

## **Rajasthan Compassionate Appointment Of Dependents Of Deceased Government Servants Rules, 1996**

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## **Rajasthan Compassionate Appointment Of Dependents Of Deceased Government Servants Rules, 1996**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules regulating the recruitment of the dependants of deceased Government servants on compassionate grounds, namely:-

### **1. Short Title And Commencement :-**

- (i) These rules may be called the Rajasthan Compassionate Appointment of Dependants of Deceased Government servants Rules, 1996.
- (ii) They shall come into force from the date of their publication in the Rajasthan Rajpatra.

### **2. Definations :-**

In these rules unless the context other wise requires :-

- (a) "Appointing Authority" means the Government of Rajasthan and

includes any other officer to whom powers have been delegated by the Government through a special or general order to exercise the powers and functions of the Appointing Authority under the relevant service Rules, if any;

(b) "Deceased Government servant" means a person who was employed in connection with the affairs of the State including a member of All India Services of Rajasthan State Cadre and whose pay was debitable to the consolidated fund of the State and who died while in service and who was :-

(i) Permanent, or

(ii) holding a post temporarily after appointment on regular basis, or

(iii) appointed against a regular vacancy on urgent/ temporary appointment and had put in one years continuous service as such;

(c) "Dependent" means a spouse, son, unmarried or widowed daughter, "adopted son / adopted unmarried daughter" legally adopted by the deceased Government servant during his/her life time and who were wholly dependent on the deceased Government servant at the time of his/her death;

(d) "Government" means the Government of Rajasthan;

(e) "Head of the Department/Office" means the Head of the Department/Office in which the deceased Government servant was serving at the time of his/her death;

(f) "State" means the State of Rajasthan.

### **3. Interpretation :-**

Unless the context otherwise requires, the Rajasthan General clauses Act, 1955 (Rajasthan Act 8 of 1955) shall apply for the interpretation of these Rules as it applies for the interpretation of a Rajasthan Act.

### **4. Scope :-**

These Rules shall govern appointment of dependants of deceased Government servants on compassionate grounds and they shall not confer any right to a particular post.

### **5. Appointment Subject To Certain Conditions :-**

(1) When a Government servant dies while in service one of his/her dependents may be considered for appointment in Substituted for "daughter" Vide Notification No. F.5(51)DOP/A-2/88 Dated. 19-4-1999. Substituted Vide Notification No F.5(51)/DOP/A-2/88 Dated.19-4-99. Government service subject to the condition that

employment under these rules shall not be admissible in cases where the spouse or at least one of the sons, unmarried daughters, adopted son/adopted unmarried daughter of the deceased Government servant is already employed on regular basis under the central / any State Government or Statutory Board, Organisation/Corporation owned or controlled wholly or partially by the Central/ any State Government at the time of death of the Government servant. Provided that this condition shall not apply where the widow seeks employment for herself.

(2) Appointment under these rules shall be given on the condition that the person appointed on compassionate ground shall maintain properly the other family members who were dependent on the deceased Government servant and on furnishing an undertaking in writing that he/she shall maintain properly the other family members who were dependent on the deceased Government servant. If subsequently, at any time, it is proved that such dependent family members are being neglected or are not being maintained properly by him, the appointment may be terminated by the Appointing Authority after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him to explain why his services should not be terminated.

## **6. Selection Of Posts :-**

(1) The dependents may be considered for appointment to a post carrying pay scale No. 1 to 9A & meant for being filled up by Direct Recruitment in the Subordinate Service/Ministerial Service/Class IV service, as the case may be, according to his/her educational qualification and fulfilment of other service conditions irrespective of the rank and status of the deceased Government servant.

Provided that in case of a Government servant who is killed while performing his official duties, his/her dependent may also be considered for appointment to a post carrying Pay Scale No. 10 to 11 and meant for being filled up by direct recruitment, subject to fulfilment of the educational qualifications and other service conditions prescribed under the relevant Service Rules and with the concurrence of the Department of Personnel and the Rajasthan Public Service Commission if the post falls within the purview of the Commission.

(2) Once an appointment has been made on any post under these Rules, the benefit intended under these Rules shall be deemed to

have been availed and the case shall not be re-opened for appointment to any other post under any circumstances.

## **7. Qualifications :-**

(1) The dependent should possess the qualifications prescribed for the post under the concerned service rules at the time of appointment.

(2) While being considered for appointment to Class IV service, the requirement of educational qualification for the post shall be dispensed with.

(3) Before a dependent is appointed, the Appointing Authority shall satisfy itself that he/she is otherwise fit for appointment in Government service looking to his/her character and physical fitness and fulfilment of other general conditions prescribed in the concerned service rules.

## **8. Age :-**

The dependent should be within the age limit prescribed for the post under the concerned service rules at the time of appointment.

Provided that :-

(i) there shall be no upper age limit for a widow.

(ii) the upper age limit shall be relaxed by five years in period or upto 40 years of age, whichever is less, for others.

(iii) the crucial date for calculating age shall be the date of receipt of application for appointment. The time spent in arranging a suitable post shall not disqualify the dependant in case he/she becomes overage during that period.

## **9. Procedural Requirement Etc :-**

(1) The procedural requirement for selection such as training or departmental examination or typing test shall not be insisted upon at the initial

Added Vide Notification No F.5(51)/DOP/A-2/88 Dated.27-2-2001.

Added Vide Notification No F.5(51)/DOP/A-2/88 Dated.2-8-2001.

Substituted for "1 to 9" Vide Notification No F. 5(51)/DOP/A-2/88 Dated. 20-1-2000 appointment. The dependent shall however, be required to clear such training or departmental examination or typing test, within a period of 3 years for entitlement for confirmation failing which his/her appointment shall be liable to be terminated. No annual grade increments will be allowed until he/she acquires such qualifications. On acquiring such qualifications

annual grade increments shall be allowed notionally from the date of appointment but no arrears will be paid.

Note :- For the purpose of this rule the Head of the Department shall conduct such test every year irrespective of the number of candidates.

#### **10. Procedure :-**

(1) On the death of a Government servant the surviving spouse shall apply for appointment for self or for any other dependant.

(2) Where the deceased Government servant is not survived by a spouse the application shall be made by one of the dependants of the deceased Government servant and other dependants shall have to give their consent for his/her candidature. Provided that if more than one of the dependants seek employment, the Head of Department shall select one, keeping in view the overall interest and welfare of the entire family, particularly the minor members.

( 3 ) Such application shall be made to the Head of the Office/Department in the Performa attached as Annexure-A to these rules, within a period of 90 days from the date of death of the Government servant. The applicant shall submit an affidavit in support of monthly income (from all sources) of all the family members mentioned in Column No.7 of part-I of the application.

Provided that in an exceptional case where the state Government in the Department of Personnel is satisfied that the operation of provisions of this sub-rule causes financial hardship to the family of the deceased Government servant and considers it necessary or expedient to relax the provisions of this sub-rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

(4) In cases of All India Services, Rajasthan Administrative Service, Rajasthan Accounts Service, Rajasthan Legal State and Subordinate Service and the Rajasthan Economics & Statistical Service etc. where officers are posted in different departments of Government, the application shall be made to the Administrative Department controlling that service through the Head of Department/ Head of Office where the deceased Government servant was posted at the time of his/her death.

(5) It shall be the responsibility of the Head of the Department/Head of the Office, as the case may be, to give appointment to the dependants as far as possible in his own department.

(6) In case suitable post is not vacant but some post in lower scale is available immediately, such lower post can be offered to the applicant on first come first serve basis and the applicant shall have the option either to wait for the post applied for or to accept the lower available post. In case the applicant accepts the lower available post, he/she shall lose his/her claim for higher post applied for and his/her claim will not be kept on waiting list. Provided that if there is no vacant post available in the department in which the deceased Government servant was working then the matter shall be referred to DOP immediately duly supported by cogent reasons and DOP shall provide appointment in some other department.

Substituted for "Such application shall be made in the performa attached as Annexure-A to the Head of the Office/Department within a period of three months from the date of death of the Government servant. The applicant shall submit an affidavit in support of monthly income (from all sources) of the entire family members mentioned in Column No.7 of the prescribed application. Provided that where the spouse does not seek appointment for herself/himself and even the eldest of remaining dependants has not attained the age of 18 years (intimation to this effect to be given in writing within three months of the death of the Government servant), the above period of limitation shall run from the date of attaining the age of 18 years by such eldest dependant. Vide Notification No F. 5(51)/DOP/A-2/88 Dated. 11-9-2002.

Substituted Vide Notification No F. 5(51)/DOP/A-2/88 Dated. 19-4-1999.

Substituted Vide Notification No F. 5(51)/DOP/A-2/88 Dated. 19-4-1999.

(7) In cases of death of members of the services having State cadre like All India Services, Rajasthan Administrative Service, Rajasthan Secretariat Service, controlled by Department of Personnel, the application shall lie to the Secretary, Department of Personnel and it shall be the responsibility of Department of Personnel to arrange for a suitable post.

### **11. Over-Riding Effect :-**

These rules and any order issued there under shall have effect notwithstanding anything to the contrary contained in any rules regulations or orders in force at the commencement of these Rules.

### **12. Nodal Department :-**

The Department of Personnel (A-2) will function as the nodal

department for purpose of administering these Rules and it may make any general or special order as it may consider necessary or expedient for proper implementation of these Rules.

**13. Removal Of Doubts :-**

If any doubts arises relating to the application, interpretation and scope of these Rules, it shall be referred to the Government in the Department of Personnel (A-2) whose decision thereon shall be final.

**14. Power To Remove Difficulties :-**

The State Government may for the purpose of removing any difficulty (of existence of which it shall be the sole judge) in the implementation of any provision of these Rules, make any general or special order as it may consider necessary or expedient in the interest of fair dealing or in the Public interest.

**15. Repeal And Saving :-**

The existing Rajasthan Recruitment of Dependants of Government Servants Dying while in Service Rules, 1975 and any order issued there under are hereby repealed;

Provided that any action taken under the rules and orders so repealed/ superseded shall be deemed to have been taken under the provisions of these rules.