Compassionate Appointments of Dependants

[Swamy's - Complete Manual on Establishment and Administration]

ANNEXURE-E

1. Applicable to a dependent family member of-

   a) a Government servant who dies in service (including death by suicide),
   b) is retired on medical grounds before attaining the age of 55 years (57 years
      in the case of Group 'D' officials),
   c) a member of the Armed Forces who-
      (i) dies in service, or (ii) killed in action, or (iii) medically boarded out and
         unfit for civil employment
      Service includes extension in service (but not re-employment) Service
      includes re-employment of Ex-Servicemen in civil post before the normal age of
      retirement
      Dependant family members means (a) spouse (b) son / daughter (including
      adopted son/adopted daughter) and (c) brother or sister in the case of unmarried
      Government servant/member of the Armed Forces at the time of his death in
      harness / retirement" on medical grounds, as the case may be

   In the case of a missing employee.- Compassionate appointment can be
   considered after two years from the date of missing-
      a) if FIR has been filed and the missing official is not traceable,
      b) if he had at least two years to retire,
      c) if he is not suspected to have committed fraud / joined terrorist
         organization /gone abroad,
      d) if the Competent Authority feels that the case is genuine, and
      e) decision is to be taken at the level of Secretary

      Concession of compassionate appointment is admissible to one
      dependant only

   EXCEPTIONS.- (1) In exceptional circumstances, with the prior approval of the
      Secretary of the Ministry/Department concerned, the appointment on
      compassionate grounds may be considered even when there is an earning
      member in the family of the deceased
      (2) If the deceased was unmarried, one of the dependent brothers sisters will be
         eligible for consideration, on giving an undertaking that he/she will look after
         the other family members who were dependent on the deceased Government
         servant

2. Posts to which appointment made.- Only in Group 'O' and Group 'C' posts

3. Appointing Authority –
   Ministry/Department - Joint Secretary in-charge of the
   Attached and Subordinate Offices - Heads of the Departments under SR2(10)
   Department of Telecommunications - Respective Circle Selection Committee

4. Conditions -

   (i) Compassionate appointment can be made only against the direct recruitment quota
Resignation Removal and Dismissal

1. Resignation should be clear and unconditional. It should be submitted to the Appointing Authority in respect of the service or post in question who is competent to accept it.

2. Resignation from service will generally be accepted straightaway. Exceptions -
   a) When the officer concerned is engaged on work of importance and alternative arrangements for filling up the post may take time.
   b) Officials against whom inquiry/investigation is pending (whether under suspension or not).

3. In cases covered by (a), resignation should be accepted only when alternative arrangements have been made.
   In cases covered by (b), resignation will not be accepted if it is in the public interest to pursue the disciplinary case. The Competent Authority may, however, accept the resignation -
   (i) if the case does not involve moral turpitude and public claims, or
   (ii) if the available evidence does not have a base strong enough to lead eventually to dismissal or removal from service, or
   (iii) if further pursuit of the case may get so protracted as to render acceptance of resignation cheaper for the exchequer.

   Acceptance of resignation in cases at (b) above, is subject to prior approval of the Minister-in-charge in respect of Groups 'A' and 'B' and Head of Department in respect of Groups 'C' and 'D' employees. In the case of officers of all the Groups in the Indian Audit and Accounts Department, resignation may be accepted by the Heads of Departments as designated by the C & A G of India.

4. In all cases of acceptance of resignation, prior vigilance clearance from the Competent Authority is mandatory and this clearance should be accorded expeditiously.

5. Resignation should not be accepted until all the departmental dues are fully adjusted.

6. The accepting authority will decide the date from which the resignation should become effective.

7. A resignation becomes effective not merely when it is accepted by the authority concerned, but only when the officer is actually relieved of his duties.

8. An official quitting his post before receiving intimation of acceptance of his resignation is liable to be proceeded against both legally and departmentally.

9. A Government servant quitting service on resignation will not be entitled to any pension, gratuity or terminal benefits. He will, however, be paid suo motu, cash equivalent to the extent of half of earned leave at his credit on the date of cessation of service, subject to a maximum of 150 days including the number of days of E L for which encashment was availed along with LTC.
When a Government servant applies for a post in the same or another department through proper channel and on selection he is asked to resign the previous post for administrative reasons:

(i) the resignation will be treated as a "technical formality",
(ii) the benefit of past service, if otherwise admissible under the rules will be allowed for purpose of fixation of pay in the new post,
(iii) leave at credit will be carried forward, and
(iv) the past service <ill be counted for pension to the same extent it would, but for he resignation, only in respect of employees appointed on or before 31-12-200.

A Government servant who had applied for a post elsewhere before joining Government service, should intimate the details of such application as soon as he joins Government service to qualify for the above benefits.

A Government servant selected for a post in a Central Public Sector Enterprise/Central Autonomous Body will be released after obtaining and accepting his resignation from Government service. Such a resignation will not entail forfeiture of service for purposes of retirement/terminal benefits. In such cases, the Government servant shall be deemed to have retired from service from the date of such resignation and will be eligible to retirement/terminal benefits admissible under the relevant rules applicable to him, in his parent organization.

Withdrawal of resignation in the following circumstances:

(i) Before acceptance - The resignation will be deemed to have been automatically withdrawn and there is no question of accepting the resignation.
(ii) After acceptance, but before relief - Withdrawal should normally be accepted. If rejected, grounds for such rejection should be recorded and intimated to the Government servant.
(iii) After relief (i.e., after it became effective) - The Appointing Authority may permit withdrawal in the case of permanent employees subject to the following conditions:

(a) Availability of the vacated post or other comparable post
(b) The resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct.
(c) The request for withdrawal has been made as a result of material change in the circumstances which originally compelled him to tender the resignation.
(d) The resignation was not tendered with a view to take up an appointment in a private commercial company or under a corporation, company, body, controlled or financed by the Government.
(e) The period of absence from duty between relief on resignation and resumption of duty, is not more than 90 days - Rule 26, Swamy's Pension Compilation.

In other cases, the withdrawal of resignation which has become effective can be accepted only with the sanction of the Government - Chapter 47.
Termination of Temporary Service

[Swamy's -- (CCS (TS) Rules]

Termination of service - The services of a temporary Government servant may be terminated at any time by a notice of one month on either side by the Government servant or the Appointing Authority. The Appointing Authority has also the option to pay the Government servant his pay and allowance for the period of one month or for the period by which such notice falls short of one month and terminate his services immediately. On the other hand, the Government servant has no such option, but has necessarily to give one month's notice - Rule 5.

Heads of Departments may review cases of termination.- The Central Government or any other authority specified by the Central Government in this behalf or a Head of Department, if the Appointing Authority is subordinate to him, may, on its own motion or otherwise, re-open such cases and order:
(i) confirming the action taken by the Appointing Authority, or (ii) withdrawing the notice, or
(iii) reinstating the employee in service, or
(iv) making such other order in the case as it may consider proper.

Terminal gratuity (applicable to employees appointed on or before 31-12-2003) - A temporary Government servant who is discharged from service under Rule 5 of CCS (TS) Rules, 1965 is eligible for payment of terminal gratuity at the rate of half month's emoluments for very completed six monthly period of qualifying service - Rule 49 of Swamy's Pension Compilation.

Encashment of earned leave - Encashment of earned leave at credit on the date of termination of service subject to maximum for 300 days including the number of days for which encashment was availed along with LTC is admissible - Rule 39, CCS (Leave) Rules and OM dated 7-10-1997.

Removal / Dismissal

[Swamy's - CCS (CCA) Rules]

Removal / Dismissal from service of a Government servant are the major penalties which can be imposed upon a Government servant by the Competent Authority for good and sufficient reasons, after observing the procedure prescribed in the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The penalty 'removal from service' is not a disqualification for future employment under the Government whereas' dismissal from service' shall ordinarily be a disqualification for such employment - Rule 11, CCS (CCA) Rules.

Forfeiture of past service.- A Government servant removed or dismissed from service shall forfeit his past service and shall not be entitled to pension / gratuity.

Compassionate Allowance - If the case of the Government servant who is removed or dismissed from service deserves special consideration, the authority competent to remove or dismiss him from service may sanction a Compassionate Allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension. The Compassionate Allowance shall not be less than Rs 1,913/- per month. Dearness relief is also admissible on the Compassionate Allowances - Rules 24 & 41, CCS (Pension) Rules.