

**GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL  
(Personnel policies-II, Branch)**

Dated: Chandigarh, the 21<sup>st</sup>, Nov. 2002

To

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

**Sub: 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 05-02-1996. 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 crises resulting from the employee's death. The offering compassionate appointments as a matter of course irrespective of the financial conditions of the family of the deceased and making compassionate appointment 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 crises 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 crises 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 reconsidered all the earlier instructions issued from time to time on compassionate appointments and has decided to review the policy to provide the benefit only to deserving candidates as per direction of the Apex Court referred in Para-I above.

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

- (i) 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;
- (ii) A dependent member of the family of the deceased Government employee, who dies in harness;
- (iii) Disabled Ex-Servicemen (fit for Civil Service);
- (iv) A dependent member of the family of the Defence Services Personnel.
  - (i) killed in service while performing duties; or
  - (ii) 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 unmarried 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.

#### **4. 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.

#### **5. 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.

## 7. 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. RELAXATION

- (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.

## 9. 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 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 appointments should not be exceed by utilizing 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 to 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.



**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 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.

**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 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 Governor 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 organization 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 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.

### 13. 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 six 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 belated 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 advice and assist them in getting appointments 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 Two 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.

### 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.



#### 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 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 intense 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 inter-se 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 administration.
- (b) It is not the intension to restrict employment of 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 reorganization in the Departments/office. It should be made available to the persons 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 regularization 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,

**(C.ROUL)**  
**Secretary Personnel.**

A copy each along-with its enclosures is forwarded to all the Financial Commissioners, Principal Secretaries and Administrative Secretaries, Punjab for information and necessary action.

**(S.C. HATTA)**  
**Deputy Secretary Personnel**