

## IMPORTANT - CIRCULAR

CONTROLLER GENERAL OF DEFENCE ACCOUNTS  
ULAN BATAR ROAD, PALAM, DELHI CANTT- 110 010

No. AN/VIII/19001/Circular

Date: 11.12.2012.

To

The AU PC of A (FYS)/PCsDA/CsDA

**Sub:** Review of three years time limit for making compassionate appointment.

A copy of DoP&T O.M. F. No. 14014/3/2011-Estt (D) dated 26.07.2012 received under Ministry of Defence letter No. 19(9)/2012/D(Lab) dated 08.08.2012, on the above subject is forwarded herewith for information, compliance, guidance and necessary action please.

2 It is mandated that while dealing the case for appointment on compassionate grounds following clarifications, received from DoP&T on their OM dated 26.07.2012, may be scrupulously be adhered to.

(i) Vide OM dated 26.07.2012 instruction dated 05.05.2003 prescribing the three years' time limit for consideration of request for compassionate appointment has been withdrawn. This effectively means the instructions as issued vide OM dated 09.10.1998 is in force.

(ii) All the requests for compassionate appointment even those which have been considered earlier and belated requests will be considered on merit as per instructions on the subject provided a vacancy is available now.

(iii) Cases which have been considered as per O.M dated 05.05.2003 and closed for want of vacancy can be considered again if the dependent of diseased government servant prefer fresh application for compassionate appointment. Such cases are to be treated as per Para 8 of this department's O.M dated 09.10.1998.

3. HQrs office circulars issued on the subject regarding cases where any type of relaxation are required are still in force. The case which require relaxation of any kind including belated requests for compassionate appointment should be forwarded to HQrs office for obtaining the orders of the CGDA.

Please acknowledge receipt.

  
(P. K. Rai)  
Sr. Asstt. CGDA (AN)

No. 19(9)/2012/D(Lab)  
Government of India  
Ministry of Defence

New Delhi, the 8<sup>th</sup> Aug, 2012.

Subject: Review of three years time limit for making compassionate appointment.

The undersigned is directed to say that the Hon'ble CAT Allahabad Bench has quashed the three year time limit of offer of appointment on compassionate grounds vide Department of Personnel and Training O.M. No. 14014/19/2002/ Estt(D) dated 5.5.2003. The Writ Petition filed against the Order was also dismissed on 7.5.2010. The Department of Personnel and Training has re-examined the above Judgement in consultation with Ministry of Law and has decided to withdraw the instruction contained in OM dated 5.5.2003 referred to above. Accordingly DoP&T O.M. No. F.No. 14014/3/2011-Estt(D) dated 26.7.2012 (copy enclosed) is circulated for information, compliance, guidance and necessary action.



(K.K. Daimary)

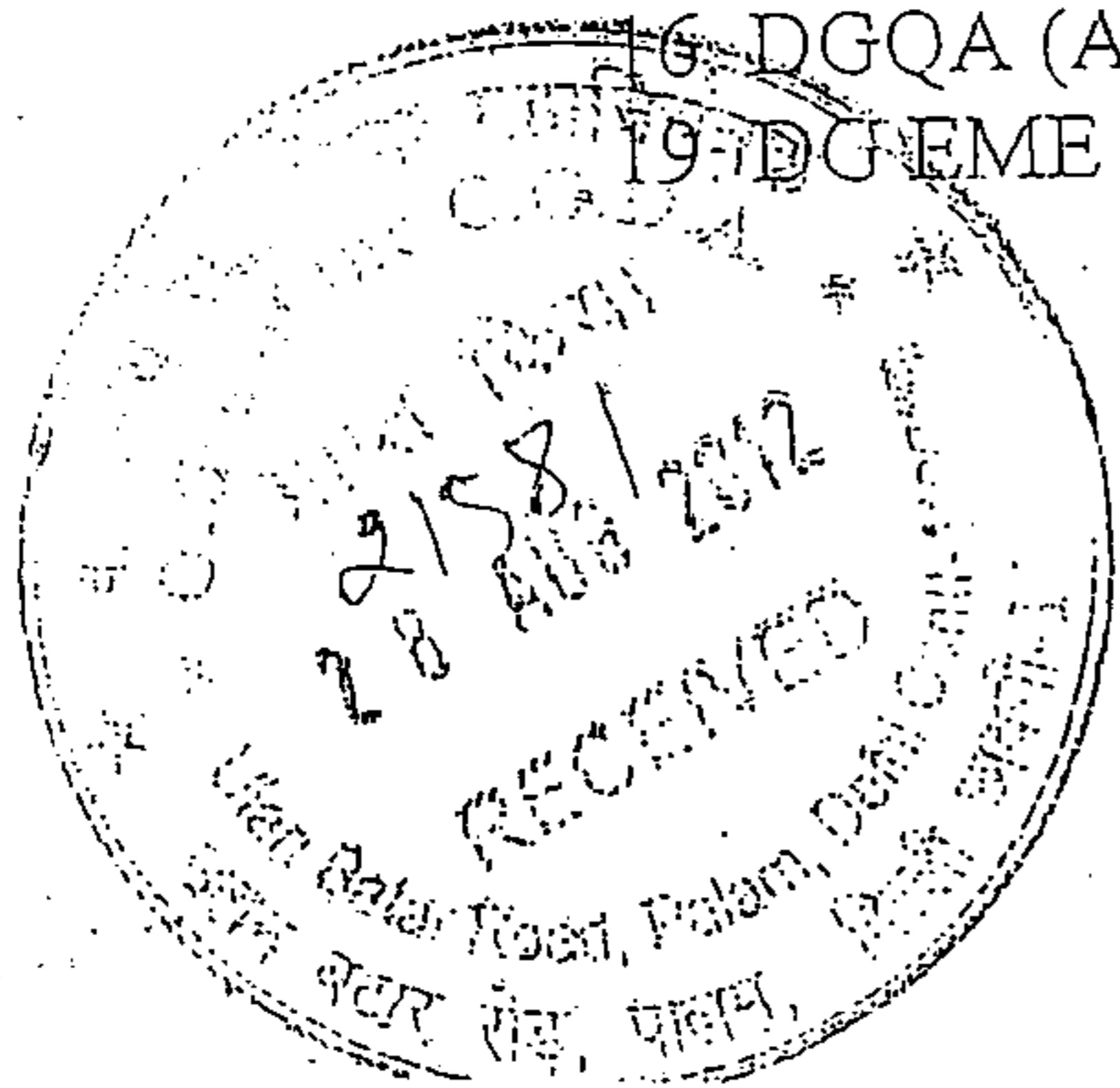
Under Secretary to the Govt of India.

Encl: as above

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F.No.14014/3/2011-Estt. (D)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training)

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North Block, New Delhi  
Dated the 26<sup>th</sup> July, 2012

OFFICE MEMORANDUM

Subject:- Review of three years time limit for making compassionate appointment.

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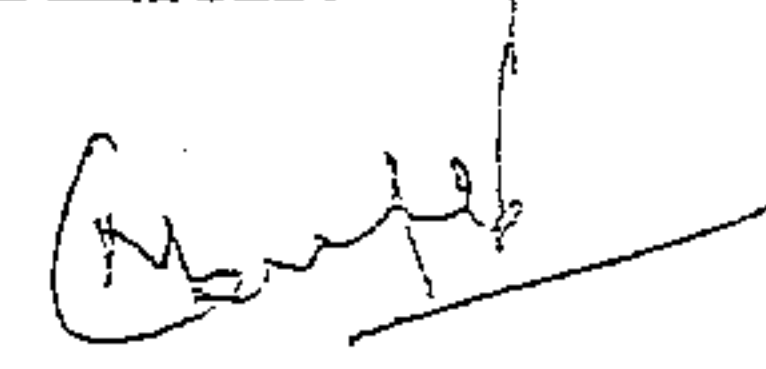
The primary objective of scheme for compassionate appointment circulated vide O.M. No. 14014/6/94-Estt(D) dated 09.10.1998 is to provide immediate assistance to relieve the dependent family of the deceased or medically retired Government servant from financial destitution i.e. penurious condition. The Hon'ble Supreme Court in its judgment dated 05.04.2011 in Civil Appeal No. 2206 of 2006 filed by Local Administration Department vs. M. Selvanayagam @ Kumaravelu has observed that "an appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death, simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind".

2. This Department's O.M. No. 14014/6/1994-Estt. (D) dated 09.10.1998 provided that Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back, say five years or so. While considering such belated requests it was, however, to be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases was to be taken only at the level of the Secretary of the Department/Ministry concerned.

Subsequently vide this Department's O.M. No. 14014/19/2002-Estt. (D) dated 5<sup>th</sup> May, 2003 a time limit of three years time was prescribed for considering cases of compassionate appointment. Keeping in view the Hon'ble High Court Allahabad judgment dated 07.05.2010 in Civil Misc. Writ Petition No. 13102 of 2010, the issue has been re-examined in consultation with Ministry of Law. It has been decided to withdraw the instructions contained in the O.M. dated 05.05.2003.

Smt. Chaitra  
30/7/12

4. The cases of compassionate appointment may be regulated in terms of instructions issued vide O.M. dated 09.10.1998 as amended from time to time. The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment.



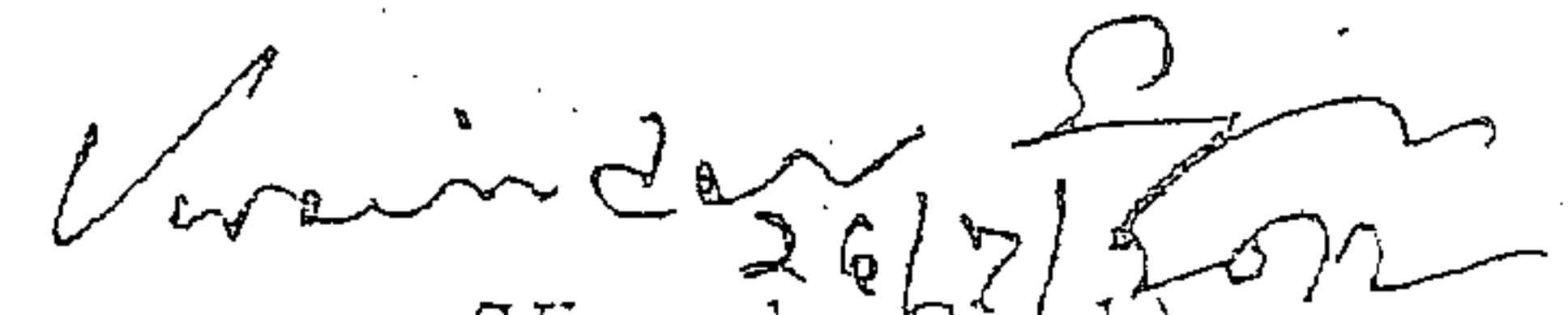
(Mukta Goel)  
Director (E-I)  
Tel. No. 2309 2479

To

All Ministries/Departments of the Government of India.

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3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
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6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies).
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (200 copies).



26/7/2012  
(Virender Singh)  
Under Secretary