



**Guru Gobind Singh Indraprastha University**  
SECTOR -16C, DWARKA, NEW DELHI-110078  
Website: [www.ipu.ac.in](http://www.ipu.ac.in)



F.No. 1(4) (21)/2022/P-III/ 1657


Dated: 07/07/2022

## ORDER

### **Sub: Policy for Compassionate Appointment in Guru Gobind Singh Indraprastha University, New Delhi.**

The Competent Authority of Guru Gobind Singh Indraprastha University has approved the adoption of DoPT policy and rules of Compassionate appointment issued by DoPT, Govt of India *vide* OM No. 14014/6/94--Estt. (D) dated 09.10.1998, OM No. 14014/02/2012—Estt. (D) dated 16.01.2013 and further order/ procedure modified by DoPT *vide* OM F. No. 43019/9/2019 dated 23.08.2021. The University has with marginal modification in context of University Employees has formulated the Policy (enclosed) for compassionate appointment to the dependent of deceased employee of the University based on above orders issued by DoPT, Govt. of India time to time. The University will also adopt any further modification or changes in Policy by DoPT time to time.

This issue with the approval of the Competent Authority.

  
**Brig. P.K. Upmanyu (Retd.)**  
**In-charge (Personnel)**

#### **Copy to:**

1. Dean- USBAS/ USBT/ USCT/ USEM/ USICT/ USHSS/ USMC/ USLLS/ USM&PMHS/ USMS/ USAP/ USE, GGSIP University
2. Director- Academic Affairs/ Coordination/ Students Welfare/ CDMS/ Development/ International Affairs/ CEPS/ Research Consultancy/ Legal Aid/ IUIIC, GGSIP University
3. Chairperson- Centralized Career Guidance and Placement Cell/ SDC/ IIQAC & NAAC, GGSIP University
4. In-Charge UIRC, GGSIP University
5. Programme Coordinator – NSS Cell, GGSIP University
6. Proctor, GGSIP University
7. Controller of Finance, GGSIP University
8. Controller of Examination, GGSIP University
9. Chief Warden, GGSIP University
10. CVO, GGSIP University
11. All JRs/ DRs/ ARs/ Branch In charge, GGSIP University
12. Superintending Engineer, GGSIP University
13. Head UITS, GGSIP University with request to upload on University's Website.
14. Guard File



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### **POLICY ON COMPASSIONATE APPOINTMENT**

The appointment on compassionate grounds in Guru Gobind Singh Indraprastha University, Delhi is as per guidelines of Govt. of India as contained in the Scheme for Compassionate Appointment 1998, circulated by the DoP&T, Govt. of India; vide its OM No. 14014/6/94-Estt. (D) dated 09/10/1998 consolidated instructions on compassionate grounds issued by the DoP&T, Govt. of India, vide OM No. 14014/02/2012-Estt. (D), dated 16/01/2013, clarifications provided by the DoP&T, Govt. of India, vide OM No. 14014/02/2012-Estt. (D), dated 30/05/2013 and various judgments of the Hon'ble Supreme Court on the subject as referred in the said Scheme/instructions / Guidelines issued in this regard by DoP&T, Govt. of India, from time to time. Besides, in the year 2002, it was decided by for Government to adhere to the following criteria while considering cases for appointment on compassionate grounds:-

- (1) The first priority would be for families which are living in extremely indigent circumstances and having children who are less than 12 years of age and no other source of livelihood e.g. rent, ownership of house etc.
- (2) Next consideration can be given to cases where the family is in extremely indigent circumstances and has minor children less than 18 years of age and no other source of employment.

#### **1. OBJECTIVES**

The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a University Employee dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the University Employee concerned from financial destitution and to help it get over the emergency.

#### **2. TO WHOM APPLICABLE**

To a dependent family member --  
(A) of a University Employee who --

- (a) dies while in service (including death by suicide); or
- (b) is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules 1957 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for erstwhile Group 'D' University Employee); or
- (c) is retired on medical grounds under Rule 38 of the CCS(Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years (57 years for erstwhile Group 'D' University Employee); or



**Note I** "Dependent Family Member" means:

- spouse; or
- (a) son (including adopted son); or
- (b) daughter (including adopted daughter); or
- (c) brother or sister in the case of unmarried University Employee or,

-- who was wholly dependent on the University Employee at the time of his death in harness or retirement on medical grounds, as the case may be.

**Note II** "University Employee" for the purpose of these instructions means a University Employee appointed on regular basis and not one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.

**Note III** "Service" includes extension in service (but not re-employment) after attaining the normal age of retirement in a civil post.

**Note IV** "Re-employment" does not include employment of ex-serviceman before the normal age of retirement in a civil post.

**3. AUTHORITY COMPETENT TO MAKE COMPASSIONATE APPOINTMENT**

Board of Management of University on the basis of recommendations by a three member Committee constituted for the purpose and due approval of Hon'ble Vice Chancellor.

**4. POSTS TO WHICH SUCH APPOINTMENTS CAN BE MADE**

Group 'C' and Group 'D' posts against the direct recruitment quota.

**5. ELIGIBILITY**

- (a) The family is indigent and deserves immediate assistance for relief from financial destitution; and
- (b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

**6. EXEMPTIONS**

Compassionate appointments are exempted from observance of the Recruitment procedure.

**7. RELAXATIONS**

**(a.) Age Limit**

Upper age limit could be relaxed wherever found to be necessary. The lowerage limit should, however, in no case be relaxed below 18 years of age.

Age eligibility shall be determined with reference to the date of application and not the date of appointment;

Authority competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of upper age limit also for making such appointment.

**(b.) Minimum Qualification**

In exceptional circumstances, University may consider recruiting persons not immediately meeting the minimum educational standards. University may engage them as trainees who will be given the regular pay bands and grade pay only on acquiring the minimum qualification prescribed under the recruitment rules. The emoluments of these trainees, during the period of their training and before they are absorbed in the University as employees, will be governed by the minimum of Pay Level '1'. In addition, they will be granted all applicable Allowance, like Dearness Allowances, House Rent Allowance and Transport Allowance at the admissible rates. The same shall be calculated on the minimum. The period spent as trainee by the future recruits will not be counted as service for any purpose and their regular service will start only after they are placed in regular pay level **(Para 1 of O.M. No.14014/2/2009-Estt.(D) Dated the 11<sup>th</sup> December, 2009).**

**(c.) Typing Test for Junior Assistant:-**

In the matter of exemption from the requirement of passing the typing test those appointed on compassionate grounds to the post of Junior Assistant will clear typing test in six months times. No increment will be given unless he/she clear the typing test. Standard Typing Speed will be followed.

**(d.) Educational Qualifications of Widow**

In case of appointment of a widow not fulfilling the requirement of educational qualification, against the post of MULTI TASKING STAFF, she will be placed in Group 'C'- Pay Level 1 (GP 1800) directly without insisting on fulfillment of educational qualification norms, provided the appointing authority is satisfied that the duties of the post against which she is being appointed can be performed with help of some on job training. This dispensation is to be allowed for appointment on compassionate ground against the post of MULTI TASKING STAFF only. **(Para 2 of O.M. No.14014/2/2009-Estt. (D) Dated 03.04.2012)**

**8. DETERMINATION/AVAILABILITY OF VACANCIES**

- (a) Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available.
- (b) Compassionate appointments can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in any Group 'C' post. The appointing authority may hold back upto 5% of vacancies in the aforesaid categories to be filled by direct recruitment or otherwise so



as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category viz. SC/ST/ OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against the vacancy point meant for General category.

- (c) While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of University Employee on casual/daily wage/ad-hoc/contract basis against regular vacancies, there is no bar to considering him for such appointment if he is eligible as per the normal rules/orders governing such appointments
- (d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilizing any other vacancy e.g. sports quota vacancy.
- (e) The Committee constituted for considering a request for appointment on compassionate grounds should limit its recommendation to appointment on compassionate grounds only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year in the concerned administrative Ministry/department/Office, that too within the ceiling of 5% of vacancies falling under DR quota in Group 'C' posts. **(O.M.No.14014/18/2000-Estt.(D) dated 22.06.2001)**

(f) **Calculation of vacancies by grouping of posts**

Grouping of various posts in Group 'C' for the purpose of calculation of vacancies for appointment on compassionate grounds is allowed. Consequently, Group 'C' posts in which there are less than 20 direct recruitment vacancies in a recruitment year may be grouped together and out of the total number of vacancies 5% may be filled on compassionate grounds subject to the condition that appointment on compassionate grounds in any such post should not exceed one. For the purpose of calculation of vacancies for compassionate appointment, fraction of a vacancy either half or exceeding half but less than one may be taken as one vacancy. **(Para 2 and 3 of O.M. No. 14014/24/1999-Estt.(D) dated 28.12.1999)**

- (g) **Liberalized method of calculation of vacancies for small Ministries/Departments** - The University may apply a more liberalized method of calculation of vacancies under 5% quota for compassionate appointment. The University may add up the total of Direct Recruitment vacancies in Group 'C' and erstwhile Group 'D' posts (excluding technical posts) arising in each year for 3 or more preceding years and calculate 5% of vacancies with reference to the grand total of vacancies of such years, for locating one vacancy for compassionate appointment. This is subject to the condition that no compassionate appointment was/has been made during 3 years or

number of years taken over and above 3 years for locating one vacancy under 5% quota. **(Para 4 of O.M. No. 14014/3/2005-Estt.(D) dated 09.10.2006**

- (h) The compassionate appointment can also be made against technical 'posts' at Group 'C' and erstwhile Group 'D' level. The 5% quota of vacancies will be calculated on the basis of total Direct Recruitments vacancies arising in a year in the technical posts subject to fulfilling the eligibility criteria as per Recruitment Rules. . **(Para 2 of O.M. No. 14014/3/2005- Estt(D) dated 19.01.2007.**

**9. TIME LIMIT FOR CONSIDERING APPLICATIONS FOR COMPASSIONATE APPOINTMENT:**

Any application for compassionate appointment is to be considered without any time limit and decision taken on merit i.e. Point Based Criteria for considering and recommending for appointment on compassionate Ground in each case. All cases of Compassionate Appointment will be kept in order of merit (Point Based Criteria) and year of Death of deceased employee for consideration subject to availability of posts in future.

Point based Criteria is available in **Annexure-II.**

**10. BELATED REQUESTS FOR COMPASSIONATE APPOINTMENT**

- (a) Requests for compassionate appointment even where the death or retirement on medical grounds of a University Employee took place long back, say five years or so can be considered. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the University Employee 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 would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the level of a committee constituted in this regard.
- (b) Whether a request for compassionate appointment is belated or not may be decided with reference to the date of death or retirement on medical ground of a University Employee and not the age of the applicant at the time of consideration.
- (c) The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment **(Para 4 of O.M.No.14014/3/2011-Estt.(D) dated 26.07.2012**

**11. WIDOW APPOINTED ON COMPASSIONATE GROUNDS GETTING REMARRIED**

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



**12. WHERE THERE IS AN EARNING MEMBER**

- (a) In deserving cases even where there is already an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Hon'ble Vice Chancellor who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to number of dependents, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the University Employee and whether he should not be a source of support to other members of the family.
- (b) In cases where any member of the family of the deceased or medically retired University Employee is already in employment and is not supporting the other members of the family of the University Employee, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the University Employee so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the member of the family already employed is not supporting the family.

**13. MISSING GOVERNMENT SERVANT**

Cases of missing University Employee are also covered under the scheme for compassionate appointment subject to the following conditions:-

- (a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the University Employee has been missing, provided that:
  - (i) an FIR to this effect has been lodged with the Police,
  - (ii) the missing person is not traceable, and
  - (iii) the competent authority feels that the case is genuine;
- (b) This benefit will not be applicable to the case of a University Employee:-
  - (i) who had less than two years to retire on the date from which he has been missing; or
  - (ii) who is suspected to have committed fraud, or suspected to have joined any terrorist organisation or suspected to have gone abroad.
- (c) Compassionate appointment in the case of a missing University Employee also would not be a matter of right as in the case of others and it will be subject to fulfillment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme;
- (d) While considering such a request, the results of the Police investigation should also be taken into account; and
- (e) A decision on any such request for compassionate appointment should

be taken only at the level of the Hon'ble Vice Chancellor.

**14. PROCEDURE**

While processing the cases for appointment on compassionate grounds, following procedure as per laid down in the aforementioned Scheme/ instructions would be followed.

- (i.) The Welfare Officer in each Ministry/Department/Office or a senior officer may be deputed to meet the family members of the deceased Government Servant and apprise them of the terminal benefits available to the family. This may be done at the earliest possible, preferably, within 30 days of death.
- (ii.) In case it is observed by the Welfare Officer/Senior Officer that the condition of the family of the deceased Government Servant is indigent, the family should also be apprised of the scheme for compassionate appointment.
- (iii.) In such cases, the Welfare Officer or any other Officer would assist the family member of the deceased Government servant in applying for appointment on compassionate grounds. The application should be made in the format prescribed as in Annexure All assistance should be extended to enable such family member to fill the Application Form for compassionate appointment. The Applicant should be advised in person about the requirements and formalities to be completed by him. The Applicant should also be given detailed information of the posts to which they can apply.
- (iv.) The Administration shall satisfy itself regarding the correctness of the details entered in the Application form and family income and other details computed for processing the Application During scrutiny, if any additional details or information having a bearing on the case, emerge. the same should be added as supplementary Note to the Application.
- (v.) Every application found to be in order, should be acknowledged by assigning a unique Registration number All pending Applications should also be assigned unique registration number. This may be done within 2 to 3 weeks of time. Once a unique registration number has been assigned to an application, the Applicant, including those whose applications are pending may be informed through email or other forms of communication (including digital modes of communication) of their Unique Application Registration Number.
- (vi.) Some Departments such as CBIC, D/o Posts, D/o Defence have devised their own point based merit system, for processing claims for compassionate appointment. In order to bring in transparency and objectivity in dealing with such claims, all Ministries/Departments, who have not yet developed such a system, may do so by devising their own point based merit system for assessing the merit of the claims of compassionate appointments.
- (vii.) While informing the Applicants of the registration number of their Application, they may also be informed of the likely number of vacancies likely to be available to be filled on compassionate grounds as well as be provided with a copy of the point based merit system.
- (viii.) To consider the various applications and to recommend individual applicant for grant of compassionate appointment, a Committee, comprising three members (one Chairman and two Members), may be constituted. The Committee may be chaired by an Officer not below the rank of Director/Deputy Secretary in the Ministry/Department and officers of equivalent rank in the case of attached and subordinate offices.
  - (1) Registrar – Chairperson
  - (2) Joint Registrar/ Deputy Registrar (Personnel) – Member / Convener
  - (3) Welfare Officer – Member
- (ix.) The Committee may preferably meet once in a year, to consider all fresh requests received in the last calendar year, in addition to pending applications. In case large



- number of applications are received at different times during the calendar year, the Committee may meet twice or more to consider the applications.
- (x.) Prior to every meeting of the Committee, the Applicants whose applications are being considered, should be informed, through email or other forms of communication (including digital modes of communication), of the number of vacancies in each grade for which they are being considered as also the date the Committee is due to meet to consider their Application. However, the Applicant(s) would not be required to have any personal interaction, either with the Administration or the Committee and that the Applicants may not be asked to be present during the meeting of the Committee.
  - (xi.) Every valid application shall be assessed strictly on the basis of the point based merit system formulated by the concerned administrative Ministry/Department.
  - (xii.) The Committee should make its recommendation for appointment on compassionate ground as per the total points obtained by each Applicant, under the applicable point based merit system.
  - (xiii.) The result of each round of selection should be communicated to the Applicants. The points awarded against each parameter alongwith total merit points earned, should be provided to the Applicants through email or other forms of communication.
  - (xiv.) The minutes of each meeting of the Committee including the merit points earned by each Applicant should also be placed, within a period of three weeks from the date of meeting of the Committee, in public domain on the website of the Ministry/Department/Organization for information of all concerned.
  - (xv.) Recommendation of the Committee should be placed before the competent authority for a decision. If the competent authority disagrees with the committee's recommendation, the case may be referred to the next higher authority for a decision.
- (xvi.) **UNDERTAKING FOR MAINTENANCE OF THE FAMILY OF THE DECEASED EMPLOYEE**
- A person appointed on compassionate grounds under the scheme should give an undertaking in writing (as in Annexure) that he/she will maintain properly the other family members who were dependent on the University Employee in question and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by him/her, his/her appointment may be terminated forthwith. It has also been decided that it should be incorporated as one of the additional conditions in the offer of appointment applicable only in the case of appointment on compassionate grounds **(O.M No.14014/16/1999-Estt.(D) dated 20.12.1999).**

#### 15. **POINT BASED MERIT CRITERIA**

- (a.) The point based criteria to be followed for considering and recommending the cases for appointment on compassionate grounds covering various attributes/parameters viz. (i) monthly family pension (ii) terminal benefits (DCRG, GPF, leave encashment, DGEGIS, pension commutation etc.) (iii) monthly income of earning members of the family or income from property (iv) immovable property in the name of the govt. servant or any of his dependent (v) no. of dependents (vi) no. of unmarried/divorcee daughters (vii) no. of minor children (vi) remaining service of the deceased govt. servant and (ix) applicant being physically handicapped/disabled dependent daughter(s).
- (b) The details of Relative Merit Point Assessment on 100 Point Scale for companionate appointment is given in Annexure –II.

- (c) The proforma as in Annexure-II may be used by committee for ascertaining necessary information and processing the cases of compassionate appointment.
- (d) An application for appointment on compassionate grounds should be considered in the light of the University Policy and instructions issued from time to time by the Department of Personnel and Training (Establishment Division) on the subject by a committee constituted for the purpose. The applicant may also be granted personal hearing by the committee, if necessary, for better appreciation of the facts of the case.
- (e) Recommendation of the committee should be placed before the Board of Management for a decision.
- (f) While applying point based merit scheme, as mentioned in Annexure-II If situation arises that some candidates secure equal marks in merit and cadre controlling authority is unable to decide the merit of such candidates, in such cases the tie-breaking factor can be income available per dependent i.e total of first three financial parameter prescribed in Annexure-II (pension annualized), total terminal benefits and income of earning members and income from property) divided by total number of dependents. The lesser the per dependent available income, the higher the rank amongst the applicants whose scores had a tie.
- (g) In case of tie even after applying the factor of per dependent available income, then the left over service of Government servant can be considered. This is suggested that it may be implied that longer the left-over service of the deceased, the more is the impact on the family. Applicants related to the government servant with higher left-over service would be considered over the one with lesser left-over service.

**16. REQUEST FOR CHANGE IN POST/PERSON**

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist. Therefore, --

- (a) he/she should strive in his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion should invariably be rejected.
- (b) an appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion should invariably be rejected.

**17. SENIORITY**

A person appointed on compassionate ground in a particular year may be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate ground. (Para 4.8 of O.M. No. No.20011/1/2008-Estt.(D) dated 11.11.2010)



18. **TERMINATION OF SERVICE**

The compassionate appointments can be terminated on the ground of non-compliance of any condition stated in the offer of appointment after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him/her to explain why his/her services should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Rules/Temporary Service Rules for his purpose.

In order to check its misuse, it has also been decided that this power of termination of services for non-compliance of the condition(s) in the offer of compassionate appointment should vest only with the Hon'ble Vice Chancellor. **(O.M. No.14014/19/2000-Estt(D) dated 24.11. 2000).**

19. **GENERAL GUIDELINES**

- (a) Appointments made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration.
- (b) It is not the intention to restrict employment of a family member of the deceased or medically retired (erstwhile) Group 'D' University Employee to an erstwhile Group 'D' post only. As such, a family member of such erstwhile Group 'D' University Employee can be appointed to a Group 'C' post for which he/she is educationally qualified, provided a vacancy in Group 'C' post exists for this purpose.
- (c) An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the University Employee has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc.
- (d) Requests for compassionate appointment consequent on death or retirement on medical grounds of erstwhile Group 'D' staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.
- (e) Any request to increase the upper age-limit of 55 years for retirement on medical grounds prescribed in para 2(A) (b) and (c) above in respect of Group 'A'/'B'/'C' University Employee and to bring it at par with the upper age-limit of 57 years prescribed therein for erstwhile Group 'D' University Employee on the ground that the age of retirement has recently (May, 1998) been raised from 58 years to 60 years for Group 'A'/'B'/'C' University Employee (which is at par with the age of retirement of 60 years applicable to erstwhile Group 'D' University Employee) or on any

other ground should invariably be rejected so as to ensure that the benefit of compassionate appointment available under the scheme is not misused by seeking retirement on medical grounds at the fag end of one's career and also keeping in view the fact that the higher upper age-limit of 57 years has been prescribed therein for erstwhile Group 'D' University Employee for the reason that they are low paid University Employee who get meager invalid pension in comparison to others.

## 20. IMPORTANT COURT JUDGEMENTS

The ruling contained in the following judgements may also be kept in view while considering cases of compassionate appointment:-

- (a) The Supreme Court in its judgement dated April 8, 1993 in the case of Auditor General of India and others vs. G. Ananta Rajeswara Rao [(1994) 1 SCC 192] has held that appointment on grounds of descent clearly violates Article 16(2) of the Constitution; but if the appointment is confined to the son or daughter or widow of the University Employee who died in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.
- (b) The Supreme Court's judgement dated May 4, 1994 in the case of Umesh Kumar Nagpal vs. State of Haryana and others [JT 1994(3) S.C. 525] has laid down the following important principles in this regard:
  - (i) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate ground.
  - (ii) The posts in Group 'C' and 'D' (formerly Class III and IV) are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds and no other post i.e. in the Group 'A' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.
  - (iii) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
  - (iv) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired University Employee is legally impermissible.
  - (v) Neither the qualifications of the applicant (dependent family member) nor the post held by the deceased or medically retired University Employee is relevant. If the applicant finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.



- (vi) Compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future.
- (vii) Compassionate appointment cannot be offered by an individual functionary on an ad-hoc basis.
- (c) The Supreme Court has held in its judgement dated February 28, 1995 in the case of the Life Insurance Corporation of India vs. Mrs Asha Ramchandra Ambekar and others [JT 1994(2) S.C. 183] that the High Courts and Administrative Tribunals cannot give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment.
- (d) The Supreme Court has ruled in the cases of Himachal Road Transport Corporation vs. Dinesh Kumar [JT 1996 (5) S.C. 319] on May 7, 1996 and Hindustan Aeronautics Limited vs. Smt A. Radhika Thirumalai [JT 1996 (9) S.C. 197] on October 9, 1996 that appointment on compassionate grounds can be made only if a vacancy is available for that purpose.
- (e) The Supreme Court has held in its judgement in the case of State of Haryana and others vs. Rani Devi and others [JT 1996(6) S.C. 646] on July 15, 1996 that if the scheme regarding appointment on compassionate ground is extended to all sorts of casual, ad-hoc employees including those who are working as Apprentices, then such scheme cannot be justified on Constitutional grounds.
- (f) 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". **(O.M. No. 14014/3/2011-Estt.(D) dated 26.07.2012).**

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