

KARNATAKA CIVIL SERVICES (APPOINTMENT ON COMPASSIONATE GROUNDS) RULES, 1996

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KARNATAKA CIVIL SERVICES (APPOINTMENT ON COMPASSIONATE GROUNDS) RULES, 1996

Whereas, the draft of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 was published as required by clause (a) of sub-section (2) of Section 3 read with Section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), in Notification No. DPAR 100 SCA 95, dated 23rd March, 1996, in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 23rd March, 1996, inviting objections and suggestions from all persons likely to be affected thereby within thirty days from the date of the publication of the draft in the Official Gazette. Whereas, the said Gazette was made available to the public on 23rd March, 1996. And whereas, the objections and suggestions received have been considered by the State Government. Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 read with Section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka hereby makes the following rules, namely.

1. Title and commencement :-

- (1) These rules may be called the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996.
- (2) They shall come into force from the date of their publication in

the Official Gazette.

(3) Notwithstanding anything contained in the Karnataka Civil Services (General Recruitment) Rules, 1977 and rules of recruitment specially made in respect of any service or post or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), these rules shall apply in respect of appointment of the dependent of a deceased Government servant on compassionate grounds.

2. Definitions :-

(1) In these rules, unless the context otherwise requires.

[(a) "Dependent of the deceased Government servant" means.

(i) in the case of deceased male Government servant, his widow, son [unmarried daughter and widowed daughter] who were dependent upon him and were living with him; and

(ii) in the case of a deceased female Government servant, her widower, son [unmarried daughter and widowed daughter] who were dependent upon her and were living with her.]

(b) "Family" in relation to a deceased Government servant means his or her spouse and their son [unmarried daughter and widowed daughter] who were living with him.

(2) Words and expressions used but not defined shall have the same meaning assigned to them in the Karnataka Civil Services (General Recruitment) Rules, 1977.

3. Eligibility for appointment :-

(1) Appointment on compassionate grounds under these rules shall not be claimed as a matter of right and shall not be given as a matter of course.

(2) Appointment under these rules shall be restricted to the dependent of a deceased Government servant in the following order of preference, namely.

¹[(i) in the case of the deceased male Government servant.

(a) the widow;

(b) a son, if widow is not eligible or for any valid reason she is not willing to accept the appointment;

(c) an unmarried daughter, if the widow and son are not eligible or for any valid reason they are not willing to accept the appointment;

2 [(d) a widowed daughter, if the widow, son and unmarried daughter are not eligible or for any valid reason they are not willing to accept the appointment.]

(ii) in the case of the deceased female Government servant;

(a) a son;

(b) an unmarried daughter, if the son is not eligible or for any valid reason he is not willing to accept the appointment;

(c) the widower, if the son and daughter are not eligible or for any valid reason they are not willing to accept the appointment.]

(3) An adopted son or daughter of a deceased Government servant shall not be eligible for appointment under these rules.

1. Clauses (i) and (ii) substituted for clauses (a), (b) and (c) by Notification No. DPAR 11 SCA 97, dated 31-3-1999, w.e.f. 1-4-1999

2. Clause (d) inserted by Notification No. DPAR 19 SCA 99, dated 24-11-2000, w.e.f. 28-11-2000

4. Conditions of appointment :-

Appointment on compassionate grounds under these rules shall be subject to the following conditions, namely.

(1) The family of the deceased Government servant should be in a financial crisis or destitution.

Explanation.

(a) Family of a deceased Government servant shall be considered to be in financial crisis or destitution if the recurring monthly income of the family from all sources is less than the total emoluments including Dearness Allowance, House Rent Allowance and City Compensatory Allowance admissible at Bangalore on the average of the minimum and the maximum of the scale of pay of the post of First Division Assistant, as on the date of making application for compassionate appointment. For calculating such monthly income, the income from family pension, lumpsum pensionary benefits and interest earned thereon shall be excluded.

(b) Recurring monthly income from all sources other than family pension, lumpsum pensionary benefits and the interest earned

thereon, of the family for the purpose of this rule shall be computed by the Head of the Office or the Head of the Department or the Appointing Authority.

(i) on the basis of the last annual property return filed by the deceased Government servant and if, for any reason, it is not available, on the basis of a certificate of income issued by a Revenue Officer not below the rank of Tahsildar; and

(ii) in case any member of the family of the deceased Government servant is employed in any State or Central Government service or a public or private sector undertaking or a private establishment, on the basis of a certificate issued by his employer and in case such member is self employed on the basis of certificate issued by a Revenue Officer not below the rank of Tahsildar.

(2) Person seeking appointment shall be within the age limit specified for the post in the relevant rules of recruitment specially made in respect of any service or post read with sub-rule (3) of Rule 6 of the Karnataka Civil Services (General Recruitment) Rules, 1977 and where it is not so specified such person shall be within the age limits specified in the Karnataka Civil Services (General Recruitment) Rules, 1977.

(3) Person seeking appointment should possess the minimum qualification specified for the post in the relevant rules of recruitment specially made in respect of any service or post:

¹[Provided that nothing in this sub-rule and sub-rule (5) of Rule 5 of the Karnataka Civil Services (General Recruitment) Rules, 1977, insofar as it relates to educational qualification shall apply to appointment under these rules to any Group 'D' Post.]

²[(4) Appointment shall be confined to any post in Group 'C' or Group 'D' depending upon the qualification specified for the post but excluding the posts carrying the pay scales higher than the scale of pay of the post of Assistant in the Karnataka Government Secretariat as may be revised from time to time and any other post in either of the groups as may be specified by the Government from time to time.]

(5) Appointment shall be made only against a direct recruitment vacancy ³ [xxxxx].

(6) Appointment shall be made in the department in which the

deceased Government servant was working:

Provided that if no vacancy is available in that department subject to any general order that may be issued by the Government, appointment may be made in any other department of the Government where the vacancy is available.

1. Proviso inserted by Notification No. DPAR11 SCA 97, dated 31-3-1999, w.e.f. 1-4-1999
2. Sub-rule (4) substituted by Notification No. DPAR 19 SCA 99, dated 24-11-2000 and shall be and shall always be deemed to have been substituted
3. The words "but for the purpose of calculation of quota between direct recruits and promotees it shall not be taken into account" omitted by Notification No. DPAR 11 SCA 97, dated 31-3-1999, w.e.f. 1-4-1999

5. Application for appointment :-

Every dependent of a deceased Government servant, seeking appointment under these rules shall make an application within one year from the date of death of the Government servant, in such form, as may be notified by the Government, from time to time, to the Head of the Department under whom the deceased Government servant was working:

1^{**2**} [Provided that in the case of a minor he must have attained the age of eighteen years within one year from the date of the death of the Government servant and he must make an application within one year thereafter:]

Provided further that nothing in the first proviso shall apply to an application made by the dependent of a deceased Government servant, after attaining majority and which was pending for consideration on the date of commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Amendment) Rules, 1998.]

1. Provisos substituted for the existing proviso by Notification No. DPAR 11 SCA 97, dated 31-3-1999, w.e.f. 1-4-1999
2. First proviso substituted by Notification No. DPAR 19 SCA 99, dated 24-11-2000, w.e.f. 28-11-2000

6. Appointment by the Competent Authority :-

(1) On receipt of the application under Rule 5, the Head of the Department, if satisfied that the applicant fulfills all the conditions specified under these rules, shall appoint, where he is the

Appointing Authority, and if not direct the appropriate Appointing Authority to issue the order of appointment.

(2) The appointment under sub-rule (1) shall be made as far as possible within a period of three months from the date of receipt of the application under Rule 5.

(3) Consultation with the Finance Department shall not be necessary for appointment under these rules.

(4) Appointment once made under these rules shall be final and no fresh appointment to a different post or higher post under these rules shall be permissible.

(5) The appointment under these rules shall not be made in the case of the dependent of a deceased person who at the time of death was on re-employment or was employed as local candidate, Stipendiary Graduate or Daily Wage worker or employed in any work charged establishment or on casual employment.

7. Seniority :-

The seniority of the persons appointed under these rules shall be determined from the date of their reporting to duty.

8. Application of other rules :-

All other rules regulating the conditions of service of Government servants which are made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), insofar as they are not inconsistent with the provisions of these rules shall be applicable to the persons appointed under these rules.

9. Transitional Provision :-

(1) All applications for appointment on compassionate ground made prior to the twentieth October, 1994 and the applications made on or after that date but before the date of commencement of these rules and which are pending on the date of commencement of these rules shall be [deemed to have been made within the period specified in Rule 5 and shall be considered for appointment subject to other provisions of these rules.]

[(1-A) Where any application made under sub-rule (1) is rejected on the ground that it is not made within the period specified in Rule 5, it shall be reconsidered for appointment subject to other provisions of these rules.]

[(2) Where an application could not be made for any reason between the twentieth day of October, 1994 and the date of the commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Amendment) Rules, 1998 by a dependent of the deceased Government servant who died after the twentieth day of October, 1989, the dependent of such deceased Government servant may make an application within a period of one year from the date of such commencement and such application shall be deemed to have been made within the period specified in Rule 5 and shall be considered for appointment subject to other provisions of these rules:

Provided that this sub-rule shall not be applicable in the case of a widower:]

[Provided further that the widowed daughter of the deceased Government servant may make an application within one year from the date of commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Second Amendment) Rules, 2000 and such application shall be deemed to have been made within the period specified in Rule 5 and shall be considered for appointment subject to the other provisions of these rules.]

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