

Circular

CONTROLLER GENERAL OF DEFENCE ACCOUNTS

ULAN BATAR ROAD, PALAM, DELHI CANTT - 110010

No. AN/VIII/19001/Circular/Vol-II

Dated: 26.08.2013

To,

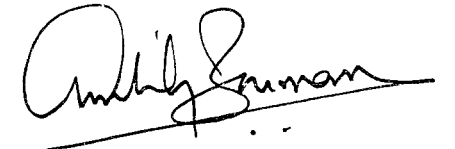
✓ The PCA (Fys)/ PCsDA /CsDA

Subject- FAQs on Compassionate Appointment -regarding.

Reference- In continuation of HQrs Circular of even number dated 28.01.2013.

In continuation of HQrs Circular of even no. dated 28.01.2013, a copy of DoP&T OM No. 14014/02/2012-Estt(D) dated 30.05.2013 received under Ministry of Defence, D(Lab), New Delhi letter no. 19(3)/2013/D(Lab) dated 19.07.2013 on the above subject is forwarded herewith for compliance, guidance and further necessary action.

Please acknowledge receipt.


(Ambarish Barman)
Sr. ACGDA(AN)

Copy to:

EDP Cell (Local) : For uploading on the website of the CGDA.

— Sd. —
(Ambarish Barman)
Sr. ACGDA(AN)

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?	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, 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.
12	Whether a 'married daughter' can be considered for compassionate appointment?	Yes , but subject to conditions: i. That she was wholly dependent on the Government servant at the time of his/her death in harness or retirement on medical grounds ii. She must support other dependents members of the family.
13	Whether 'married son' can be considered for compassionate appointment?	No . A married son is not considered dependent on a government servant.
14	Whether 'married brother' can be considered for compassionate appointment?	No . 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?	No . 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?	Yes . Confirmed work-charged staff is covered by the term Government servant.
17	Whether a widow appointed on	Yes .

	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

	<p>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?</p>	<p>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.</p>
23	<p>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?</p>	<p>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.</p>
24	<p>Can compassionate appointment be made against a Group 'A' or Group 'B' post?</p>	<p><u>No.</u></p>
25	<p>Can compassionate appointment be made to a Group 'A' or Group 'B' post if the dependent has higher qualifications?</p>	<p><u>No.</u></p>
26	<p>If compassionate appointment cannot be given in a year, can it be considered in the next recruitment year?</p>	<p><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</p>

		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:

	<p>compassionate appointment</p>	<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>
<p>Exemptions admissible for compassionate appointees</p>		
<p>33</p>	<p>What are exemptions available to administrative Ministry/Departments while making compassionate appointment?</p>	<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>
<p>34</p>	<p>Whether a person appointed as LDC on compassionate ground exempted from requirement of passing the type writing test.</p>	<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>

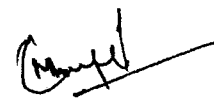
35	Whether a person who does not fulfill education qualification of a post can be appointed on compassionate ground?	Yes. A person who does not fulfill educational qualification of a post can be appointed as "Trainee" (DOPT OM No. 14014/2/2009-Estt(D) dated 11.02.09 and 03.04.2012)
36	Whether Government 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.	<u>Yes.</u> 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	<u>Yes.</u> As allowed to a regular government servant in

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?	Yes. 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?	No. 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-	No. Compassionate appointment cannot be denied or delayed merely on the ground that there is reorganisation in the Ministry/Department/ Office.

	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	<u>Yes.</u> 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.	<u>Yes.</u>
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?	<u>Yes.</u> 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?	<u>No.</u> 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.

	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.



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