

8.22 Compassionate ground appointment – Time limit of three years for filing applications from the date of death of Government Servent to continue

Labour and Employment Department
Letter (Ms) No.202, dated 08.10.2007

From
Thiru Ramesh Kumar Khanna, I.A.S.,
Secretary to Government.

To
All Heads of Departments.

Sir,

Sub: Public Services – Schemes of compassionate ground appointment – Time limit to present application – Time limit fixed – Instructions issued.

- Ref: 1. G.O. (Ms) No.120 Labour and Employment Department, Dated 26.06.1995
2. Govt. letter No.39924/Q1/2005-1, Labour and Employment Department, Dated 11.10.1995
3. From the Collector of Tirunelveli D.O.Letter Roc No. A4/105795/2002 dated 28.09.2003, addressed to the Special Commissioner and Commissioner of Revenue Administration, Chennai-6.
4. From the Special Commissioner and Commissioner of Revenue Administration, Chennai-5, Letter No.104/47209/2003, dated 13.11.2003, addressed to Secretary to Government, Revenue Department.
5. G.O. (Ms) No.42, Labour and Employment Department dated 12.03.2007

I am directed to state that on the recommendations of the Staff Committee, orders were issued in paragraph 2.6 of the Government order fifth cited among others that the existing time limit of 3 years for filing of applications from the date of the death of the Government Servant shall be continued.

2. As per the above direction, many departments of Secretariat / some of the Heads of Departments have now requested to seek general clarifications issued in Government letter second cited indicating that the time limit of three years period specified in the Government order first cited is applicable to the dependants of the Government Servants who died while in service on or after 26.06.1995 and the above said Government order are not applicable to past cases.

3. The very purpose of giving compassionate ground appointment scheme is only to help the family of the deceased Government Servant to tide over the sudden indigent circumstances unexpectedly created by the sudden and untimely death of the Government Servant. So the appointment should, therefore be provided immediately to redeem the family in distress and the provision of compassionate appointment after a lapse of very long time defeats the very purpose of the compassionate ground appointment scheme. The Supreme Court has made critical observations with regard to this issue and that the critical issue is whether the family is in indigent circumstances. In the cases of application made after ten years, twenty years and thirty years from the date of death of the Government Servant, obviously the family cannot be considered in indigent circumstances. In view of this, the instructions issued in the reference 2nd cited could not be considered to the applicability to past cases after the lapse of 3 years; even where the government Servant died prior to 26.6.95. In other words the applicability of the clarification issued in second letter cited was for only to past cases to cover the period of 3 years only and not for infinite period.

4. In this connection, I am to add that based on the direction of the Supreme Court regarding indigent circumstances of the family and the decision taken by the Cabinet accepting the recommendations of the Staff Committee, the Government direct that the compassionate ground appointment have to be made as per the detailed guidelines issued in the Government

8. MISCELLANEOUS

order fifth cited wherein it has been clearly mentioned that the existing time limit of 3 years for filing applications from the date of death of Government Servant shall be continued.

5. I am, therefore, to request you to follow the above guidelines issued in the Government order fifth cited for all present, past and future cases and the instructions issued in Government letter second cited cannot be taken into account. The crux of matter is that the time limit shall be 3 years for filing of application from the date of the death of Government Servant and is applicable to all cases, including where the Government Servant has died in service even prior to 26.6.1995 also.

SECRETARY TO GOVERNMENT