

COMPASSIONATE APPOINTMENTS (Consolidated instructions issued in

Cir. Memo No. 6068/Ser.A/2003-1
GA(Ser.A) dt. 12-8-2003.

Object of the scheme

a social security scheme to provide appointment up to or equal to or less than the category of Junior Assistant to the spouse or dependent Government servant

who dies in harness

medically invalidated

missing for more than 7 years

dies in violence

commits suicide

leaving the family in immediate need of assistance there being no bread winner to provide immediate relief to the distressed family and also to instill a sense of feel secure confidence among the employees who are the main tool in the government administrative machinery.

Circumstances and Applicability of the scheme

1. Death of the Government servant in harness
(G.O.Ms.No. 1005 Emp & Soc. Wel (G) Dept. dt. 127-12-1074 and Cir. Memo. NO. 600681/Ser.I/2003-1 dated 12-08-2003.)
2. killing by exteremist/anti-social elements
(GOMs.No. 443 GA(SER.C) Dept dated 28-10-2002.)
3. missing or whereabouts are not known for more than 7 years
(Cir. Memo. No. 60681/Ser.I/2003 dt. 12-8-2003.)
4. committing suicide while in service
(Cir. Memo. No. 41758/Ser.G/2006-2 dated 19-7-2007)
5. medical invalidation
(GOMs.No. 661 GA(Ser.G) Dept dated 23-10-2008.)

Applicability:

- The spouse/dependent of regular government servant of 1 to 5.
- 2. The dependent of Full time or part time contingent employee, Daily wage employee/NMR/Employee on Consolidate pay fully eligible for conversion as regular government employee (GOMsNo. 118 Fin. Wing (PC.III) Department dated 18-8-1999.

Non applicability

- 1. Dependent of pensioner.
- 2. The dependent of Daily Wage employee/NMR/Employee on Consolidate pay fully eligible for conversion as regular government employee
- 3. Non-regular employee.

Qualifications:

- Junior Assistant and equivalent categories in HODs/Directorates: Degree
- Junior Assistant and equivalent categories in Subordinate offices: Intermediate/
Degree
- Typist: Typewriting in English/Telugu
Higher
- For Office subordinate category in any office: VII Class pass
- For Watchman category: V Pass.

- Conditional appointment subject to acquiring Degree/ Intermediate/technical qualification within 5/3/2 years which can be extended for grace period of two years. If fails to secure qualification such employee can be considered for appointment on his consent to the post under AP Last grade service subject to availability of vacancy . otherwise his service should be terminated. (GOMs.No. 969 GA(Ser.A) Dept dated 27-10-1995)
- Diploma Holder can also be considered in case the duration of study of such diploma is equivalent to or longer than that of Intermediate (GOMs.No. 112 Higher Education (TE.1) Department dated 27-10-2001.
- The eligibility to be taken for educational qualifications has to be reckoned with the date of application for compassionate appointment . (GM.No. 34830/Ser.A/97-1 GA(Ser. A) Dept dt. 19-8-1997.)

Age:

- Minimum: 18 years Maximum 39 years .
- For widows : 45 years. (GOMs.No. 144 GA(Ser.D) dt. 15-6-2003)
- Minor : should attain majority within two years from the date of death.(Memo. Dated 17-12-1979).
- The application must be within one year from the date of death/medical invalidation .
- In case of killing in extremist violence one year can be reckoned from the date of attaining majority. (GO MsNo. 443 GA(Ser.C) Department dated 28-10-2002)

Undertaking:

- The compassionate appointee should furnish an undertaking to the effect that he/she will maintain the other dependent family members and in case it is proved subsequently at any time that the family members are being neglected or are not being maintained properly, the appointment may be terminated forthwith”. In case of failure to comply with above condition, the services of such appointee should be terminated by the Secretary to Government of the Administrative Department in case of employees in Heads of Department and HOD in case of subordinate offices, after issue of show cause notice to that effect.

Nature of appointment

- Initially the appointment should be temporary under Rule 10(a) of A.P. State and Subordinate Service Rules without subjecting to process of recruitment provided in the relevant recruitment rules in case satisfies the educational/technical qualifications and within the limits of minimum and maximum age.

Vacancies

- In the existing vacancy straight away duly intimating the same to the District Collector/GA(IC) Department.
- In case no vacancy , the application should be forwarded to the District Collector, nodal officer, for allotment to other department in the district where a vacancy is available.
- the District Collector shall send proposals to the Administrative Department in Government. In case of HODs proposals shall be sent to the GA(IC) Department.

- In case vacancy available at roster point meant for the Community to the applicant belongs, such reserved community person can be appointed in OC vacancy but a OC should not be appointed against the available reserved community vacancy.
- In case no vacancy exists for a OC person, such OC has to be considered by the District Collector by creation of supernumerary post in the concerned department to accommodate him. For creation of supernumerary post exceeding 5, the District Collector send proposals to the Administrative Department in Government. In case of HODs proposals be sent to the GA(IC) Department.

- **VII Competent Authority:** The appointing authority under relevant rules in respect of the post to which he is considered for appointment.
- The age limit and educational qualifications are to be reckoned from the date of application.
- On allotment by the nodal officer, appointment can be made initially on temporary basis subject to getting relaxation of age from the government.

- Appointment in any place where the spouse finds secured to live i.e. native place or at the place where the deceased last worked or in any district according to her choice basing on the local status of such spouse/dependent under Six Point Formula. (Cir Memo NO. 28967/Ser. G/2004-1 dated 5-6-2004).
- These appointments shall be against direct recruitment quota and to the posts where direct recruitment is available.
- The rule of reservation shall be followed:

- **VIII. JOINING TIME:** Joining time of 30 days under shall be allowed as permissible under Rule 11(a) of AP State and Subordinate Service Rules.
- **IX. Regularization:** In case of fully qualified appointees from the date of appointment. In case of conditional appointment prior to 22-6-2004 subject to acquiring qualifications, from the date of appointment on or after 22-6-2004 from the date of acquiring the qualification

- **X. Procedure in case of Medical invalidation and compassionate appointment of dependent/spouse of such employee:**
- **1. The appointment is only in cases when the family is in indigent and conditions and in great distress and when there is no bread winner in the family.**
- **2. The appointment is only in case of eligibility as per rules. No relaxation is permissible.**
- **3. Application within one year from the date of Invalidation.**

- **4.** Appointment are initially temporary limiting to 5% in the vacancies meant for direct recruitment in the unit duly observing provisions under SPF.
- **5.** Normal process of recruitment need not be followed. However, a formal notification of the vacancy should be sent to the Employment Exchange. After appointment the particulars of the persons appointed should be sent E.E. The Director of Employment and Training shall be intimated.
- **6.** On the date of invalid retirement, such employees should have 5 years of left over service irrespective of the age of superannuation.
- **7.** On receipt of the application for medical invalidation, the appointing authority shall refer such case to the Medical Board.

- **At Districts**
- Where there are teaching Hospitals other than Rangareddy and Hyderabad
- Medical Board consisting of :
 - 1. Superintendent of Govt. General Hospital
 - 2. Civil Surgeon-1 } Nominated by
 - 3. Civil Surgeon-2 } Superintendent of Govt. General Hospital.
- (One of the two Civil Surgeons should be a specialist of the illness/decease the employee is suffering ; in case of lady employee, a lady Civil Surgeon should be nominated.)
- IN case of Rangareddy and Hyderabad, Medical Boards existing in Osmania and Gandhi Hospital

- In all other Districts: the Medical Board consisting of
- 1. District Co-coordinator of the District Head Quarters Hospital of APVVP
- 2. Civil Surgeon-1 } Nominated by
- 3. Civil Surgeon-2 } District Co-ordinator
- (One of the two Civil Surgeons should be a specialist of the illness/decease the employee is suffering; in case of lady employee, a lady Civil Surgeon should be nominated.)
- The Medical Board at NIMS, SVIMS gives its report based on the detailed clinical examination and relevant investigations in Govt. Hospital/Govt. Institutions.

- In case of the following diseases only the medical invalidation should be allowed:
- 1. Paralysis -- All 4 limbs ;
One side upper limb and lower limb;
both lower limbs,
- 2. End stage Renal disease
- 3. End stage Liver disease
- 4. Cancer with metastasis or secondaries.
- 5. Dementia – Mental Disorder.
- 6. Severe Parkinson disease.

- On receipt of the Medical Board report, the appointing authority shall refer the cases of subordinate offices to the District Level Committee consisting of
 - 1. District Collector-- Chairman
 - 2. The District Medical and Health Officer - Member
 - 3. The District Head of the Department -- Member/Convenor

- In case of the HODs and Secretariat Department the following committee shall scrutiny the cases.
- 1. Special Chief Secretary/Prl Secretary nominated by Govt.
Chairman
- 2. Prl. Secy/Secy to Govt. Health Medical & F.W.
Member
- 3. Prl. Secy/Secy to Govt. Of Dept in which the
employees is seeking M.I. -- Member
- 4. Prl. Secy/Secy to Govt. Finance Dept– Member
- 5. Prl. Secy/Secy to Govt. GA Ser Dept – Member
- 6. Secy to Govt Law Dept -- Member
- 7. Director of Medical Education – Member
- 8. Dy Secretary/Jt Secy/Addl Secy to Govt. To Govt. M&FW
Member/Convener

- The above committees scrutinize the Medical reports and recommend for appointment on compassionate grounds
- Basing on the medical board report and the report of the above committee, the Head of the Department shall retire the employee on medical invalidation and appoint the dependents of such employee.

- **IN CASE WHERE WHEREABOUTS OF THE EMPLOYEE ARE NOT KNOWN**
- **1. Request should be entertained only within one year on completion of 7 years from the date of filing FIR with Police.**
- 2. The Police should certify that the missing employee is not traceable.
- **3. The competent authority feels that the case is genuine.**
- 4. The benefit should not be allowed to the family members of the employees who is having less than seven years of left over service from the date of filing FIR.

- 5. The employee should have been suspected that he is committing fraud or joined terrorist/extremist organization.
- 6. The result of the police investigation report should be taken into account.
- 7. The appointment should be made by the appointing authority duly obtaining the permission from the Secretary of the administrative Department against the vacancy available in the department.
- **8. An indemnity should be obtained from the appointee to refund the amounts drawn by her for such employment and she is liable for termination in the event of appearance of the person missing or the missing employee is alive anywhere.**

- In case the person is given the benefit of compassionate appointment, in case of his missing, the spouse of such missing employee is not entitled for appointment under this scheme (Memo. No. 14141/Ser.II (2)2007-6 dated 12-5-2008 of the Principal Secretary to Government, I and CAD Department)

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- **Dependents eligible for the benefit under the scheme**
- **(a) Spouse**
- **(b) son/daughter**
- **(c) When employed son is separated, when there is no other earning member, one of the eligible out of spouse/son/daughter**
- **(d) Legally Adopted son or daughter in case of adoption occurred five years prior to the date of death of the employee.**
- **(e) Only daughter married have no brother or sister when the spouse of the deceased is not willing for appointment.**

- **(f) Daughter Unmarried on the date of application for appointment and subsequently married before her appointment**
- **(g) One of the married daughter and unmarried minor daughter at the choice of the wife of the deceased.**
- **(i) A widow or widower appointed on compassionate grounds will be continued in service in case of remarriage.**
- **(j) Unemployed younger brother/sister in case the deceased employee is unmarried.**
- **(K) Dependent Widowed daughter without receiving any property from husband and only legal heir of the deceased employee.**
- **(l) Married unemployed dependent son and legal heir, when there are no other earning members in the family.**
- **One of the married daughters if spouse unwilling subject to eligibility (GM No. 116417/Ser-A/2003-1 GA(Ser.A) Dt. 8-10-2003)**

- **RELAXATION OF RULES:**
- No relaxation of rules in case of appointment other than the post in Last Grade Service is permissible.
- Relaxation of stipulated time of one year for application; time limit of two years for appointment of minor appointment; Educational qualifications under APLGS in respect of minor may be referred to Government in hard cases. In other case relaxation cannot be entertained.

- Relaxation of age, educational qualification under APLGS contemplated in G.M.No. 2047/Ser.A/83-1 DA(Ser.A) Department dated 10-10-1983 need not be insisted for temporary appointments. However, service should be regularized only after getting relaxation orders from the HOD.

- Legal position:
- The Supreme Court held that courts/tribunal cannot issue positive directions to the appointing authority in respect of compassionate appointment and also for creation of supernumerary post for such appointments in the absence of specific provision under the scheme for creation of supernumerary post. The appointment under the scheme is only in accordance with relevant provisions and guidelines given under the scheme by the Government.

- Ex Gratia payment:
- In case of death while in service, when there is no other earning family member; when there is no suitable person for appointment in the family, children are minors and the spouse/other dependent does not avail the benefit of appointment; if the spouse crossed 45 years of age exgratia amount can be granted (G.O.Ms.No. 166 GA(Ser. G) Department dated 31-3-200
- Class IV employee Rs. 40,000
- Non Gazetted Officer Rs. 60,000
- Gazetted officers Rs. 80,000

- If the wife is unwilling or unqualified, her choice of selecting one of her dependent children shall vests with her. GM 140733/Ser.A/2003-1 GA(Ser.A) dt 14-11-2003.
- Appointment to the post of Watchman/ Chowkidar can be made without requirement of Ex Serviceman or trained in Civil Defence or as a Home Guard subject to undergoing such training after appointment. (GM 155498/Ser.G/GA(Ser.A) dt. 27-11-2004.

Appointment shall be in accordance with special rules, rules of reservation including local and Non local. (GM No. 46614/Ser.A/2005-1 GA (Ser.A) dt. 27-5-2005)

- Not to accept requests for relaxations of existing rules. Secretariat Departments/
HODs not to entertain such proposals. . (GM No. 28379/Ser.G/A1/2004-1 GA(Ser.G) Dt. 28-5-2005.

Married son, dependent on the deceased, if there is no other family member subject to other conditions of the scheme. (Memo. No. 23327/Ser.G/2007-2 GA(Ser.G) dt. 19-9-2007.)

- Inter Local cadre transfers of compassionate appointees on option to local cadre, holding a localised post, against a clear vacancy and seniority as at request without observing ban on transfer . (GO 70GA(MC.III) dt. 11-2-2009)
- Compassionate appointment be made only in the local cadre to which the applicant is a local candidate(GM No. 20568/Ser.G/299801, GAD(Ser. G) Dt. 22-6-2009).

Pension can be treated as earning and pensioner can be treated as an earning member and also that the dependents children of a government employee, who died while in service cannot be considered for appointment under the scheme of compassionate appointment when the other parent, who had retired from service and is in receipt of service pension.