whether any other dependant family  
member has been appointed on  
compassionate grounds. \_\_\_\_\_
- III. Particulars of total assets left including  
amount of;
- (a) Family pension \_\_\_\_\_
- (b) D.C.R.Gratiuity \_\_\_\_\_
- (c) G.P.F.Balance \_\_\_\_\_
- (d) Life Insurance Policies (including  
Postal Life Insurance) \_\_\_\_\_
- (e) Moveable and Immoveable properties  
and annual income earned therefrom  
by the family \_\_\_\_\_



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(f) C.G.E Insurance amount

(g) Encashment of leave

(h) Any other assets

Total

IV Brief particulars of liabilities if any

V Particulars of all dependent family members Of Government servant (if some are employed, their income and whether they are living together or separately)

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

DECLARATION/UNDERTAKING

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

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 I(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./Km. \_\_\_\_\_ is known  
to me and the facts mentioned by him/her are correct.

Date:-

\_\_\_\_\_  
Signature of permanent  
Government servant.

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

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

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of the officer  
Incharge

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Information/documents to be supplied by the candidates seeking employment on compassionate grounds.

Sr. No. Category

Information/documents required

1. A dependent member of family of bread-winner killed or 100% physically disabled in terrorists violence/ by security forces acting in aid of Civil Power in the State.
  - i) A certificate of death/100% physical disability with the death or 100% physical disability occurred certifying that it was as a result of terrorists action/by security forces acting in aid of Civil Power to be issued by the Deputy Commissioner in whose territorial limits as the death or 100% physical disability occurred (to be supported by a certificate of the Chief Medical Officer concerned.)
  - ii) An affidavit duly attested by 1st Class Magistrate to corroborate the fact that the person being employed is in fact a dependent member of the family of the bread-winner killed or 100% physically disabled.
  - iii) Names of all dependents, their occupation and reasons in support of the claim of the person being appointed viz-a-viz other dependents should be brought on the record.
  
2. A dependent member of deceased government employee.
  - i) Name of the deceased Govt. employee full particulars of rank, pay nature of post pensionable or not held by the deceased Govt. employee from the department concerned.
  - ii) Certificate of death and in case of death due to terrorist violence, certificate of death giving full details of circumstances under which the death occurred and also certifying that it was as a result of terrorist action to be obtained from the Deputy Commissioner of the Distt. within territorial limits of which the death occurred.

iii) An affidavit duly attested to corroborate the fact that the

person being employed is a member of the family of the deceased Govt. employee/officer and was dependent upon him/her.

iv) Names of all dependents, their occupation reasons in support of claim viz-a-viz other dependent should be brought on record.

v) An affidavit from the applicant and other dependents that none of them has already obtained appointment under this priority scheme.

3. Disabled Ex-servicemen.

Proof from military authority of being disabled and not being unfit from Civil Service.

4. A dependent member of the family of the defence Services Personnel:

(a) Killed in service while performing duties.

(b) Who are severaly disabled and are totally unfit for re-employment.

i) A certificate from the Military Authorities about the fact that the Defence Services Personnel concerned was killed in service while performing duties, or was severely disabled and is totally unfit for re-employment.

ii) An affidavit duly attested to corroborate the fact of being widow or dependent of a Defence Service Personnel concerned.

iii) If a candidate is a dependent, of a Defence Service Personnel killed in service while performing duties or severaly disabled in the Army then the following details may also be furnished.

iv) Names of all dependents, their age, their occupation, reasons in support of claim viz-a-viz other dependents;

v) An affidavit from the applicant and the other dependents that none of them have already obtained appointment under the priority scheme.