

GENERAL GUIDELINES FOR APPOINTMENT ON COMPASSIONATE GROUND

1) INTRODUCTION:-

The scheme of Compassionate Appointment has been designed to give employment to a dependant of a Railway employee who dies while in service or medically incapacitated /De-categorized or is reported missing. [As per Master Circular No. 16]

2) PURPOSE OF COMPASSIONATE GROUNDS:-

Very purpose of compassionate appointment is to provide immediate relief to the bereaved family and if the offer of appointment is delayed, then object of the scheme is defeated.

3) PRIORITIES TO BE OBSERVED IN MAKING APPOINTMENTS ON COMPASSIONATE GROUNDS [Estt. Rule 120/83]

The following should be the order of priority to be followed while making appointment on compassionate grounds:-

- 1) Dependents of employees who die or are permanently crippled in the course of duty.
- 2) Dependents of employees who die in harness as a result of railway accidents when off duty.
- 3) Dependents of employees who die in service or are medically incapacitated/ de-categorised.

For the proper enforcement of priorities, separate lists should be maintained in each office for the categories indicted above, the date of priority being from the date of eligibility.

4). TIME LIMIT:-

[Estt. 120/83]

- i) Compassionate appointment in priority (i) cases shall be given within one month from the date of death or date of incapacitation.
- (ii) In case of priorities '(ii)' & '(iii)' above, appointment on compassionate ground shall be made within three months subject to availability of vacancies.

5) CIRCUMSTANCES IN WHICH COMPASSIONATE APPOINTMENT MAY BE MADE

[Estt. Rule No15/09]

A) Death while in Service

i) Compassionate Ground appointment in favour of widow/widower or any ward of her/his choice in respect of cases up to 20 Years old from the date of death of employee can be considered.

ii) In individual case of merit where death took place over 20 years ago, prior approval of Ministry of Railway is required. While sending case to Board a detail proposal with justification and personnel approval of General Manager is required. (para 1 of Estt. Rule No. 15/09)

iii) While considering the request for compassionate appointment financial condition of the family, number of dependents, assets and liabilities left by the railway employee, income of the any family member, and whether he support the family member should be taken in to account for consideration.

B) MEDICALLY INCAPACITATED EMPLOYEE, IF OPTS FOR VOLUNTARY RETIREMENT-

(Estt Rule No. 34/2000)

In cases where an employee is totally incapacitated and is not in position to continue in any post because of his medical condition, he may be allowed to opt for retirement. In such cases requests for appointment on compassionate ground to an eligible ward may be considered.

C) MEDICAL DE- CATEGORISATION CASES

[Estt Rule No. 122/99, 35/02, 123/06, 223/06]

Compassionate ground appointment to the wife/wards/dependents of partially de-categorized staff who seeks voluntary retirement may be given subject to conditions

(Estt. Rule Nos. 289/98, 123/06, 223/06):-

(1) The appointment will be given only in **Group 'D' categories** (In cases where employees take voluntary retirement after 14.6.06 due to medical de-categorisation. If an employee was de-categorised prior to 13-06-2006 did not opt for VR but continued in the

supernumerary post and opts for VR after 14.06.2006, then only he can be extended the benefit of compassionate ground appointments).

(2) Such an appointment should be given only when the employees have at least 05 years or more service left.

(3) While considering such request for compassionate ground appointment the General Manager should satisfy himself on the basis of financial and other conditions like financial condition of the family, number of dependants, assets and liabilities left by the railway employee, income of the any family member, and whether he support the family member should be taken in to account for consideration

D) COMPASSIONATE APPOINTMENT IN THE CASE OF MISSING RAILWAY EMPLOYEES.

i) A request to grant the benefit of compassionate appointment can be considered after a lapse of at least 01 years period from the date from which the Railway employee is missing, provided that an FIR has been lodged and the missing person is not traceable, and the competent authority feels that the case is genuine:

ii) This benefit will not be applicable to the case of a Railway employee:-

a) Who had less than two years to retire on the date from which he has been missing; or

b) Who is suspected to have committed fraud, suspected to have joined any terrorist organization or suspected to have gone abroad.

iii) While considering such a request the results of police investigation should also be taken into account;

iv) A certificate from pass-port authority should be obtained to ascertain that he has not left the country.

v) A decision on any request for compassionate appointment covered by these general instructions should be taken only at the level of the DRM on the Division & CWM in work hop.

vi) The services of the wards/widows will be terminated in case the missing Railway employee becomes available subsequently.

vii) The compassionate appointment may be delinked from the payment of settlement dues i.e. compassionate appointment in such cases may not be denied or deferred only on the ground that settlement dues of the missing employee are still to be paid to the persons entitled to receive them.

viii) The above will also be applicable to the wards/widows of casual labourers (temporary status) who are found missing.

6) CONSIDERATION OF FAMILY MEMBERS.

Dependants will be the same as per pass rule. (Estt Rules-102/81, 38/83, 163/79, 115/87)

a) Widow/Widower

b) Son

c) Daughter

d) Married Daughters as per discretionary power of GM Married daughter may also be considered for compassionate ground appointment, if General Manager is satisfied that she can act as a bread winner of the bereaved family.

e) Divorced / Widow daughters :-On merit of each case General Manger may consider the case of divorced daughter similar to the case of the married daughter. (Estt Rules-157/01, 92/02)

f) **Bachelors & Spinsters-** Railway Employee dying as bachelors/spinsters for appointment on compassionate grounds, subject to the condition that the candidate proposed for appointment is shown as dependent on the Ex-employee as per the Pass Rules. Such appointment will also be subject to the fulfillment of all the conditions contained in the extant instructions governing appointment on compassionate grounds.

(Estt. Rules- 5/97, 172/02)

7) PROCEDURE:-

i) The candidate applying for appointments on compassionate grounds should be subjected to a suitability test by a committee of three Senior Scale Officers. The suitability of those proposed to be appointed on compassionate ground should be properly assessed by a test. In case the candidate has the necessary minimum qualifications for employment in a Group "C" post his/her suitability, for all types of Group C posts in the order of suitability should be judged and recorded by the screening committee.

(RB No 158/98 Dt. 29.7.98 MC 16 Para 23)

ii) Suitability test i.e. written test and viva voce of the candidates for appointment on compassionate grounds to Group C post should be completed on a single day.

(RBE No. 102/91 Dt. 16.5.91)

iii) The competent authority may consider the request for allowing a candidate seeking appointment on compassionate ground in group C post, to re-appear in the suitability test, in exceptional cases, based on the merits of each case, in the event of candidate having been declared unfit in the first instance.

(RBE No. 84/99 Dt. 28.4.99 Estt. Rule No. 118/99)

8) HUSBAND & WIFE (both Rly. Employee):-

In case of death of the mother or father, subject to the stipulation only one comp-app. will be available either on the death of the husband or wife whichever event occurs first.

[Estt Rules-255/86, 96/97]

9) CHANCE FOR EXAMINATION:-

In case of failure of the candidate in the suitability test the competent authority may consider the request for IInd chance also.

In deserving cases circumstances so warrant, a third chance may be given to the widow with the approval of General Manager.

(Estt Rules-118/99, 128/01)

10) Delegation Of Poweras:-

(A) DRMs/HODs/CWMs have Power to consider the case up to 20 years old in case of death and medical invalidation and De-categorization after 14.6.06 also missing case.
(Estt Rule-15/09)

(B) GM's POWER:

- 1) In case of married daughter (Estt Rule-115/87)
- 2) In case of divorced /widow daughter (Estt Rule-157/01)

11) (A) EMPLOYEMNT IN Group-C

i) Normally persons seeking appointment on compassionate ground should fulfill the conditions of the eligibility regarding age and educational qualification prescribed for the post to be offered.

ii) For compassionate appointment to Non Technical Popular Categories, the minimum of 50% marks in matriculation need not be insisted upon and candidate possessing a pass in matriculation may be considered for compassionate appointment provided other terms and conditional are satisfied.

(RBE No. 164/92 Dated 30.9.92)

Educational qualification for recruitment for Skilled Artisan grade III should be matriculate. The training period for such compassionate appointment should be 03 Years as against the training period of six months for open market recruitment.
(Estt. Rule- 127/2000)

iii) The Educational Qualification prescribed for the post to be offered should not be relaxed. For relaxation of qualification, cases may be referred to Railway Board.

iv) The instruction prescribing VIIIth class pass as minimum qualification for recruitment to Gr. D posts are also applicable to compassionate ground appointments except in the case of appointments of widows, to accommodate the illiterate widows of the deceased railway employees, posts of waiting room bearers, Water- woman, hospital Ayah/Attendant (female), Cinder picking woman, Sweeper, Woman, C&W, Khalasis for waste picking room attendants, Servers, Khalasis attached to sub-divisional office like AEN's, PWI's a percentage of vacancies of office peons etc.

(Estt Rule-133/86)

v) If on the merits of an individual case, the GM feels that relaxation in the minimum educational qualification is absolutely necessary, such case may be referred to the Bd. In this

context, attention is invited to the instructions contained in **Estt Rule-68/99**. In such cases the candidates should be given time for acquiring requisite qualification within a period of two years (Estt Rule-57/89).

(B) EMPLOYEMENT IN GR.C

a) CPO :- All cases of Employment of compassionate ground higher than the grade 4500- 7000/- in Vth PC should be referred to CPO for sanction after conducting the necessary suitability test.

(Estt Rule-213/83)

b) When the knowledge of English is not up to mark, they can be recommended for suitable skilled grade against 25% direct recruitment quota.

c) In case the candidate is not suitable for class-III category, they should be recommended the category of Group-D in which the candidate can posted.

12) COMPASSIONATE APPOINTMENT SHOULD NOT BE CLAIMED AS A MATTER OF RIGHT:

(Hon'ble Supreme Court judgment in the case of sri Umesh Kumar Nagpal Vs State of Haryana)

[Estt. Rule No. 72/95].

The whole object of granting compassionate appointment is to give relief to the family of bereaved person from sudden crisis. Hence, appointment of compassionate appointment should be considered after assessment of liabilities of the family.

Compassionate ground appointment can not be granted after a lapse of reasonable period. The applicant can not claim for higher post if he is highly qualified. If the dependent of the deceased employee finds it below his dignity to accept the post which is offered to him, he is not free to do so because appointment on compassionate ground is extended to give relief to the bereaved family and not to cater his status.

13) UNDER TAKING :-

Any person being considered for appointment on comp. ground should give an undertaking in writing that: She/He will maintain properly the other family member of the deceased employee. In case not being maintained properly will be terminated after show cause notice.

(Estt Rules- 200/2000, 47/02)

14) CATEGORIES/POST

For ministerial Category:- Appointment should be exceptional. It is reiterated that aforesaid instructions should rigidly be followed. In exceptional cases GM may consider for ministerial Category.

(Estt Rules-213/83, 60/92)

Category will not be changed, once an appointment has been made. (Estt Rule 7/93)

15) GUIDE LINES (Estt Rule No. 174/02):- (Rly. Boards letter No. E(NG)II/92/RC-I/64 dt.31.07.02).

- 1) Proper guidance is to be given to the families/applicants.
- 2) A register should be maintained by the Welfare Wing in each Division/Unit containing detailed particulars of the deceased namely, the date on which the children of the deceased would attain the majority.
- 3) The Welfare Wing should intimate:-
 - a) The widow/the family regarding the eligibility for compassionate appointment.
 - b) And bringing out among other things well within the prescribed time limit for submitting such application. If the son is major and the deceased employee died due to accident instruction to the family member to be given to submit the application as early as possible so that compassionate appointment may be given within one month.
 - c) If the son/daughter is minor, widow should inform about the date of attaining majority and submission of application should be within the two years of date of majority.

NOTE-

The above instructions are for guidance only. For details, the instructions of Railway Board and Rly. administration issued from time to time in the matter should be referred to. The decision taken by the Rly. Administration in the concerned case file will be treated as final.

