



GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—SCHEME FOR THE COMPASSIONATE EMPLOYMENT OF
THE DEPENDENTS OF GOVERNMENT SERVANTS WHO DIE
IN HARNESS—MODIFIED—ORDERS ISSUED

PERSONNEL AND ADMINISTRATIVE REFORMS (ADVICE-C) DEPARTMENT

G. O. (P) No. 12/99/P&ARD. Dated, Thiruvananthapuram, 24th May, 1999.

- Read:*—1. G.O. (Ms) No. 20/70/PD dated 21-1-1970.
2. G. O. (P) No. 7/95/P&ARD dated 30-3-1995.
3. Judgment in OP. No. 10287/95 dated 26-7-1995 of the
Hon'ble High Court of Kerala.
4. G. O. (P) No. 21/95/P&ARD dated 21-10-1995.
5. G. O. (P) No. 14/96/P&ARD dated 25-3-1996.
6. G. O. (P) No. 23/96/P&ARD dated 10-7-1996.
7. G. O. (P) No. 39/96/P&ARD dated 29-11-1996.
8. G. O. (P) No. 4/97/P&ARD dated 12-2-1997.
9. G. O. (P) No. 1/98/P&ARD dated 5-1-1998.

ORDER

As per the Government order read as 1st paper above, Government have introduced a scheme to provide employment assistance to the dependent of Government Servants who die in harness. The intention or the schemes was to provide expeditious relief to the immediate family of the deceased Government Servants, who will suffer in the absence of such a relief. Several relaxations and restrictions have taken place over the past 29 years to the scheme and rules. This scheme was liberalised last as per G.O. read as

2nd paper above. While disposing OP No. 10287 of 1995, the Hon'ble High Court has observed that the provisions contained in G.O. (P) No. 7/95/P&ARD dated 30-3-1995 regulating the scheme contravene the instructions issued by the Hon'ble Supreme Court of India in two of their judgments, and directed the Government to revise the scheme adhering to the rules enunciated by the Supreme Court.

2. Government have considered in detail all the relevant aspects and are now pleased to issue the following orders, in supersession of all the existing orders, to regulate the appointment under the compassionate employment scheme.

Date of effect

3. Applications received on or after the date of issue of this order shall be disposed of in accordance with these orders. Pending applications as on the date of this order shall be dealt with as per the earlier orders.

Eligibility

4. Applications from dependents of Government Servants who die in harness will be considered for employment assistance under the scheme. 'Government Servants' shall include contingent and work establishment personnel, part-time employees, N.M.R. Workers, Seasonal employees under various Government Departments, Permanent Labourers of the Agriculture Department and Panchayat employees.

5. Dependents of the employees of the Municipalities and Corporations who die in harness will also be eligible for employment assistance on the pattern of this scheme. However, their appointment shall be confined to the Municipalities and Corporations only.

6. Dependents of Government Servants missing while in service, if it is not proved otherwise as laid down in section 108 of the Indian Evidence Act, will be eligible for employment assistance under the scheme treating that the incumbent had died while in service.

7. Dependents of Government Servants who die in harness irrespective of the circumstances of the death (including suicide) will be eligible for employment assistance under the scheme.

8. Dependents of Government Servants who have availed themselves of invalid pension and in whose case death takes place before the normal date of superannuation shall also be eligible for employment assistance under the scheme.

9. The scheme is not applicable to the employees of private colleges.

10. (a) Employment assistance under the scheme shall not be available to the dependents of Government Servants who are allowed to continue in service beyond superannuation either by extension of service or by reemployment and in whose case the death takes place after the normal date of retirement or superannuation.

(b) The dependents of the teaching staff of all educational institutions (including Principals of Colleges) who on completion of the age of 55 years during the course of an academic year continue in service, under Rule 60 (c) Kerala Service Rules, Part I, till the last day of the month in which the academic year ends and who die during the period of such continuance will be eligible for the employment assistance under the scheme.

11. Dependents of Government Servants who have retired voluntarily and in whose case death takes place before the normal date of superannuation shall not be eligible for the employment assistance under the scheme.

Family Income

12. The maximum income of the family of the deceased Government Servant should not exceed Rs. 1,50,000 (Rupees One lakh and fifty thousand only) per annum to make a dependent eligible for the Compassionate Employment and this limit will be revised from time to time.

13. Family income to be reckoned is the actual income available to all members of the family from all sources other than family pension. Income from the properties of the members of the family should also be reckoned. Income of the married sons and daughters and other members of the family living separately shall not be reckoned for calculating the Family income. In case of disputes on income, the case shall be referred to the concerned District Collector and the income reported by the Collector shall be accepted as the actual income. When salary based income is calculated the pay including all allowances except Travelling Allowance shall be reckoned for the purpose. For this purpose, necessary amendments in the guidelines in G. O. (Ms.) No. 192/85/RD, dated 23-3-1985 will be issued, separately.

Dependents

14. (a) Only one dependent will be given employment assistance under the scheme in the event of the death of a Government Servant. Employment assistance shall be given to the widow/widower, son, daughter in the said order

of priority. Son and daughter shall include adopted son and adopted daughter respectively and will rank after son/daughter. No other dependent shall be eligible or given appointment under the scheme.

(b) Whenever there is a dispute between the claim of two dependents the person recommended by the widow/widower of the deceased Government Servant will be preferred.

(c) In the case of dependents other than widow/widower, the consent of the widow/widower shall invariably be obtained.

Minimum Service

15. There shall be no minimum service restriction. Dependents of those Government Servants who are regularly appointed and employed in Government service shall be eligible for the benefit of the scheme irrespective of the length of service.

Category of appointment

16. Appointment under the scheme will be limited to Class III and Class IV posts in the Subordinate Service, Last Grade Service and in Part-time Contingent Service to which direct recruitment is one of the methods of appointment. In the case of posts for which different methods of appointment are prescribed, the appointment under the scheme shall be set off against the quota earmarked for direct recruitment.

Qualification for posts

17. The qualification prescribed for direct recruitment to the post will apply. No relaxation in the qualifications will be allowed under the scheme.

Age limit

18. In the case of appointment to widow/widower and in the case of appointment to Part-time contingent posts, there shall be no upper age restriction i.e., applicants shall be given appointment up to the age of retirement. In all other cases the upper age limit prescribed for direct recruitment to the post shall apply.

Time limit for preferring application

19. The time limit for preferring applications under the scheme will be 2 years from the date of death of Government Servants. In the case of minor, the period will be within 3 years after attaining majority.

Procedure for appointment

20. Applications for appointment from dependents of Government Servants who die-in-harness will be entertained only in the prescribed form given in Appendix 'A' with a court fee stamp of Rs. 2 affixed thereon. The applications shall be submitted in the office where the Government Servants had last worked. Legal heirship certificate issued by the Tahsildar concerned, income certificate and death certificate should invariably be enclosed with the application. An applicant under the Compassionate Employment Scheme will be permitted to indicate the order of priority of the posts applied for. To the extent possible this order of priority will be accepted. However, if this is not possible the applicant will be appointed to any available vacancy in any of the subordinate services.

21. A checklist as in Appendix 'B' will be adopted by Heads of Departments/ District Collectors for making reports to Government on the application for employment under the scheme.

22. Verification of character and other formalities to be followed in the case of direct recruitment shall be followed in the case of appointment under this scheme also.

23. (a) Proposals for appointments under the scheme to be made in the departments other than those in Secretariat will be processed and orders issued by the concerned Administrative Department in the Secretariat. The Administrative Department will issue only an order sanctioning the appointment of the candidate and the formal appointment order will be issued by the concerned Appointing Authority.

(b) In respect of appointments to be made in the Administrative Secretariat, Finance Department and Law Department, the proposals will be processed by the concerned Administrative Department of the Secretariat but the final orders will be issued by the Administrative Secretariat, Finance Department and the Law Department as the case may be. In such cases sanction for the appointment need not be issued, instead formal appointment order itself may be issued.

General

24. Candidate appointed under the scheme should produce an attested copy of photograph at the time of joining duty.

25. Appointment once offered and the post once applied for shall be allowed to be changed if the request for change is made within the time limit prescribed in para 19 above.

26. Applicant will have the right to withdraw his/her application at any time within the time limit before the job is accepted, so as to enable another dependent of the family to make his/her application for employment assistance.

27. The appointment given under the scheme will be cancelled if and when it is found that there was misrepresentation or suppression of material facts on the part of the applicant while submitting application.

28. Candidates appointed under the scheme will have the option to choose any district for appointment and in case they are appointed in a district other than the district of option, they will be transferred to the district of option at the earliest opportunity without loss of seniority.

29. The five year rule prescribed for inter-district transfer of district-wise recruits will be made applicable to persons appointed under this scheme only after the candidate is posted to the district of his choice.

30. Appointment of dependents in general category posts such as Lower Division Clerk, Lower Division Typist, Peon etc., will be made in the concerned Department itself against an existing or arising vacancy.

31. If vacancies of Lower Division Clerk is not available and the applicant is qualified for appointment as Lower Division Typist, he will be appointed as Typist-Clerk against an existing vacancy of Lower Division Typist and given category change as Lower Division Clerk without loss of seniority, based on his option, adopting the general Pattern regarding category change in the case of appointments under the Compassionate Employment Scheme also, i.e., the Typist-Clerk appointed under Compassionate Employment Scheme will remain as Typist-Clerk for a period of five years before category change is allowed.

32. If a vacancy of Peon is not available in the Department to accommodate a dependent and if there is vacancy and the applicant is willing, he will be appointed in part-time contingent post. Such persons will be allowed change of appointment as Peon prospectively at the earliest opportunity.

33. If none of the alternatives mentioned in paras 30, 31 or 32 above is possible for want of vacancies, such cases shall be referred to the General Administration (C. E. Cell) Department for allotment of vacancies.

34. For allotment of vacancies under para 33 above, 5% vacancies in the categories of Lower Division Clerk, Lower Division Typist and Peon arising every year will be reported by all Heads of Departments/Appointing Authorities to the General Administration (C. E. Cell) Department.

35. 5% vacancies of Assistant Grade II including Legal Assistant Grade II in the Secretariat (Administrative Secretariat), Finance Department, Law Department and office of the Advocate General, and 5% vacancies of Auditor Grade II in the Local Fund Audit Department will be reserved and reported to the General Administration (C. E. Cell) Department for allotment of vacancies to the candidates possessing graduation and post graduation qualifications. The dependents of Government Servants in Secretariat, Office of the Advocate General and Local Fund Audit Department having the requisite qualification will be appointed as Assistant Grade II/Legal Assistant Grade II/Auditor Grade II in an existing or arising vacancy in the concerned department and such appointment shall not be set off against the 5% vacancies reserved and reported to the General Administration (C. E. Cell) Department.

36. 5% vacancies of Village Extension Officer and Lady Village Extension Officer in the Rural Development Department and 5% vacancies of Lower Division Compiler in Bureau of Economics and Statistics Department will be reserved and reported to the General Administration (C. E. Cell) Department for allotment under the scheme, to qualified dependents.

37. 10% vacancies of Police Constable, Excise Guard, Forest Guard and Jail Warder will be reserved and reported to the General Administration (C. E. Cell) Department for allotment to qualified hands.

38. The dependents of Government Servants in any of the Departments of Rural Development, Bureau of Economics and Statistics, Police, Excise, Forest and Jail applying for the posts of Village Extension Officer/Lady Village Extension Officer, Lower Division Compiler, Police Constable, Excise Guard, Forest Guard and Jail Warder respectively will be appointed in the concerned Department in existing or arising vacancies, provided they possess the requisite qualifications, without consulting the General Administration (C.E. Cell) Department. Such appointment shall not be set off against the vacancies reserved and reported to the General Administration (C. E. Cell) Department.

39. Employment assistance under the scheme will be given only on fulfilment of the conditions stipulated in these orders. Appointment under the scheme shall be given only to one eligible dependent of the Government Servant. In cases, where appointment is in a Department other than the Department where the deceased Government servant had worked and the vacancy is not one assigned by the General Administration (C. E. Cell) Department, prior concurrence of the concerned Administrative Department should be obtained before orders are issued.

40. Government will have the right to cancel the order sanctioning the appointment of persons under the compassionate employment scheme if after the issue of the order it is seen on examination that the orders were issued erroneously.

41. As the scheme is intended to help the bereaved family of the deceased Government servant, the application for employment assistance should be processed at all stages and at all levels with a sense of urgency. Enquiry reports of the District Collectors should be finalised and submitted within six weeks. A register in the pro forma in Appendix 'C' will be maintained in the Collectorates to watch the receipt and disposal of applications.

42. The details of applications received from the dependents of the deceased employees and the details of appointment given will be entered in the Service Book of the deceased employees and also in the establishment register of the office in which the deceased employee last worked and the fact should be attested by the Head of Office/Head of Department. Every Administrative Department of the Secretariat shall also maintain register in the pro forma in Appendix 'D' in which applications received for employment assistance under the scheme shall be entered so that it will be easy to watch the progress of action and to furnish information on L. A. questions.

43. The files relating to issue of sanction for appointments of Government servants dying-in-harness should be closed as Manuscript (Ms) series so as to retain them permanently.

By order of the Governor,

DHARAM VEER,

Secretary to Government.

To

All Heads of Department/Appointing Authorities and Offices.

All District Collectors.

All Departments (All sections) of the Secretariat including Law and Finance.

All Officers of the Secretariat.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
(with C.L.)

The Accountant General (A&E), Kerala, Thiruvananthapuram (with C.L.)

The Secretary, Kerala Public Service Commission (with C.L.)

- The Registrar, High Court of Kerala, Ernakulam (with C.L.).
- The Registrar, University of Kerala/Kochi/Kozhikode/Kannur (with C.L.).
- The Registrar, Mahatma Gandhi University, Kottayam (with C.L.).
- The Registrar, Kerala Agricultural University, Thrissur (with C.L.).
- The Registrar, Sree Sankaracharya University of Sanskrit, Kalady, Ernakulam (with C.L.).
- The Secretary, Legislature Secretariat (with C.L.).
- The General Manager, K.S.R.T.C., Thiruvananthapuram (with C.L.).
- The Secretary, K.S.E.B., Thiruvananthapuram (with C.L.).
- The Private Secretaries to the Chief Minister and other Ministers.
- The Private Secretary to the Leader of Opposition, Contonment House, Thiruvananthapuram.
- The Private Secretary to the Speaker/Deputy Speaker, Legislative Assembly, Thiruvananthapuram.
- The Private Secretary to the Governor, Raj Bhavan, Thiruvananthapuram.
- The Advocate General, Ernakulam.
- The Additional Secretary to the Chief Secretary.
- The Director of Public Relations.
- Stock File.

APPENDIX A

(A Court Fee stamp of Rupees two should be affixed on the Application Form)

**Form of Application for Employment under the Scheme for the
Compassionate Employment of the dependents of Government
Servants Dying-in-harness contemplated in
G.O. (P) 12/99/P&ARD dated 24-5-1999**

1. Name and full postal address of :
the applicant indicating the name
of the District
2. Name, full residential address and :
details of appointment last held
by the Government Servant together
with details of the date of entry in
service, office and department
where worked immediately before
death etc.
3. Relationship of the applicant to :
the Government Servant who
died-in-harness.
4. Total continuous service put in by :
the deceased Government Servant
with dates of birth and death
5. Details of the members in the :
family of the deceased Government
Servant together with the name,
age, occupation and relationship
of each with the deceased
6. Total annual family income of the :
deceased Government Servant
(certificate from concerned authority
should be attached)
7. Applicant's age and date of birth :
(attested copy of the relevant
school records or other relevant
records should be attached)
8. Educational qualifications and :
experience, if any, gained (attested
copy of the certificate to be attached)

9. Physical measurements and fitness :
 (Need be filled by the applicant
 who apply for the posts of Police
 Constable, Excise Guard, Forest
 Guard or Jail Warder)

Height :

Chest--Normal :

Expanded :

(To be supported by a certificate from
 a Medical Officer in Government Service)

10. Whether the applicant is married or
 single ?
11. Whether the applicant or any other :
 dependent of the deceased
 Government Servant had applied for
 the benefits under the scheme earlier?
 (if so give details)
12. Whether any other dependent of the :
 deceased Government Servant has
 availed of the benefit of employment
 under the scheme previously ?
13. Name of posts for which appointment :
 is sought in the order of preference
14. The District chosen by the applicant :

DECLARATION

I..... do hereby declare that the
 particulars given above are true to the best of my knowledge and belief. I also
 agree to the appointment secured by me under the scheme being terminated
 without notice in the event of finding any misrepresentation or suppression of
 material parts on my part.

Place :

Date :

Signature of applicant.

APPENDIX B

Check list of points to be looked into for appointment of Dependents of Government Servants Dying-in-harness

1. Name and designation of the deceased Government Servant :
2. Total service put in by the deceased Government Servant
 - (i) Date of birth of the Government Servant :
 - (ii) Date of entry in service :
 - (iii) Date of death :
3. Details of members in the family (Name, date of birth, marital status and occupation, if any) :
4. Total annual family income of the deceased Government Servant :
5. Date of receipt of the application from whom the application is received :
6. Name and relationship of the person to be considered for appointment :
7. Applicant's age and date of birth :
8. Qualifications of the candidate as represented and reported
 - (a) Educational qualification :
 - (b) Physical measurement :

(In the case of Posts such as Police Constable, Excise Guard, Forest Guard or Jail Warder)

Height :

Chest—Normal :

Expanded :
9. Post for which the applicant is qualified :
10. Other points for consideration if any :

11. Recommendation of the Head of Department/Collector :
12. Whether any dependent of the deceased employee was given appointment under the scheme. If so, details of appointment given :

APPENDIX C

1. Serial Number :
2. Reference number if any, date and from whom received :
3. Current Number :
4. Date of receipt by Clerk :
5. Name and designation of the deceased Government Servant and the Department in which the deceased was working :
6. Name and address of the applicant :
7. Reference issued to whom for enquiry report and date :
8. Date of receipt of the enquiry report :
9. Report sent to whom and date :
10. Nature of disposal :

APPENDIX D

1. Serial Number :
2. Name and address of the applicant :
3. Name of the deceased employee and the Department or office (institution) where he/she was working :
4. Date of receipt of application :
5. Current Number :
6. How disposed of (if appointment given details thereof) :