

8.21 Appointment on compassionate grounds - Recommendations of the Staff committee - Guidelines

Labour and Employment (Q1) Department

G.O. (Ms) No. 42

Dated : 12.03.2007

Read :

G.O. (Ms) No.62, Labour and Employment (Q1) Department, dated 19.7.2006.

ORDER

In the G.O. first cited, the Government constituted a Staff Committee under the Chairmanship of Chief Secretary to Government. Recommendations of the Staff Committee have been placed before the Cabinet on 3rd March 2007 and the Cabinet, after detailed discussion, decided as follows:-

to accept the recommendations of the Staff Committee constituted under the Chairmanship of the Chief Secretary regarding guidelines on compassionate appointment.

to extend the period for receiving applications for appointment on compassionate ground for three months considering the ban order on filling up of vacant posts in force from 29.11.2001 to 21.02.2006 and to examine the issue of inter-departmental appointments in 'C' and 'D' category posts where adequate vacancy is not available, in respect of compassionate ground appointments.

2. Based on the decisions taken by the Cabinet, accepting the recommendations of the Staff Committee, the Government hereby issue the following guidelines for appointment on compassionate grounds:-

- 2.1 The conditions laid down by the Supreme Court regarding appointment on compassionate grounds shall strictly be followed,
- 2.2 Appointments on compassionate grounds are being given to the dependant of the deceased Government Servant who died in harness. The existing guidelines with regard to dependants shall be continued.
- 2.3 The observation of Supreme Court is that the posts in Class III and IV are the lowest level posts and hence, they alone can be offered on compassionate grounds. Accordingly, orders have been issued in G.O.Ms.No. 61, Labour and Employment Dated 19.7.2006 that compassionate appointments shall be made to the posts in 'C' and 'D' Groups only. The above orders shall be continued.
- 2.4 As regards indigent circumstances, the appointing authorities shall examine the financial condition of the family of the deceased Government Servant and offer a job to an eligible member of the family only after satisfying themselves that, but for the provision of employment, the family will not be able to meet the crisis. A certificate from the Tahsildar regarding the indigency of the family should be obtained. Issue of certificate by Tahsildar should be based on detailed inquiry. Orders have already been issued in G.O.Ms.No.61, Labour and Employment Dated 19.7.2006 to continue the existing guidelines related to indigent circumstances and these guidelines shall be continued. The family pension of the deceased employee and the immovable property like living house of the employee need not be taken into account while assessing the income of the family.
- 2.5 The existing time limit of 3 years for filing application from the date of death of the Government servant shall be continued as per orders issued in the G.O. first read above.
- 2.6 Appointment on compassionate grounds shall be made only against the actual vacancies and no supernumerary posts shall be created.
- 2.7 Dependants of only regular Government Servants who died in harness shall be given

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appointment of compassionate grounds. No appointment on compassionate grounds shall be given to dependants of casual or adhoc or temporary Government Servants appointed under Rule 10(a)(i) of the Tamilnadu State and Subordinate Services Rules.

- 2.8 Compassionate grounds appointment to the post of Assistant in the Departments of Secretariat shall be made by the Personnel and Administrative Reforms Department for which applications received by the departments shall be processed and recommended for appointment.
- 2.9 Appointment to the posts of Office Assistants and Record Clerks in the Departments of Secretariat shall be made by the respective Departments in the existing vacancies. The appointing authority shall take necessary action for issue of orders after observing the guidelines in vogue.
- 2.10 The Heads of Departments or Collectors or District Level Officers, who are appointing authorities, shall appoint eligible applicants to the posts in 'C' and 'D' Groups. Existing guidelines and Government orders regarding regularisation of services of the persons appointed on compassionate grounds shall be strictly followed.

3. Priority to the dependants of the deceased Government Servants and Teachers, who were working on regular basis and died during the strike period in July 2003, shall be given appointment on compassionate grounds, as ordered in G.O.Ms.No.123 L&E dated 8.9.2006 observing the guidelines issued in G.O.Ms.No.61, Labour and Employment Dated 19.7.2006 and other formalities in vogue.

4. Appointment on compassionate grounds are made in 'C' and 'D' Groups only. Neither the qualification of the applicant nor the post held by the deceased employee is relevant. Appointment to the posts in 'B' Group cannot be made as laid down by the Supreme Court. The appointing authority shall, however, consider if the dependant of the deceased employee wishes to accept employment in 'C' Group and if otherwise eligible. Pending applications seeking compassionate appointments under 'B' Group be disposed off accordingly.

5. Existing provisions for appointment on compassionate grounds to the dependants of defence personnel, who died or disabled in war shall be continued and the revised guidelines issued in G.O.Ms.No. 61 Labour and Employment dated 19.7.2006 be followed while making such appointments.

6. As regards appointment on compassionate grounds to the dependants of the persons belonging to Scheduled Castes killed in a communal clash, the existing provisions as laid down in G.O.Ms.No.896, Labour and Employment dated 09.07.1990 shall be continued subject to the guidelines issued in G.O.Ms.No.61, Labour and Employment dated 19.7.2006.

7. The Government hereby extend the period for receiving application for appointment on compassionate grounds for three months from the date of issue of this order, considering the ban order on filling up of vacant posts, which was in force from 29.11.2001 to 21.2.2006.

8. The Government decided to examine the issue of inter-departmental compassionate appointments in 'C' and 'D' category posts, where adequate vacancy is not available in a department to which the deceased Government Servant belonged.

(By order of the Governor)

L.K.TRIPATHY
CHIEF SECRETARY TO GOVERNMENT