

GOVERNMENT OF KERALA

Abstract

Public Service –Scheme for the Compassionate Employment of the Dependents of Government Servants who Die in Harness-

PERSONAL AND ADMINISTRATIVE REFORMS (ADVICE-C) DEPARTMENT

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

- Read:-
1. G.O. (MS) No. 20/70/PD, Dated 21-01-1970.
 2. G.O.(P) No. 7/95/P&ARD, Dated 30-03-1995.
 3. Judgment in O.P. No. 10257/95, dated 26-07-1999 of the Honourable 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 25-03-1996.
 6. G.O.(P) No. 23/96/P&ARD, Dated 10-07-1996.
 7. G.O.(P) No. 39/96/P&ARD, Dated 29-11-1996.
 8. G.O.(P) No. 4/97/P&ARD, Dated 12-02-1997.
 9. G.O.(P) No. 1/98/P&ARD, Dated 05.01-1998.

ORDER

As per the Government order read as 1st paper above, Government have introduced a Scheme to provide employment assistance to the dependents of Government servants who die in harness. The intension of the scheme 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 liberalized last as per G.O. read as 2nd paper above. While disposing O.P.No. 10287 of 1995, the Honorable High Court has observed that the provisions contained in G.O. (P) No.7/95/P&ARD, dated 30-03-1995 regulating the Scheme Contravene the instructions issued by the Honorable Supreme Court of India in two of their judgments, and directed the Government revise the Scheme adhering to the rules enunciated by the Supreme Court.

2. Government have Considered in details all the relevant aspects and are now pleased to issue the following orders, in super session 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 Department 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 have availed 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 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 re-employment 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 35 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 or 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 in 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 Traveling Allowances shall be reckoned for the purpose. For this purpose, necessary amendments in the guidelines in G.O (MS) No. 192/85/RD, dated 23-03-1985 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 servants. 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.

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 & class IV posts in the subordinates 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 be apply. No relaxations in the qualification will be allowed under the scheme.

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 death of Government Servants. In the case of minor, the period will be within 3 years after attaining majority.

20. Applications for appointment from dependents of Government servants which 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 heir ship certificate issued by the Tahsildar Concerned, income certification and death certificate should invariably be enclosed with the application. An applicant under the Compassion to Employment Scheme will be permitted to indicate the order of priority of the costs 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 proceeded and orders issued by the concerned Administrative Department in the Secretariat 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 theorders 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 applications 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 lose of seniority.

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

30.Appointment or dependents in general category posts such as Lower Division Clerk, Lower Division Typists, 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 case of appointments under the Compassionate Employment Scheme also, i.e., the Typist-Clerk appointed under compassionated Employment Scheme will remain as Typist Clerk for a period of five years before category change is allowed.

32. If 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 person will be allowed change of appointment respectively at the earliest Opportunity.

33. If none of the alternative mentioned in paras 30, 31 or..... above is possible for want of vacancies, such cases shall be referred to the General Administration (C.E. Cell) Department for the 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 reads of 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 Departments Law Department and office of the advocate General, and 6% 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 be General Administration (C.E. Cell) Department for allotment under the scheme, to qualified dependents.

37. 10% vacancies of Police Constable, Excise Guard, Forests 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 Servant 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 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 fulfillment of the condition stipulated in these order. 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 compassionates 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 the stage and at all levels with a sense of urgency. Enquiry reports of the District Collectors should be finalized and submitted with in six weeks. A register in the pro forma in appendix 'C' will be maintained in the Collect orates to which 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 Heads of Office/Head of Department. Every Administrative Departments 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,

DHARAN VEER,
Secretary to Government.

To

All Heads of Department/Appointing Authorities and officers.
All District Collectors.
All Departments (all sections) of the Secretariat including Law and Finance.
All Officers of the Secretariat.
The Accountant General (A& Ep Audit), 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 Kerala Agricultural University, Thrissur (with C.L.)
The Registrar Sree Sankarachariya University of Sanskrit, Kalady,Ernakulam (with C.L.)
The Secretary, Legislature Secretariat(with C.L.)
The General Manager, K.S.R.T.C., Thrivananthapuram (with C.L.)
The Secretary K.S.E.B., Thriuvananthapuram (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,
Thriuvananthapuram.
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.
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SECTION OFFICER.

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