

**COMPASSIONATE APPOINTMENT IN DDA - GUIDE LINGS
CIRCULATED BY THE COMMISSIONER (P)
[VIDE No. F.3(11)96/PB-V/188, DT.01.06.1998]**

I. CIRCUMSTANCES IN WHICH COMPASSIONATE APPOINTMENT MAY BE MADE

Appointment on compassionate grounds relate to the appointments made to dependents of DDA servants who lose their lives in the course of duty or die in harness otherwise while in service or are retired on medical grounds. The circumstances in which appointments on compassionate grounds may be made are as below:

- (i) When DDA servants lose their lives in the course of duty or get so crippled that they can not do any work this also in the course of duty for example duties connecting with the fields.
- (ii) When DDA employees die in harness while in service before retirement.
- (iii) When DDA employees commit suicide.
- (iv) When an employee's where about are not know for a period of seven years and the settlement of dues of the employees are or are not paid to the family on this account. This limit of seven years may be relaxed to three years on the Vice-Chairman, DDA subject to the condition that the service of the person appointed on compassionate grounds would be terminated in case the missing employee is traced subsequently. Compassionate appointments in such cases may be declined from the payment of settlements dues. In other words compassionate appointments in such cases may not be denied or deferred only on the ground that settlement dues of missing employed are still to be paid to the person entitled to receive them.
- (v) In exceptional cases when a Department is satisfied that the condition of the family is indigent and is in great distress the benefit of compassionate appointment may be extended to widow/son/daughter /near relative of a DDA servant retired on medical grounds under Rule 38 of Central Civil Services (Pensions) Rules, 1972 or corresponding provisions in the central Civil Service Regulations before attaining the age of 55 years. In case of Group ' D ' employees whose normal age of superannuation is 60 years, compassionate appointment may be considered where they are retired on medical grounds before attaining the age of 57 years. (This will further in consideration of;
 - (a) When DDA employees become crippled while in service or develop serious ailments like heart disease, cancer etc. or other wise medically decatergies for the job they held and no alternative job of the same emoluments can be offered to them.
 - (b) Here on being medically de-categorised, a DDA employee is offered alternative employment on the same emoluments

but chooses to retire and request for compassionate appointment provided that if he has less than three years of service at the time of de-categorisation, personal approval of Commr. (P) is to be obtained before the compassionate appointment is made.

- (c) For appointment of handicapped'/crippled wards of DDA employee on compassionate grounds, registration with special employment exchange is not necessary and if the candidate claims physical handicap, this may be verified/established based on the general criteria/Rules.
- (d) In the case of DDA servant who is medically incapacitated or de-categories & retires from service & if compassionate appointment is other wise permissible, such appointment may be offered also to the wife of DDA servant subject to the following conditions
- Either the employee has no son or daughter or the son or daughter is a minor at the time of the request for appointment is made.
 - In such cases the same will be approved personally by the Commissioner (P)
 - The DDA Administration has no practical difficulty in offering appointment in a post for which the candidate is eligible & suitable.
 - There is no bar in giving appointment to the husband of a female DDA employee on compassionate ground in the circumstances in which such appointments is other wise permissible.
 - In those cases where a member of the family of the deceased is working/earning, request for compassionate appointment will not be considered.
 - The compassionate appointment may also be given to widow/son/daughter or near relative who dies during the period of extension in service but not re-employment.
 - The applications for compassionate appointment may not be merely rejected on the ground that the family of the deceased employee has received the benefits under the Various Welfare measures/schemes. While these benefits should taken into account, the financial condition of the family has to be assessed taking into account its liabilities and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family etc. so that a balance and objective assessment is made on the financial condition of the family while considering a request for appointment on compassionate grounds.

II. COMPASSIONATE APPOINTMENT TO THE WARDS THAT ARE DECLARED UNFIT AND ARE RETIRED

- (a) In a case where a DDA servant is declared unfit for all posts in terms of relevant rules and is retired from DDA service, compassionate appointment to the ward of such a DDA servant would not be admissible.
- (b) In all cases persons being declared unfit on account of malingering, medical unfitness papers should invariably carry an endorsement that he was declared unfit under Relevant Rules applicable to DDA.

III. PERSONS ELIGIBLE TO BE APPOINTED ON COMPASSIONATE GROUNDS

Son/daughter/widow/widowers of the DDA employees are eligible to be appointed on compassionate ground in the circumstances in which such appointments are permissible. Where the widow cannot take up employment and the sons/daughter becomes major i.e. attains the age of 18 years, subject to time limit (say like 5 years or so). The benefit of compassionate may also be extended to a "near relative/adopted son/daughter, the eligibility of near relative/adopted son /daughter to such appointment will be subject to the following conditions:

(A) NEAR RELATIVE:

A blood relation who is considered to be a bread winner of the family can be considered as "**Near Relative**" for the purpose of appointment on Compassionate grounds,

- (i) Such appointment is not permissible where the DDA employee who has died in harness has left behind only the widow, with no son/ daughter to be supported by her.
- (ii) The son or daughter of the employee or ex-employee is a minor one & the widow cannot take up the;
- (iii) A clear certificate should be forthcoming from the widow that the "**Near Relative**" will act as the bread winner of the family.
- (iv) If the family certifies at a letter that the "**Near Relative**" who was appointed on compassionate ground refused to support the family, the services of that employee are liable to be terminated.
- (iv) One a "**Near Relative**" is appointed on compassionate grounds no further appointment shall be given later to a son or daughter or widow of the employee on compassionate grounds.

- (vi) The appointment of the "**Near Relative**" shall not be considered, if a son or daughter or widow herself is already working & earning

A blood relation who is considered to be bread winner of the family can be considered as "Near Relative" for the purpose of appointment on compassionate ground.

(B) ADOPTED SONS AND ADOPTED DAUGHTERS:

- (i) There is satisfactory proof of adoption valid legally.
- (ii) The adoption is legally recognized under the relevant law governing the DDA.
- (iii) The legal adoption process has been completed and has become valid before the date of death/medical decategorization, medical incapacitation (as the case may be) of the ex-employee.

IV. CATEGORIES NOT BE CONSIDERED FOR COMPASSIONATE APPOINTMENT

A brother in law (wife's brother) would not come within the categories of persons eligible for compassionate appointment. Similarly a son-in-law also is not eligible for appointment on compassionate grounds.

V. TIME LIMIT FOR MAKING COMPASSIONATE APPOINTMENT/ CONSIDERATION OF BELATED REQUEST FOR COMPASSIONATE APPOINTMENT

DDA can also consider the requests for compassionate appointment even where the death took place long ago say five years or so while considering such belated requests it should be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family on the passing away of there Government servant (DDA) in harness. The very fact that the family has been able to manage some how all these years should normally be adequate proof to show the family had some dependable means of subsistence. Therefore examination of such cases calls for a great deal of circumspection. The decision in these cases may be taken at the level of head of the Department VC/Commissioner (P) on the following aspects:

- (a)(i) The powers shall be exercised personally by the commissioner (P)/DDA. It shall not be delegated to the lower authority.
- (ii) The case should not be more than ten years as reckoned from the date of death.
- (iii) The widow of the deceased employee should not have remarried.

- (iv) The circumstances of the case should be such as to warrant realization of there time limit of five years.
 - (v) The reasons for relaxing the time limit should be placed on record.
 - (vi) The request for compassionate appointment should have been received by the DDA Administration as soon as the son/daughter to be considered for compassionate appointment has become a major say with in a maximum period of one year or so.
- (b) Where death occurred more than 10 years back or so and also incases where death took place between 5-10 years back but the conditions stipulated in Para v (a) above are not fulfilled a compassionate appointment is not within the competency of the commissioner (P) except the case of loss of life in cause of duty or getting crippled in the course of duty. However, in such cases, if compassionate appointment is otherwise admissible and if after careful examination of the case it is found that there are special features or circumstances justifying relaxation of time limit as also criteria, the cases could be considered by the DDA Administration for approaching VC/Screening Committee for relaxation of as a special case. Such a reference to the VC/ Screening Committee should be made by the DDA administration, only with the personal approval of commissioner (P).

VI. POSTS TO WHICH SUCH APPOINTMENTS CAN BE MADE:

Group 'C' post or a Group 'D' posts against Direct Recruitment quota.

VII. ELIGIBILITY/QUALIFICATIONS AND CONDITIONS TO BE FULFILLED:

- (a) Compassionate appointment can be made only against direct recruitment quota.
- (b) Applicants for compassionate appointment should be appointed only if they are eligible and suitable for the post in all respects under the provisions of Recruitment Rules.
- (c) DDA is, however, competent to relax temporarily educational qualifications in the case of appointment at the lowest level i.e. Group'D' or LDC post, in exceptional circumstances where the condition of the family is wary hard, such relaxations will be permitted upto a period of two years beyond which no relaxation of educational qualifications will be admissible and the services of the persons concerned if still unqualified, are liable to be terminated.

This condition may further be taken care off whole considering on the following issues:

- (i) Normally the persons seeking appointment on compassionate grounds should fulfill the conditions of eligibility regarding age and educational qualifications prescribed for the appointment to the posts or grade concerned. However, upper age limit may be freely relaxed on merits of the case. The lower age limit of 18 year with the personal approval of VC/Commissioner (P) in making appointment on compassionate grounds in Group 'C' & 'D' respectively.
- (d) The educational qualifications prescribed for the post to be offered should not be relaxed. However, on the merits of an individual case, the Commissioner (P) feels that such a relaxation of the minimum educational qualification is absolutely necessary, such cases may be referred to the screening Committee, and Screening Committee will consider these cases on merits subject to the stipulation that the candidate shall acquire the requisite qualification with in a prescribed time limit. Such case will carry the following stipulations, in the offer appointment:
- (i) The period to be allowed for acquiring the qualification will be two years.
 - ii) Such a person will not be confirmed in service till he acquires the qualification till such time he acquires the qualification.
 - iii) He will not be eligible for promotion till such time he acquires the qualification.
 - iv) If any junior is promoted before the senior compassionate appointee acquires the qualification, such promotion of the junior will be treated as regular. In other words, the compassionate appointee will lose seniority in the higher grade to such of his juniors as may have been promoted to the next higher grade before he acquires the prescribed qualification.
- (d) Where a widow in appointed on compassionate ground to Group "D" post, she will be exempted from the requirement of educational qualification, provided the duties of the position will be satisfactorily performed without having the educational qualification of Middle standard or what ever prescribed in the Recruitment Rules.

VIII. WIDOW APPOINTED ON COMPASSIONATE GROUNDS GETTING RE-MARRIAGE.

A widow appointed on compassionate grounds will be allowed to continue in service even after re-marriage.

IX. PRIORITIES TO BE OBSERVED IN MAKING APPOINTMENTS ON COMPASSIONATE GROUNDS:

- (A) The following should be the order of priority to be followed while making appointments on compassionate grounds:
- i) Dependents of employees who die or are permanently crippled in the course of duty.
 - ii) Dependents of employees who die in harness as a result of Accident when off duty.
 - iii) Dependents of employees who:
 - (a) die in service or are totally incapacitated while in service irrespective of the period of service left to reach the age of superannuation or of earning retirement benefits in full or
 - (b) Are medically decategorised with less than 20 years of qualifying service for pensionary benefits.
 - (iv) Dependents or employees who are medically decategorised with 20 years or more of qualifying service for pensionary benefits.
- (B) For the proper enforcement of priorities, separate lists should be maintained in office, for the categories indicated above, the date or priority being from the date of eligibility. All appointments should be made strictly in this order. Where, for any special reasons, it is felt necessary to depart from the priority list, the sanction of the next higher authority (Vice Chairman for appointment in Group 'C' posts) must be obtained giving details for ignoring the priority and list of person being put back in priority list. Such cases should however, be rare.
- (C) A time limit should be observed within which appointment should be given in these priorities, subject to vacancies being available.

X. REQUEST FOR CHANGE IN POST:

When a person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment, should be deemed to have ceased to exist & thereafter the person who has accepted compassionate appointment in a particular post should strive in his career like his colleagues for future advancement and claims for appointment to higher post on consideration of compassion should invariably be rejected. The above aspect/instruction of the Ministry may be reviewed on the following points: (Irrespective of the facts that the past cases will not be re-opened)

"Where a candidate for compassionate appointment is eligible & is also adjudged suitable for post in Group "C" he is offered appointment in Group "D" which he accepts, his case may be considered for appointment in Group "C" post as soon as suitable vacancy arises therein. Such a candidate will have preference for a appointment in a vacancy in Group "C"

occurring later, over a candidate in the same priority group, found suitable for such a post at any subsequent date under the same approving authority. In such cases a specific record, with the approval of the competent authority should be kept to the effect that the candidate was selected for a Group 'C' post but appointed to a Group 'D' post for want of a vacancy in Group 'C' because the candidate needs employment immediately and that he will be considered for a vacancy in Group 'C' as early as possible when a vacancy arises there in subject to his being found medically fit for the post for which he is considered.

XI. ONCE AN APPOINTMENT ON COMPASSIONATE GROUNDS OF WARDS'/ WIDOW ETC. HAS BEEN MADE IN A PARTICULAR CATEGORY/GRADE, NO CHANGE OF CATEGORY/ GRADE IS SUBSEQUENTLY PERMISSIBLE, SUBJECT TO THE PROVISIONS CONTAINED IN PARA X ABOVE.

XII. COMPASSIONATE APPOINTMENT TO THE NEXT KINDS OF THE DECEASED OFFICIALS IN CASE OF OCCUPATION OF STAFF QUARTERS:

- A) Applicants for compassionate appointment in occupation of DDA accommodation can be allowed to retain the same only upto the maximum permissible period of one year of other limit laid down in the relevant rules in this behalf. Therefore, the family of deceased DDA employee will have to be evicted from the quarters if, in the meanwhile a compassionate appointment against a vacancy within 5% quota has not been offered to the dependent. Moreover, inclusion in the waiting list of eligible applicant will not confer any authority on the family for continuance in DDA accommodation.
- B) Applicants who continue to be in possession of DDA accommodation unauthorisely (i.e. beyond the permissible period) will not be considered for compassionate appointment and no recommendation in such cases shall be forwarded to the Head of Department/Considering Authority.
- C) A specific entry is made in the application while processing, as to whether or not the applicant/deceased employee is or was availing of DDA accommodation. In case the applicant is continuing in DDA accommodation, an Undertaking need to be taken from him/her that he /she will vacate the DDA accommodation within the permissible period as per rules in the event of compassionate appointment not being available within the said period.

XIII. APPLICANTS BRINGING OUT SIDE INFLUENCE FOR COMPASSIONATE APPOINTMENT.

It should be made clear to all applicants for compassionate appointment that any attempts to bring undue or extraneous pressure on the decision making authorities will be treated as a ground for rejection of the application.

XIV. EXTENT TO WHICH COMPASSIONATE APPOINTMENT CAN BE MADE

- (A) Compassionate appointment can be made only unto 5% of the vacancies to be filled by direct recruitment in a recruitment year. In case the number of eligible and approved applicants exceeds the prescribed limit, a waiting list of such cases may be maintained by DDA and compassionate appointment be made as per the position of the applicants in that list.
- (B) The Ministry has posed a strict yard strick that only 5% post for compassionate appointment may be filled against direct recruitment falling in a recruitment year. Where as, there are some relaxations criteria of the Ministry that re-organization of the department does not effect on compassionate grounds and there is no need to seek clearance from the Surplus Cell of the Ministry. (on the basis of which efforts were made to fill 5% posts against the retirement vacancies arising out w.e.f. 1.4.95 against group 'C' & 'D' (Direct recruitment vacancies) vacancy since these may be deemed resultant. But the Ministry has objected this even after the approval of the Hon'ble L.G.)
- *** (This needs consideration on the plea that retirement vacancies against Group 'C' & 'D' (against direct recruitment quota) may be deemed as **Resultants** and on the other hand as per orders of the Ministry reorganization of the department does not effect on compassionate appointment and there is no need to seek clearance from the surplus cell of the Ministry. This will be on the other lines that due to implementation of Staff Inspection Unit of Govt. of India, a large work force of DDA become surplus. If this will be implemented, we will have little more vacancies available in addition to vacancies to be filled by direct recruitment in a recruitment year.
- (C) The appointing authorities may ensure that total reservation for Scheduled Castes, Scheduled Tribes, Physical Handicapped persons & Ex. Serviceman & any other category eligible as per Instructions of Govt. of India may be made for compassionate appointment.

XV. SELECTIVE APPROACH FOR COMPASSIONATE APPOINTMENT

- a) The appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational & technical qualifications & experience required for the post consistent with the requirements of maintenance of efficiency of administration.
- b) It is not the intention to restrict employment of widow/ son/ daughter /near relative of deceased Group 'D' employee to Group 'D' post only. As such, a widow/ son/ daughter /near relative of

deceased employee can be appointed to a Group 'C' post for which he is educationally qualified, provided a vacancy in Group 'C' exists.

- c) As the appointment have to be cleared at the level of VC/Screening committee /Commissioner (P) & as such all the vacancies are to be pooled for compassionate appointment. **It may be ensured that subordinate & field offices get an equitable share in the compassionate appointment.**
- d) It may be ensured that the terminal benefits i.e. GPF/Leave encashment/ B.F./ Pension/GIS have also been paid to the widow/next kinds of the deceased and expeditious steps / personal efforts from the concerned Administration Control/Drawing & Disbursing Officers have been made. Even assistance may be provided to the illiterate wards of the deceased to complete the Coda formalities for getting their dues finalised.

XVI PROCEDURE TO BE FALLOWED BEEPER MAKING COMPASSIONATE APPOINTMENT:

- (a) In case widow/son/daughter/near relative applies for appointment, they will be asked to apply for the same in the prescribed format in English/Hindi version both. They will also supposed to fulfill the codel formalities/documentary formalities as required and contained in the letter which also be supplied to them which is framed in Hindi version. After completion of the prescribed format for compassionate appointment in complete mater, the case of the applicant will be enrolled in the Registers maintained for the purpose of Seniority/consideration of the Screening committee indicating the details (Seniority for the purpose of consideration of case for compassionate appointment will be taken from the dt. of filling of application). The Welfare Department will also perform the role and conduct the physical verification to assess the financial status of the applicant and verify the contents tendered by the applicant.
- (b) The candidates applying for appointments on compassionate grounds should be subject to a suitability test by a Screening Committee. The suitability of those proposed to be appointed on compassionate grounds should be properly assessed by a strict test. In case the candidate has the necessary minimum qualification for employment in a Group 'C' post, his suitability for all types of Group 'C' posts in the order of suitability, should be judged and recorded by the Screening Committee, which should also clearly intact the categories for which the candidate has not been considered suitable. Final offer of appointment will, however, be subject to the availability of vacancies, passing of medical examination, production of necessary certificates etc.
- (c) It is not necessary the ward of a Group 'D' employee should be appointed on Group 'D' post only. If such a ward possesses the required qualification prescribed for Group

'C' posts and is also adjudged suitable for the post, he should be considered for such Gr. 'C' posts.

- (d) All cases of compassionate appointments needs to be dealt with on Top Priority Basis. A final decision on the application should invariable be taken within 60 days of the receipt of the application duly completed.
- (e) While giving intimation for non acceptance of the request for compassionate appointments, reasons for rejection should be indicated in the communication to the applicant, but the level of rejection need not and should not be communicated.
- (f) The cases referred to Screening Committee for approval should contain full details as required in the application form. Commissioner (P) should satisfy himself/herself about the genuineness of the case and record his/her specific views in this regard.

XVII. AUTHORITY COMPETENT TO OFFER COMPASSIONATE APPOINTMENT.

Commissioner (Personnel) / DDA.

PROCEDURE FOR PROCESSING THE CASES FOR COMPASSIONATE APPOINTMENTS TO THE LEGAL HEIRS OF DECEASED EMPLOYEES OF DDA.

This branch is dealt with only cases for appointments on compassionate ground to the legal heirs of the deceased employees of DDA & the following procedure is adopting:

STEP- 1: IN CASE OF DECEASED WAS ON REGULAR ESTT.

In the 1st instance the legal heir has submits his request with concerned Personnel Branch, who referred the case to this branch. After that the case is scrutinized by Sh. K.K. Tiwari Asstt. & Sh. Mali Ram Sharma, UDC. If the case is found complete in all respect, then the case will placed before screening committee for enrollment of seniority No. (on the basis of date of death).

IN CASE OF DECEASED WAS ON WORK-CHARGED (REGULAR) ESTABLISHMENT.

In such cases, In the 1st instance, the legal heir has submits his request in the office of his last DDO, where the deceased had worked at the time of death. The DDO has referred the case to Director (Estt.) W/C for examining & scrutiny in terms of policy. After that Dir.(Estt) W/C has referred the case to this branch & then Sh. K.K.Tiwari Asstt. & Sh. Mali Ram Sharma, UDC. If the case is found complete in all respect, then the case will placed

before screening committee for enrollment of seniority no. (On the basis of date of death).

- STEP-2:** After assigning the seniority, the cases transferred to Sh. D.C.Sharma, Asstt. & Sh. Sonpal, UDC (newly joined in PB-V) for further dealing, who watch out the turn of the cases. After that when a case reached to its turn, the case is directed to Welfare Inspector for verification of assets & liabilities with the kind approval of commissioner (P) & then prepare the Status report on the basis of Phy. Verification report.
- STEP-3:** When the cases got completed with Phy. Verification & prepared its status report.
- STEP-4:** Then a request is sent to the welfare department to confirm the No. of vacancies during the desired period.
- STEP-5:** After confirmation of vacancies, a detailed note (briefing the No. of ready cases, No. of vacancies etc.) is to be placed before Pr. Commissioner for approval to call the meeting of screening committee.
- STEP-6:** After its approval, an agenda item with complete narration is placed before Pr. Commissioner, requesting to decide the date of screening committee, then a meeting notice to all participates is issued.
- STEP-7:** After holding the meeting of screening Committee, the Dir.(P) who is member Secy. Of committee, is prepares the minutes of meeting & got signed by all participates (Chairman & other members) & issued the same.
- STEP-8:** Finally & after issuance of minutes, this branch is conveyed the decision of S/committee to each legal heir taken in his case. & the files those recommended for appointment are sent to concerned Pers. Branch i.e. PB-III(whose appointment is recommended in Gr. C) & PB-IV (whose appointment is recommended in Gr. D) for issuance of appointment letters to the applicant(s).
