

6
Answer R-1

3
502
C/2019/21
No.427/GCF/R/I (Vol.III).
Government of India,
Ministry of Defence,
ORDNANCE FACTORY BOARD,
10-A, Auckland Road,
CALCUTTA-700001.

dated, the 20th Sept, 1988

AGENCIES
17/10/88
To
The General Managers of
All Factories.

A.F.K.

~~DGM/TA~~ AF
~~WMA~~ 11/10
~~YC Estt~~ mix

Sub : Compassionate appointment of son/daughter/
near relative of deceased Government -
consolidated instructions.

Copy to
12/10
RDS
L.C.
YCLB
L.C.
RDS
12/10
Copy to :-
Addl.DG/DEF, Kanpur
Addl.DG/AV, C/o HVF, Avadi
All DDG/Directors,
The C. of A./Fys., Calcutta
The ADTD (I&QC), Calcutta
The DDOS (OF) Liaison, Calcutta
The TLO/LTD&F (Air), Calcutta
The NALO, Calcutta
All Admin. Sections
PA to Jt. Director HQrs.

Forwarded
for in-
formation
and nece-
ssary
action.

11/10/88
(M.S. DAS)
ASO/A/I.
for Director General, Ordnance Factories.



11/10/88
11/10/88

MINISTRY OF DEFENCE

D(Estt.I/Gp.II) ..

Sub : Compassionate appointment of son/daughter/near relative of deceased Government servant - consolidated Instructions.

A copy of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) O.M. No.14014/6/86-Estt.(D) dated the 30th June, 1987 on the above subject is forwarded herewith for information and necessary action.

sd/- S.M. PATANPAUL
UNDER SECRETARY.

Director(P)

Director(R&D)

C.A.O.

DS(CP)

M. of D. I.D. No.A/12012/5/87/D(Est.I/Gp.II), dt. 20-7-87

Copy to :-

US, D(Est.2/Genl.I).

A copy of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), O.M. No.14014/6/86-Estt.(D) dated the 30th June, 1987 on the above subject.

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles to be followed in making compassionate appointment of sons/daughters/near relatives of deceased Government servants. For facility of reference, the orders issued on the subject have been simplified and consolidated in this Office Memorandum.

1. To whom applicable :

- a) To a son or daughter or near relative of a Government servant who dies in harness including death by suicide, leaving his family in immediate need of assistance, when there is no other earning member in the family.

Contd....P/2.

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- b) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress the benefit of compassionate appointment may be extended to a son/daughter/near relative of a Government servant retired on medical grounds under Rule 38 of Central Civil Services (Pension Rules, 1972, or corresponding provisions in the Central Civil Service Regulations before attaining the age of 55 years. In case of Group 'D' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years.
- c) To a son or daughter or near relative of a Government servant who dies during the period of extension in service but not re-employment.

2. Authority competent to make compassionate appointment.

- a) Joint Secretary Incharge of Administration of Secretary in the Ministry/Department concerned.
- b) In the case of Attached and Subordinate Offices, such power may be exercised by the Head of the Department under Supplementary Rule 2(10).

3. Posts to which such appointments can be made :

Group 'C' Post or a Group 'D' Post.

4. Eligibility :

- a) Compassionate appointment can be made only against direct recruitment quota.
- b) Applicants for compassionate appointment should be appointed only if they are eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

- c) Department are, however, competent to relax temporarily educational qualifications in the case of appointment at the lowest level i.e. Group 'D' or LDC post in exceptional circumstances who the condition of the family is very hard. Such relaxation will be permitted upto a period of the two years beyond which no relaxation of educational qualifications will be admissible and the service of the persons concerned if still unqualified, are liable to be terminated.
- d) where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempted from the requirements of educational qualifications, provided the duties of the post can be satisfactorily performed without having the educational qualification of Middle Standard prescribed in the Recruitment Rules.
- e) In deserving cases even where there is an earning member in the family, a son/daughter/near relative of the deceased Government servant, leaving his family in distress may be considered for appointment with the prior approval of the Secretary of the Department concerned who, before approving the appointment will satisfy himself that the grant of concession is justified having regard to the number of dependents, the assets and liabilities left by the deceased Government servant, the income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the deceased Government servant and whether he should not be a source of support to the other members of the family.

5. Extent to which compassionate appointments can be made.

The appointing authorities may ensure that total reservation for Scheduled Castes, Scheduled Tribes, Physically Handicapped persons and Ex-servicemen,

10

5

the details of which are given below, together with carry forward reservation (which at present is applicable only in respect of SC/ST and Physically handicapped persons) should not exceed 50% of the vacancies available on any particular occasion :

* (i) Scheduled Castes 15%

* (ii) Scheduled Tribes $7\frac{1}{2}\%$

(iii) Ex-servicemen 10%

In Group 'C' posts and 20% in Group 'B' posts subject to proviso 1 of Rule 4 of this Department's Notification No.39016/10/70-Estt. (C) dt: 15.12.79.

(iv) Physically Handicapped - persons - 3%

* The percentages of reservation for SC/ST are different in case of offices using 100 point roster at appendix 3 of the Brochure on Reservation for SCs and STs in Services.

6. Relaxation

Compassionate appointments are made in relation of the following :

(a) Recruitment procedure i.e. without the agency of the Staff Selection Commission or Employment Exchange.

(b) Age limit wherever necessary.
The relaxation of lower age limit should not be below 14 years of age.

(c) Educational qualifications to the extent stated in para 4 above.

(d) Clearance from Surplus Cell of this Department/Directorate General of Employment and Training.

7. Belated requests for compassionate appointments.

Ministries/Departments can also consider the requests for compassionate appointment even where the death took place longago, say five years or so, while considering such belated requests it should be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family on the passing away of the Government servant in harness. The very fact that the family has been able to manage somehow all

these years should normally be adequate proof to show that the family had some dependable means of subsistence. Therefore, examination of such cases call for a great deal of circumspection. The decision in those cases may be taken at the level of Secretary only.

8. Widow appointed on compassionate grounds getting remarried.

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

9. Selective approach :

(a) The 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 requirements of maintenance of efficiency of administration.

(b) It is not the intention to restrict employment of son/daughter/near relative of deceased Group 'D' employee to a Group 'D' post only.

As such, a son/daughter/near relative of deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.

(c) As the appointments have to be cleared at the level of the Head of Department and as all the vacancies are to be pooled for compassionate appointment, it may be ensured that subordinate and field offices get an equitable share in the compassionate appointments.

(d) 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 such as the following which have made a significant difference in the financial position of the families of Government servants dying in harness. The benefits received by the family under the schemes may be kept in view while considering cases of compassionate appointment.

1. Under the Central Government Employees Insurance Scheme financial assistance to the family of the deceased Government servant is as under :-

Group 'D' Employees	Rs.10,000/-
Group 'C' Employees	Rs.20,000/-
Group 'B' Employees	Rs.40,000/-
Group 'A' Employees	Rs.80,000/-

In addition nearly 2/3rd Rs. of the amount contributed by the Government servant to the fund is also payable alongwith the above amount.

2. Benefit of encashment of leave to the credit of the deceased Government servant at the time of his death subject to a maximum of 240 days.
3. Entitlement of additional amount equal to the average balance in the GPF of the deceased Government servant during the three years immediately preceding the death of the subscriber subject to certain conditions under the Deposit-Linked Insurance Scheme.
4. Improved family pension.
5. Assistance from Compassionate Fund, wherever necessary.

10. Request for change in post.

When a person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment, should be deemed to have ceased to exist and thereafter the person who has accepted compassionate appointment in a particular post should strive in his career like his colleagues for future advancement and claims for appointment to higher post on consideration of compassion should invariably be rejected.

11. General

The proforma as in Annexure may be used by Ministries/Departments for ascertaining necessary information and processing the cases of compassionate appointments.

Hindi version will follow.

Sd/-

(K.S.R. Krishna Rao)
Deputy Secretary to the Govt. of India
Tele No. 3013180

14
Annexure - R 2

**SUB:- EMPLOYMENT ASSISTANCE TO THE
FAMILY MEMBERS OF DECEASED/
M.B.O. OF GOVT.SERVANT.**

**PUC:- Application dt.10.10.91 submitted
by Shri V.SRINIVAS.**

Inc

Shri V.SRINIVAS, son of Late Shri MNV SUBBA RAO, Ex.Ch'man Gr.I(T) has requested for employment in place of his father/under employment assistance scheme. He has further stated that at the time of death of his father, on 10.5.82, his elder sister, self & younger brother were minor. They were looked after by his grand father. Now that he has passed Diploma in Mech. Engg. He is requesting for employment.

1.1. Late Shri Subba Rao is survived by

i}	Smt.Nagalaxmi	-Wife 45 yrs.
ii}	Ku.V.Leelavathi	-Daughter 23 yrs.
iii}	Shri Srinivas	-Son 19 yrs.
iv)	Shri V.Sridhar	-Son 17 yrs.

1.2. Terminal benefits received by the family are as under:-

1)	Family Pension	Rs.203.00
2)	Gratuity	Rs.11,542.45
3)	C.G.E.I.S.	Rs.20,000.00
4)	G.P.F.	Rs.16,483.00

2. Shri V.Sridhar has made request for employment after 9 yrs, after the death of his father Shri MNV Subba Rao, Ex.Ch'man Gr.I(T).

2.1. The concept of providing employment to the dependent of deceased Govt.servant is largely related to the need for immediate assistance.

2.2. As the above case does fulfil the basic requirement, the request of Shri V.Srinivas cannot be considered at this stage.

3.0. In the past such belated cases were referred to O.F.Board/M of D but of the few cases referred to M of D, approval was accorded only in one case.

4.0. In view of above, Shri V.Srinivas will be informed that his request for employment cannot be considered.

5.0. Submitted for orders please.

Considering that all three were minors at the time of death of Late Subba Rao. The Case may be forwarded to O.F.B. for approval. *W.M./A. forwarded to OFB for approval. 11/11/91*

A.G.M of Per. 12/11/91

G.M. Take up with OF Board for recruitment as

15
E/321/EA

Annexure R 3

30/10/92

115

To

The Secretary,
Ordnance Factory Board, (A/NI)
10A, Auckland Road,
Calcutta-700001

SUB:- EMPLOYMENT ASSISTANCE TO THE FAMILY MEMBERS OF
DEASED/M.B.O. GOVT. EMPLOYEES.

Ref:- Of Board letter No. 427/General/A/I dt. 10.10.91

Shri V. Srinivas, Son of Late Shri M.N.V. Subba Rao,
Chargeman Sr.I(Tech), who expired on 10.5.82 has requested for
employment under above scheme.

1.1 In this connection following documents are forwarded
herewith:-

- 1) Part-I, II & III duly completed.
- 2) None of the family member is employed and their income
is Nil.
- 3) The terminal benefits received by the family is
indicated at (3) of proforma Part-I.
- 4) Application dt. 10.10.91 submitted by Shri V. Srinivas
requesting for employment.

2.2 Shri V. Srinivas, his brother & sister were minor at the
time of death of his father Shri M.N.V. Subba Rao. They were
looked after by his grand father staying at Tumkur, Karnataka
State. As Shri Srinivas was a minor and staying at a far away
place from Khadki, he did not apply for employment. However,
on attaining 18 years of age and having completed his education
he has now applied for an employment.

3. Of Board is requested to kindly accord sanction for appointment
of Shri V. Srinivas to the post of Supr. "B" (Tech) at an
early date.

As per (Rs) may kindly see
Secty. Date 21/5/92
Encl: As above.

Seen
A/c
Mukherjee
WORKS MANAGER/ADMIN.
FOR GENERAL MANAGER.
304 3019

on
Being belated case, S.B./G.M has
recommended that case may be sent
to the concerned
for consideration.

6
E/321/ER

30/14/82

✓ 15

To

The Secretary,
Ordnance Factory Board, (A/NI)
10A, Auckland Road,
Calcutta-700001

SUB:- EMPLOYMENT ASSISTANCE TO THE FAMILY MEMBERS OF
DEASED/M.B.O. GOVT. EMPLOYEES.

Ref:- Of Board letter No. 427/General/A/I dt.10.10.90

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Shri V. Srinivas, Son of Late Shri M.N.V. Subba Rao,
Chargeman Gr. I (Tech), who expired on 10.5.82 has requested for
employment under above scheme.

1.1 In this connection following documents are forwarded
herewith:-

- 1) Part-I, II & III duly completed.
- 2) None of the family member is employed and their income
is Nil.
- 3) The terminal benefits received by the family is
indicated at (3) of proforma Part-I.
- 4) Application dt. 10.10.91 submitted by Shri V. Srinivas
requesting for employment.

2.2 Shri V. Srinivas, his brother & sister were minor at the
time of death of his father Shri M.N.V. Subba Rao. They were
looked after by his grand father staying at Tumkur, Karnataka
State. As Shri Srinivas was a minor and staying at a far away
place from Khadki, he did not apply for employment. However,
on attaining 18 years of age and having completed his education
he has now applied for an employment.

3. Of Board is requested to kindly accord sanction for appointment
of Shri V. Srinivas to the post of Supr. '8' (Tech) at an
early date.

Asn
Aen(Rs): may kindly see

Asn
Aen(Rs): may kindly see
304 2/5/92

Asn
Aen(Rs): may kindly see
304 2/5/92

(A. K. MUKHERJEE)

WORKS MANAGER/ADMIN.
FOR GENERAL MANAGER.

Encls As above.

304 304

17 *Annexure - R*

**PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS DYING
WHILE IN SERVICE / RETIRED ON INVALID PENSION**

PART - I

1 a) Name of the deceased ~~deceased~~ on invalid pension employee

Late M. N. Venkata Subbarao

b) Designation / Section T.No.

Ex. Chargeman/AFK

c) Date of birth of employee

d) Date of death / retirement on invalid pension

Expired on 10-5-1982

e) Total length of service rendered

18 years

f) Whether permanent or temporary

Permanent

g) Whether belonging to SC / ST

No.

2 a) Name of the candidate for appointment.

Shri Srinivas Venkata

b) His / her relationship with the employee.

Eldest son

c) Date of birth

Age 20 years.

d) Educational Qualification

Passed Diploma in Mech. Engg.

e) Whether any other dependant has been appointed on compassionate ground.

No.

3 Particulars of the total assets left including amount of

a) Pension / Family Pension

Rs. 203/- Being received.

b) Death-cum-Retirement Gratuity

Rs. 11542/- received

c) G.P. Fund Balance

Rs. 16483/- received.

d) L.I.C. Policies (including Private)

NIL

e) Movable and immovable properties and annual income earned therefrom by the family.

NIL

f) C.G.E. Insurance amount

Rs. 20000/- received.

g) Encashment of leave

h) Any other assets
Total

4 Brief Particulars, if any

5. Particulars of all dependents of the Govt. Servant (if some are employed their income and whether they are living together or separately).

Sl. No.	Name	Relationship with employee and age	Employed or not Particulars of employment and emoluments.	Married/Unmarried with family particulars
1)	Smt. Nagalaxmi Venkata	Wife (45)	Household	
2)	Miss Leelavati	Daughter (22)	Studying	Widow
3)	Shri Srinivas	Son (20)	Diploma holder in Mech. Engg.	Unmarried.
4)	Shri Sridhar	Son (16)	Studying	-do-
				-do-

DECLARATION

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.

Date

Signature of the candidate Srinivas V.
(S RINIVAS . V)

Shri./Smt./Kumari

mentioned by him / her are correct

is known to me and the facts

Date

Signature of Permit. Govt. Servant N S Leelavati

Name N. S. LAKSHMI

Address Chairman Gr. I IES AFK

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

Signature of Labour Officer



Name A. M. RATHOD

Address Sr. Labour Officer.

3

ENCLOSURE TO AFK LETTER NO. E/321/EA DT. 1/4/52.

PART - II

I. (a) Name of the candidate for appointment	Shri Srinivas Venkata
(b) His relationship with the employee	Son
(c) Educational qualification, age (date of birth) and experience if any	i) D.M.E. ii) 20 yrs. iii) NIL
(d) Post for which employment is proposed	Supervisor (Tech.)
(e) Whether the post is to be filled in CS/CS or in an non-participating office	N. A.
(f) Whether the recruitment Rules provide for direct Recruitment.	YES
(g) Whether the candidate fulfills the requirements of recruitment rules for the post	YES.
(h) Apart from waiver of employment exchange procedure what other relaxations are to be given.	The employment assistance is nearly 10 yrs. old. Therefore relaxation in rules for appointment of Shri Srinivas V. is requested.
II. Whatever the facts mentioned in Part I have been verified by the office and if so, indicate the records.	- Yes verified.
III. Personal recommendations of the Head of the Department/ Ministry.	- Recommended for employment as Supervisor (T).
III. If the employee died/retired on invalid pension more than 5 years back, Why the case was not sponsored earlier	- The children were minor at the time death of Shri M.N. Venkata Subbarao, Ex-Chargeman and were under the care of their Grandfather, who brought them up.

PART - III

i) Whether family of the deceased owns a house; if living in rented accommodation, the rent being paid therefor.

Smt. Nagalaxmi V. is staying alongwith children at her father's place, who is a retired school, in a rented house.

ii) Full details of the Widow/Children of deceased employee (age; level of education; whether employed and; if so, where and at what wages etc.)

1) Smt. Nagalaxmi V - wife -45 - Household
2) Miss. Leelavati - daughter - 22 - studying.
3) Shri Srinivas - son - 20 - DME
4) Shri Sridhar - son - 16 - studying.

None of above is employed.

iii) If the earning member(s): in the family have refused to support the family of the deceased, specific reasons and circumstances therefor.

N. A. as none in the family is employed.

iv) Certification that the prescribed percentage of reservation has not been exceeded.

Certified that the prescribed percentage of reservation has not been exceeded.

.....

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 3 SEP 1993

APPLICATION NO(s).

359.

193

Applicant(s)

To: V. Srinivas

Respondent(s)

vs. D.G. Ordnance factory

1. V. Srinivas, C-5/3, DRDO Complex,
C.V. Raman Nagar, Bangalore.
2. The Director General, Ordnance factory
Cochin - 9.
3. The General Manager, Indian Ordnance
factory Ammunition factory, Kukke
Pore - 3.
4. General of Ordnance by its Secretary
to Govt Ministry of Defense New Delhi -
5. Sri M.S. Neogaraj, Advocate, No.11, 2nd Floor
Sri M.S. Neogaraj, Advocate, No.11, 2nd Floor
Sri M.S. Neogaraj, Advocate, No.11, 2nd Floor
Sri M.S. Neogaraj, Advocate, No.11, 2nd Floor
6. Sri. M.V. Rao, Central Govt Stand Cus
Cauvery High Court Building Bangalore

SUBJECT:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore Bench
Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 18.8.93

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

319/83

BEFORE THE CENTRAL ADMINISTRATION TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 18TH OF AUGUST, 1993

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice-Chairman

APPLICATION NO.359/1993

Shri V.Srinivas
C/o N. Krishnamurthy,
C-5/3, DRDO Complex,
C.V. Ramanagar
Bangalore

Applicant

(Dr.M.S. Nagaraja - Advocate)

v.

1. The Director General
Ordnance Factory,
Calcutta-700 009
2. The General Manager,
Indian Ordnance Factory,
Ammunition Factory,
Kirkee,
Pune-411 003
3. Union of India
represented by
Secretary to Government,
Ministry of Defence,
New Delhi

Respondents

(Shri M.V. Rao - Advocate)

This application has come up today
before this Tribunal for orders. Hon'ble Justice
Mr.P.K. Shyamsundar, Vice Chairman made the
following:

ORDER

Having heard both sides, regard being
had to the law affecting the impugned order
produced at Annexure A-4 in which the claim of
the applicant for his appointment to the post of



Supervisor has been turned down by Works Manager (R-2) instead of Secretary, Ministry of Defence (R-3), this application will have to succeed.

It is not in dispute that a decision regarding the claim of the applicant for appointment to the post of Supervisor had to be taken by R-3 and could not be taken by R-2. The wrong person has apparently taken a decision in issuing the impugned order.

2. Therefore, we allow this application and quash the impugned order produced at Annexure A-4 and remit the case back to R-3 for taking an appropriate decision considering the fact that it is the son of a deceased employee who is seeking for an appointment. We are also told the Board has also recommended his claim. I am sure R-3 will take into account all these aspects while making an order in that behalf. R-3 to pass further orders within three months from the date of receipt of a copy of this order. Shri M.V. Rao tells me that Annexure A-4 is merely a communication of the decision taken by the Board. Be that as it may, under the rules governing the subject, the Board had no authority to take such a decision because that decision has to be taken by the Secretary. With these observations, this application stands disposed off finally with no order as to costs.

TRUE COPY

N. *Om S*
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL ENCL¹
BANGALORE

3/9/83

Sd/-
VICE CHAIRMAN