

From

The Chief Secretary to Govt., Haryana.

To

1. All Heads of Departments, the Commissioners, Ambala/Rohtak/Hissar/Gurgaon and all the Deputy Commissioners and Sub-Divisional Officers.
2. The Registrar, Punjab & Haryana High Court, and all District and Sessions Judges in Haryana.

Dated, Chandigarh, the 31st August, 1995.

Subject :—Employment to a dependent of a deceased government employee under the ex-gratia scheme.

Sir,

I am directed to invite a reference to Haryana Government circular letter No. 16/5/95-6GS-II, dated 8-5-1995 on the subject cited above vide which policy for giving employment to a dependent of a government employee who dies while in service was laid down. The matter has been further examined by the government and it has been decided to make the following modifications/clarifications :—

1. All cases of ex-gratia appointment pending on the date of issue of policy shall be examined irrespective of the date of death of the deceased employee.

2. The married dependents shall also be considered for appointment under ex-gratia scheme in view of the early marriages in many cases. An undertaking shall be obtained from the married dependent that he/she will look after the family of the deceased employee. This undertaking should be attested by two respectable members of the society. The married dependent will be eligible only if there is no other eligible unmarried son/daughter in the family.

3. The Supreme Court has clearly laid down that the qualifications of the dependent can not be the criteria for deciding the post to which appointment on compassionate ground is being made. The existing policy, therefore, to offer appointment on compassionate grounds under ex-gratia scheme only to Class-III and Class-IV posts, is in order.

4. In cases where no Class-III and IV post is available within the department for offering appointment under ex-gratia scheme, the Head of the department will take up the matter for appointment with

other department(s). A quarterly report will be submitted to the Chief Secretary's office by all departments. A seniority list in respect of pending ex-gratia appointment cases will be maintained by every Head of the Department and the cases shall be kept alive *till the time the appointment is offered against a vacancy either in that department or some other department*. It should be ensured that no subsequent case of ex-gratia appointment is considered/decided in preference to an earlier case.

5. The facility of compassionate employment to a dependent of the government servant shall be available, if the letter is declared medically unfit/blind/incapacitated by the Special Medical Board and retired on or before attaining the age of 55 years in the case of Class-I, II, III Officers/officials and 57 years in the case of Class-IV employees. A government employee who is declared incapacitated/blind after 55 years of age in the case of Group A, B, C and after 57 years in the case of Group D employees, will not be entitled to this facility. Subject to this, terms and conditions and procedure applicable in the case of compassionate employment to a dependent of a deceased employee would be applicable in these cases as well.

6. 'One Step Lower' employment is interpreted as 'One Pay Scale Below' that of the deceased employee. It is further clarified appointment on compassionate grounds under ex-gratia scheme can be offered only on a post in a Pay Scale lower than that of the deceased employee.

7. For the purpose of calculating monthly income of Rs. 2,500/- per month, the family pension will be excluded and only regular income from other sources be taken into account. For this purpose the income of the family of the deceased employee will be taken into account and not that the dependent who has applied for appointment compassionate grounds.

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

9. The appointing authority will be competent to grant relaxation in age in cases of appointment under ex-gratia scheme.

10. Appointment on compassionate grounds under ex-gratia scheme will not be made against vacancies falling under 10% cut.

You are, requested to bring these modifications/clarifications to the notice of all concerned offices under your control for strict compliance. The receipt of this communication may please be acknowledged.

Sd/-

Under Secretary, Protocol,
for Chief Secretary to Government, Haryana.