

I.K.Gujral Punjab Technical University, Jalandhar

(Office of the Registrar)

Notification

No. IKGPTU/Registrar/Notification/1282

Dated: 02.06.2017

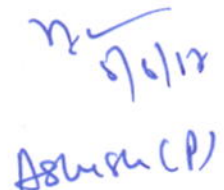
Sub.: Policy of Appointment on Compassionate Grounds as per State Government.

The Board of Government in its 52<sup>nd</sup> meeting held on 20.03.2014 on the recommendations of HR Committee has approved the policy regarding grant of employment in the State Services Class-III and IV on compassionate ground as per State Govt. Norms. The salient features of the policy are as under:

The policy regarding grant of employment in the State Services Class-III and IV on compassionate grounds (is mainly contained in circular letter No. 11/27/94-2PPI/2364, dated 5.2.1996). This policy was framed on the basis of the judgement of the Hon'ble Supreme Court of India delivered in the case of 'Umesh Kumar Nagpal' State of Haryana and others (1994)4 S.C. cases (138). The Apex Court held that the object of compassionate appointments is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment. It was further held that mere death of an employee does not entitle his family to compassionate appointment. The authority concerned must consider as to whether the family of the deceased employee is unable to meet the financial crisis resulting from the employee's death. The offering compassionate appointments as a matter of course irrespective of the financial condition of the family of the deceased and making compassionate appointments in posts above Class-III and IV is legally impermissible. The compassionate appointments cannot be granted after a lapse of reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of death of the sole bread winner the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

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It has been considered appropriate that there is need to review the whole policy on compassionate appointments by taking a cue from the policy of Government of India and to impose strict conditions so that compassionate appointments are available only to very deserving cases.. Most of the vacancies that are available or accrue in direct quota posts in various departments are consumed by these compassionate appointments considerably reducing vacancies for carrying out recruitments from the open market. This has a direct reflection on the efficiency and working of the departments as it restricts the Government for making selections from a wider choice of candidates. Imposition of a cap on compassionate appointments will also protect the legitimate right of young qualified persons who are waiting for their turn for being recruited in various departments of the Government for years.

2. The State Government has decided to review the policy, on compassionate grounds strictly on the decision of the Hon'ble Supreme Court of India in the case of 'Umesh Kumar Nagpal' Versus State of Haryana referred as above. The Government has reconsidered all the earlier instructions issued from time to time on compassionate appointments and has decided to review the policy to provide the benefit only to deserving candidates as per directions of the Apex Court referred in Para-1 above.

3. Hence forth the objective of the Scheme is limited to grant of appointment on compassionate grounds to persons who fall in the categories mentioned below:-

(1) A dependent member of the family of a person (bread-winner) killed or 100% physically disabled in terrorist action or by security forces acting in-aid of civil power in the State.

(2) A dependent member of the family of the deceased Govt employee who dies in harness.

(3) Disabled Ex-Servicemen (fit for Civil Service).

(4) A dependent member of the family of the Defence Services Personnel

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(i) Killed in service while performing duties.

or

(ii) Who are severely disabled and totally unfit for re-employment.

NOTE-I Dependent Family Member' means:

(a) Spouse or

(b) Son (including adopted son) or

(c) Un-married Daughter (including adopted Daughter) or

(d) Un-married Brother or Un-married Sister in the case of unmarried Govt. Servant. Who was wholly dependent on the Govt. Servant/member of the Armed Forces at the time of death in harness.

NOTE-II Government Servant for the purpose of these instructions means a Govt. Servant appointed on regular basis and not one working on daily wage or casual apprentice or adhoc or contract or re-employment or 89 days basis.

NOTE-III Confirmed Work Charged Staff will also be covered by the terms Government Servant mentioned in Note II above.

NOTE-IV Service means a period prior to the date of superannuation. It does not include extension in service or re-employment after attaining the normal age of retirement in a civil post.

NOTE-V Re-employment does not include employment of ex-servicemen before the normal age of retirement in a civil post.

#### 4. AUTHORITY COMPETENT TO MAKE COMPASSIONATE APPOINTMENT

(a) Competent Authority for recruitment as per Standing Order of each Department and Departmental Service Rules.

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(b) Head of the Department in relation to the posts under his control and in the case of attached and subordinate offices.

(c) Secretary of the Department concerned in special types of cases.

5. POSTS TO WHICH SUCH APPOINTMENTS CAN BE MADE  
Group 'C or Group 'D' posts against direct recruitment quota available at the time of appointment in the Department of the deceased employee. If no such post is available the case may be referred to the Redeployment Cell in Department of Personnel for sponsoring the name of the candidate for appointment in other Departments against the available direct quota posts.

#### 6. ELIGIBILITY

(a) The family is indigent and deserves immediate assistance for relief from financial destitution. The authority concerned must consider as to whether the family of deceased employees is unable to meet the financial crisis resulting from employee's death.

(b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

#### 7. EXEMPTIONS

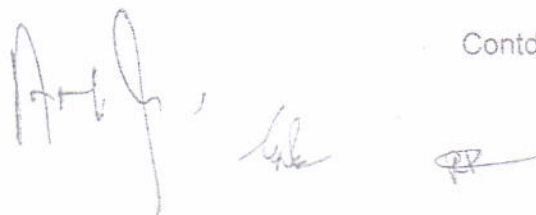
Compassionate appointments are exempted from observance of the following requirements:-

(a) Recruitment procedure i.e. without the agency of the Punjab State Subordinate Services Selection Board or the Employment Exchange.

(b) Clearance from the Surplus Cell of the Department of Administrative Reforms.

(c) The ban orders of filling up of posts issued by the State Government from time to time.

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## 8. RELAXATIONS

(a) Upper age limit could be relaxed wherever found to be necessary. In case of reserved categories of SC/BC, Widows the age relaxation may be allowed as per policy instructions issued from time to time. The lower age limit should however in no case be relaxed below 18 years of age in case of Group 'C' and below 16 years in case of Group 'D'. However the Administrative Department may relax upper age limit by 5 years in deserving cases.

NOTE Age eligibility shall be determined with reference to the date of application and not the date of appointment.

(b) No relaxation in educational qualification is permissible. However for Group 'D' minimum 5th standard is necessary. For Group 'C' the appointing authority may temporarily relax the conditions for the passing of Punjabi Language for a period of six months. The person so appointed shall have to pass an examination of Punjabi Language equivalent to Matriculation standard or he/she has to qualify a test conducted by Language Wing of the Department of Education Punjab within prescribed period. If he/she fails to qualify the test he/she may be dealt with like other employees as per rules.

NOTE In the case of an attached/ subordinate office the Secretary in the concerned Administrative Department shall be the competent authority for this purpose.

(c) Where a widow is appointed on compassionate Group 'D' post she will be exempted from the requirement of possessing the educational qualifications prescribed in the relevant rules provided the duties of the post can be satisfactorily performed by her without possessing such educational qualification.

## 9. DETERMINATION/AVAILABILITY OF VACANCIES

(a) Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available.



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