



## ABSTRACT

Labour and Employment Department – Appointment on Compassionate Ground – Comprehensive Guidelines – Orders – Issued.

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### **LABOUR AND EMPLOYMENT (Q1) DEPARTMENT**

G.O.(Ms).No: 18

Dated: 23.01.2020

விகாரி வருடம், தை - 9.

திருவள்ளூர் ஆண்டு 2051.

Read:-

1. G.O.(Ms.) No.225, Labour Department, Dated 15.02.1972.
2. G.O.(Ms.) No.1025, Labour and Employment Department, Dated 22.11.1976.
3. G.O.(Ms.) No.1083, Labour and Employment Department, Dated 18.12.1976.
4. G.O.(Ms.) No.560, Labour and Employment Department, Dated 03.08.1977.
5. Memorandum No. 34107/N-1/77-1, Labour and Employment Department, Dated 04.05.1978.
6. G.O.(Ms.) No.998, Labour and Employment Department, Dated 02.05.1981.
7. G.O.(Ms.) No.1505, Labour and Employment Department, Dated 14.07.1981.
8. G.O.(Ms.)No.8, Employment Services Department, Dated 07.01.1987.
9. G.O.(Ms.) No.29, Employment Services Department, Dated 07.05.1988.
10. G.O.(Ms.) No.2899, Labour and Employment Department, Dated 23.12.1988.
11. G.O.(Ms.) No.719, Labour and Employment Department, Dated 19.04.1989.
12. G.O.(Ms.) No.1499, Labour and Employment Department, Dated 03.08.1989.

13. G.O.(Ms.) No.40, Labour and Employment Department, Dated 05.01.1990.
14. G.O.(Ms.) No.554, Labour and Employment Department, Dated 09.04.1990.
15. G.O.(Ms.) No.1044, Labour and Employment Department, Dated 23.11.1990.
16. Government Letter No.43007A/Q/90-3, Labour and Employment Department, Dated 04.03.1991.
17. Government Letter No.2286/Q1/90-2, Labour and Employment Department, Dated 17.06.1991.
18. Government Letter (Ms.) No.282, Labour and Employment Department, Dated 09.10.1991.
19. G.O.(Ms.) No.23, Labour and Employment Department, Dated 10.02.1993.
20. G.O.(Ms.) No.155, Labour and Employment Department, Dated 16.07.1993.
21. Government Letter No.2941/Q1/94-1, Labour and Employment Department, Dated 01.03.1994.
22. G.O.(Ms.) No.120, Labour and Employment Department, Dated 26.06.1995.
23. G.O.(Ms.) No.9, Labour and Employment (Q1) Department, Dated 19.01.1998.
24. G.O.(Ms.) No.70, Labour and Employment Department, Dated 02.07.1998.
25. G.O.(Ms.) No.78, Labour and Employment (Q) Department, Dated 17.07.1998.
26. G.O.(Ms.) No.134, Labour and Employment (Q1) Department, Dated 22.10.1998.
27. G.O.(Ms.) No.143, Labour and Employment (Q1) Department, Dated 11.11.1998.
28. G.O.(Ms.) No.198, Labour and Employment (Q1) Department, Dated 10.11.1999.
29. G.O.(Ms.) No.118, Labour and Employment (Q1) Department, Dated 24.07.2000.
30. G.O.(Ms.) No.168, Labour and Employment (Q1) Department, Dated 19.10.2000.
31. Government Letter (Ms.) No.34, Labour and Employment (Q1) Department, Dated 16.04.2002.

32. G.O.(Ms.) No.17, Labour and Employment Department, Dated 07.02.2003.
33. Government Letter (Ms.) No.54, Labour and Employment (Q) Department, Dated 23.05.2006.
34. G.O.(Ms.) No.61, Labour and Employment (Q1) Department, Dated 19.07.2006.
35. Government Letter (Ms.) No.126/Q-1/2006, Labour and Employment Department, Dated 16.09.2006.
36. G.O.(Ms.) No.135, Labour and Employment (Q2) Department, Dated 04.10.2006.
37. G.O.(Ms.) No.42, Labour and Employment (Q1) Department, Dated 12.03.2007.
38. Government Letter (Ms.) No.202, Labour and Employment Department, Dated 08.10.2007.
39. G.O.(Ms.) No.216, Labour and Employment (Q1) Department, Dated 15.11.2007.
40. Government Letter (Ms.) No.3/Q1/2010, Labour and Employment Department, Dated 11.01.2010.
41. Government Letter (Ms.) No.4/Q1/2010, Labour and Employment Department, Dated 11.01.2010.
42. Government Letter (Ms.) No.86/Q1/2010, Labour and Employment (Q1) Department, Dated 04.05.2010.
43. G.O.(Ms.) No.165, Labour and Employment (Q2) Department, Dated 30.08.2010.
44. G.O.(Ms.) No.155, Labour and Employment (Q1) Department, Dated 10.12.2014.
45. G.O.(Ms.) No.80, Labour and Employment (Q1) Department, Dated 02.03.2016.
46. G.O.(Ms.) No.78, Labour and Employment Department, Dated 21.04.2017.
47. Common order passed by the Madurai Bench of Madras High Court in W.P.(MD)No.6325 of 2014, dated 29.08.2018, W.P. (MD) Nos. 4129, 7045, 16624 and 20786 of 2014 and W.P.(MD) Nos.19455, 19530 of 2018, dated 24.09.2018.
48. Order passed by the High Court of Madras in W.P.No:26872/2018 and W.M.P.No:31213 of 2018 dated 09.04.2019.

49. Interim orders passed by the High Court of Madras and the order passed by the Madurai Bench of Madras High Court in W.P.No.31399/2014 and 25806/2014 Dated 16.04.2019 and W.P.(MD) No.20900 of 2015 dated 19.06.2019 respectively.

ORDER:

The scheme of compassionate ground Appointment was introduced by the Government in the year 1972. Following are the Salient features of the scheme.

- Employment is to be provided by relaxing the normal procedure of recruitment through employment exchanges to the legal heirs of the Government Servants who dies in harness leaving his family in indigent circumstances.
- It is a welfare measure of the Government to help the legal heirs of the deceased Government Servants appreciating their service rendered by them for the Government.
- Compassionate Ground appointment cannot be claimed as a matter of right. It is a scheme devised by the Government to help the needy legal heirs whose lives are at distress after the Government Servants dies in harness.

2. Since the introduction of the scheme, several guidelines / instructions have been issued from time to time. The orders mainly relate to the modalities to be adopted in respect of several factors like the age of the applicant, time limit for applying, education and other qualification of the applicant, persons eligible for applying, procedure to be followed by various appointing authorities etc.

3. The Honourable Madurai Bench of Madras High Court in its order dated 19.06.2019 in W.P.(MD)No.20900 of 2015 has directed as follows:-

" The Chief Secretary to the Government has to consider the entire scheme of compassionate appointment and review the situation and formulate the guidelines/conditions and thereafter to issue consolidated instructions to all the Departments enabling them to follow the same strictly and only to provide appointment to the deserving families and the families of the Government Servants in distress and the Chief Secretary should ensure that such special scheme are not utilised by taking undue advantage or to provide one Government appointment to one family of the Government servant. The very purpose and object of the scheme must be to review or to consider and the suitable guidelines/instructions are directed to be issued to all the Departments enabling them to

maintain the consistency and implement the scheme uniformly without violating the constitutional provisions.”

4. Almost similar instructions have been issued in respect of Compassionate Ground Appointment in the orders of Honourable High Court of Madras in W.P.No.26872 of 2018 and W.M.P.No.31213 of 2018 dated 09.04.2019 and W.P.Nos.31399 and 25806 of 2014 dated 16.04.2019 etc. Based on the above orders of the Honourable High Court the Government have examined the whole issue of compassionate ground appointment in detail and hereby issue the following comprehensive guidelines in supersession of all the earlier orders issued in the references 1 to 46 read above.

**PERSONS WHOSE LEGAL HEIRS ARE ELIGIBLE FOR CONSIDERATION UNDER COMPASSIONATE GROUND APPOINTMENT**

- (i) Government Servants who die in harness.
- (ii) Government Servants who retire on Medical invalidation. (within the age of 53)
- (iii) Defence services personnel who are killed / disabled in action and who die in harness.
- (iv) The Legal heir or dependants of missing Government Servants, may be considered when a competent court declares that the missing Government Servant is dead in view of the provisions of sections 107 and 108 of the Indian Evidence Act 1872.
- (v) Government Servants who die under suspension and yet to reach the age of superannuation.
- (vi) The dependants of the persons belonging to scheduled castes killed in a communal clash.

**PERSONS WHOSE LEGAL HEIRS ARE NOT ELIGIBLE FOR CONSIDERATION UNDER COMPASSIONATE GROUND APPOINTMENT**

- (i) Persons who are retained in service under Fundamental Rule 56 (1) (c) after the date of superannuation.
- (ii) Persons who are under Temporary appointments, consolidated pay, daily wages, contract appointments and whose services are not regularised.
- (iii) Persons who do not come under regular time scale of pay.

**LEGAL HEIRS / NEAR RELATIVES OF THE DECEASED GOVERNMENT SERVANT / PERSON WHO ARE ELIGIBLE FOR COMPASSIONATE GROUND APPOINTMENT**

- (i) Son / Unmarried Daughter / Wife / Husband / legally adopted son / legally Unmarried adopted daughter / widowed daughter / divorced daughter / deserted daughter of the deceased Government servant.
- (ii) Father / Mother and unmarried brothers and unmarried sisters of the unmarried deceased Government Servants.
- (iii) Married daughter of the deceased Government Servant who is otherwise eligible.
- (iv) If any person, in the deceased Government Servant's family was employed even before the death of the Government Servant but was living separately without extending any help to the family, then the case of other eligible dependant will be considered.
- (v) If any dependant/dependants of deceased Government Servant is/are employed in Military Service, one of the other dependents is eligible for appointment under compassionate ground.
- (vi) If any member of the deceased Government Servant's family is working on Temporary / Part time basis such as noon-meal organizer and helpers, and those who work on daily wages, the other dependents of the family may be considered for providing appointment.

**NOMINATION**

Compassionate ground appointment should be given to the wife/husband of the deceased Government Servant or only to the person nominated by the wife/husband of the deceased Government Servant subject to eligibility.

**TIME LIMIT TO PREFER THE APPLICATION**

The application for the compassionate ground appointment may be submitted within 3 years from the date of death of the Government Servants.

**AGE LIMIT FOR THOSE ELIGIBLE UNDER COMPASSIONATE GROUND APPOINTMENT**

- (i) The minimum age is 18 years at the time of submitting application for compassionate ground appointment.
- (ii) The maximum age limit for the spouse / father / mother is 50 years on the date of death of the Government servant.
- (iii) The maximum age limit for the son or daughter of the deceased Government Servant and unmarried brother / unmarried sister of the unmarried deceased Government Servant is 40 years at the time of applying.

**POSTS THAT CAN BE FILLED UP UNDER COMPASSIONATE GROUND APPOINTMENT**

Compassionate Ground Appointments shall be made to the posts in "C and D Groups" only.

**FAMILY TO BE IN INDIGENT CIRCUMSTANCES TO BE ELIGIBLE UNDER COMPASSIONATE GROUND APPOINTMENT**

- (i) The appointing authorities shall examine the financial condition of the family of the deceased Government servant and offer job to an eligible member of the family only after satisfying themselves that, but for the provision of employment, the family will not be able to meet the crisis.
- (ii) A family having annual income of less than Rupees 2 lakhs only will be treated to be in indigent circumstances.
- (iii) The family pension of the deceased employee and the immovable property like living house of the employee need not be taken into account while assessing the income of the family. However income received from the movable / immovable properties in the name of the Government Servant's family members should be taken into account. Certificate is to be issued by the jurisdiction Tahsildar.
- (iv) In the case of the deceased Government servant who belong to other State but worked in Tamil Nadu Government Service, they should obtain the requisite certificate from the Tahsildar of his place of residence in Tamil Nadu and also from the Revenue Divisional Officer or Deputy Collector of his native State.

- (v) The compassionate ground appointment will not be considered:-
- (a) In case any person of the deceased Government Servant's family is in regular employment in Government / Private Enterprises.
  - (b) The wife of the deceased Government Servant who applied for appointment for herself is remarried.

### **ALTERNATIVE APPLICATION**

If the applicant (legal heir of deceased Government Servant) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased Government Servant, subject to conditions prescribed for compassionate ground appointment.

### **RESERVATION**

Rule of reservation is not applicable to compassionate ground appointment.

### **UNDERTAKING**

- (i) If son or daughter is being given compassionate ground appointment, undertaking should be taken from them that they will support the mother / father as the case may be.
- (ii) If married daughter is being given compassionate ground appointment, undertaking to be taken that she will financially support the family of the deceased Government Servant.

### **PROCEDURE FOR PROCESSING APPLICATIONS**

- (i) Dependant of a deceased Government servant should apply for appointment on compassionate grounds only to that Office, where the Government servant was in service at the time of his death.
- (ii) The Head of the Office should then verify the facts in the petition like the date of death, the indigent circumstances of the family, the eligibility of the applicant for employment on compassionate grounds with reference to his educational qualifications, etc.
- (iii) After verification, the Head of the Office should, within a month from the date of receipt of application submit the application along



with his report to the Head of the Department indicating also whether any vacancy exists in his office for providing employment to the applicant.

- (iv) The date of death of Government Servant should be taken for fixing seniority for making appointments under compassionate grounds.
- (v) After considering the request, if any vacancy exists either in the Office in which the deceased Government servant was working at the time of his death or in his department, the Head of the Department should issue orders of appointments within 15 days from the date of receipt of the report from the Head of the Office, provided the applicant satisfies all conditions.
- (vi) If any relaxation is necessary, he should send necessary proposals within 15 days to the Government in administrative Department for orders.
- (vii) In case the Head of the Department finds that there is no vacancy in any of his offices and none is likely to occur in the near future he should send the name and all relevant particulars to the Collector of the District in which the deceased Government servant last worked.
- (viii) The Collector of each District should maintain a Special Register for this purpose and enter therein the name and other details of such dependants.
- (ix) Whenever a vacancy in the category of Office Assistant / Record Clerk / Junior Assistant / Typist, etc., arises in any Department including that of the Head of the Department referred to in instruction above, the Head of the Department should first address the Collector of the District in which the vacancy has arisen and find out whether any dependent of a deceased Government servant is available for consideration for appointment to that post.
- (x) On receipt of such enquiry from a Head of Department, the Collector shall send the name or names and details of dependant from the Special Register, depending upon the number of vacancies and as per the seniority, for consideration for appointment in that Department.
- (xi) Before notifying any such vacancy to the Tamil Nadu Public Service Commission or Employment Exchanges, each Head of the Department should first address the Collectors and only after obtaining from them a certificate of non-availability of the candidate in the Special Register maintained by them with reference to

instruction (X) above, the Tamil Nadu Public Service Commission / Employment Exchange should be addressed.

- (xii) The District Collectors should send a quarterly report to the Government in Labour and Employment Department to watch the progress of the "Special Register" proposed for dependents of the deceased Government Servant. The reports should be sent by 15<sup>th</sup> of the month following the quarter.
- (xiii) The District Collectors, Heads of Departments and all other appointing authorities have to follow the above instructions whenever vacancies are not available in their departments for providing of compassionate ground appointment as per the requisite qualifications to the dependants of the deceased Government Servants.
- (xiv) Appointment on compassionate grounds shall be made only against the actual vacancies and no supernumerary posts shall be created.

### **REGULARIZATION**

- (i) All the Head of the Departments / Collectors should take Speedy action to regularize the services of the candidates appointed on compassionate grounds as per the rules **within one year**.
- (ii) Those appointed under Compassionate Grounds before 01.02.2016 with/without any relaxation will be regularized as per G.O.(Ms).No.80, Labour and Employment (Q1) Department, dated 02.03.2016.
- (iii) In G.O.(Ms) No.100, Personnel and Administrative Reforms Department, dated 01.08.2018 the procedure of obtaining concurrence from TNPSC for regularizing the services of the individual appointed under compassionate grounds has been dispensed with.

### **GENERAL**

- (i) The appointing authorities are responsible for satisfying themselves about the indigent circumstances of the family of the deceased Government servant before appointment is offered.
- (ii) The candidates seeking employment under the scheme should possess all the prescribed qualifications for the posts concerned.
- (iii) The concession under the scheme will not be granted to more than one dependant in the family of the deceased Government Servant.

- (iv) The applicants for appointment on compassionate grounds should also send a declaration at the end of the application form in the format prescribed which should be countersigned by the appointing authority / Head of Office.
- (v) Compassionate ground appointment to the post of Assistant in the Departments of Secretariat shall be made by the Personnel and Administrative Reforms Department for which applications received by the various departments shall be processed and recommended by the concerned departments.
- (vi) Appointment to the posts of Office Assistants and Record Clerks in the Departments of Secretariat shall be made by the respective Departments in the existing vacancies. The appointing authority shall take necessary action for issue of orders after observing the guidelines in vogue.
- (vii) If widow of deceased Government Servant is not educationally qualified for appointment she could be given a job like that of a sweeper.

5. The Government hereby direct that the departments of Secretariat, District Collectors, Heads of Departments and all other appointing authorities have to follow these instructions for providing compassionate ground appointment / regularization of their services.

6. The departments of Secretariat are requested to ensure that the Head of the Departments and appointing authorities scrupulously follow these instructions.

**(BY ORDER OF THE GOVERNOR)**

**K. SHANMUGAM,  
CHIEF SECRETARY TO GOVERNMENT.**

To

All Secretaries to Government, Secretariat, Chennai – 600 009.

The Secretary to Government, Revenue and Disaster Management  
Department, Secretariat, Chennai – 600 009.

(for issue of necessary instruction with reference to ceiling of annual  
income for determining indigent circumstances).

All Departments of Secretariat, Chennai-600 009.

The Tamil Nadu Legislative Assembly Secretariat, Chennai-600 009.

All Heads of Department.  
 The Advocate General, Chennai / The Registrar General, Madurai.  
 All Collectors / District Judges / District Magistrates (Judicial)  
 The Registrar, High Court, Chennai-600 104.  
 The Government Pleader, High Court, Chennai-600 104.  
 The Accountant General, Chennai - 600 018.  
 The Commissioner of Treasuries and Accounts, Chennai - 600 035.  
 The Special Commissioner and Commissioner of Employment  
 and Training, Guindy, Chennai-600 032.  
 The Secretary, Tamil Nadu Public Service Commission,  
 Chennai-600 003.  
 The Pay & Accounts Officer (North), Chennai-600 079.  
 The Pay & Accounts Officer (South), Chennai-600 035.  
 The Pay & Accounts Officer (East,) Chennai-600 005.  
 The Pay & Accounts Officer, Secretariat, Chennai-600 009.  
 All Treasury Officers.  
 The Chief Minister's Office, Chennai-600 009.  
 The Special Personal Assistant to Minister (Labour),  
 Chennai - 600 009.  
 The Senior Personal Assistants to All Ministers, Secretariat,  
 Chennai- 600 009.  
 The Personnel & Administrative Reforms (G) Department,  
 Chennai-600 009.

Copy to:

The Private Secretary to Chief Secretary to Government, Chennai - 600 009.  
 The Senior Private Secretary to Additional Chief Secretary to Government,  
 Labour and Employment Department, Chennai - 600 009.  
 All Officers / All Sections in Labour and Employment Department,  
 Chennai - 600 009.  
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**//FORWARDED BY ORDER //**

*M. Parimala*  
 23/11/2020

**SECTION OFFICER.**

*A*  
 23/10/2020