THE BOMBAY HIGH COURT REVISED GUIDELINES FOR APPOINTMENT ON COMPASSIONATE GROUND, 2007

1. This is a revised scheme for providing appointment on compassionate ground to a dependent family member of a Judicial Employee of any rank dying in harness.

2. The scheme shall come into force with effect from 1st January, 2007.

3. The scheme shall apply to a dependent family member of an Employee of Judicial Department who dies while in service (including death by suicide).

4. Definitions : For the purpose of the scheme :—

(I) "Dependent Family Member" means :

(a) spouse; or

(b) son (including adopted son); or

(c) Unmarried daughter (including unmarried adopted daughter); or

(d) brother, sister or parent in the case of unmarried Judicial Employee who was wholly dependent on the Judicial Employee at the time of his/her death in harness.

(IA) "Family" shall mean the relations listed in (I).

(II) "Judicial Employee" for the purpose of this scheme means an employee of any rank appointed on regular basis and not one working on daily wage or casual or ad hoc or contract or reemployment basis, on the establishment of High Court of Judicature at Bombay and it's Benches or in any Court or establishment subordinate to High Court of Judicature at Bombay.

(III) "Service" includes extension in service (but not reemployment) after attaining the normal age of retirement in a Civil post.

5. Authority Competent to make Compassionate Appointment : The Honourable the Chief Justice shall be the Competent Authority to make appointment on compassionate ground.

6. Posts to which such appointments can be made : Such appointments can only be made in Group "C" or Group "D" posts.

7. Eligibility

The scheme shall apply only if :

(a) The family deserves immediate assistance for relief from financial destitution; and

(b) Applicant for compassionate appointment is eligible and suitable for the post in all respect under the provisions of relevant Recruitment Rules.

(c) The total monthly income of such family is less than the total emoluments of 'Group C' employee of the lowest rank.

8. (A) **Normal procedure not to apply for appointment on compassionate ground** : Compassionate appointment is exempted from observance of the following requirements :

a) Recruitment procedure i.e. without the agency of the Staff Selection Committees or the Employment Exchange, and

(b) Any order/s banning filling up of posts which may be issued by the Government of Maharashtra from time to time.

(B) **Age limit for appointment on compassionate ground** : The appointment on compassionate ground shall be admissible to the candidates upto the age of 40 years only. The lower age limit should be 18 years of age.

Note I :

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

(C) **Relaxation of minimum educational qualification** : The Honourable the Chief Justice shall have power to relax eligibility under this scheme.

9. Determination/availability of vacancies :

(a) Appointment on compassionate ground shall be made only on regular basis.

(b) Employment under the scheme is not confined to the office in which deceased Judicial Employee had been working. Such an appointment can be given anywhere in the Judicial Department depending upon availability of a suitable vacancy meant for the purpose of compassionate appointment.

10. Limitation for making request for compassionate appointment : Application for appointment on compassionate ground shall be made within one year of death in harness, however, in a suitable case the Honourable the Chief Justice may consider request for compassionate appointment made after 1 year upto 2 years after the death of a Judicial Employee.

11. Widow appointed on compassionate ground getting remarried : A widow appointed on compassionate ground will be allowed to continue in service even after remarriage, subject to her continuing to fulfil obligations towards dependents of her deceased husband.

12. Eligibility where there is another earning member in the family : The Hon'ble the Chief Justice may in deserving cases, even where there is already an earning member in the family, consider a dependent family member for compassionate appointment.

13. Missing Judicial Employee : Cases of missing Judicial Employees are also covered under the scheme for compassionate appointment, subject to the following conditions : —

(a) A request to grant the benefit of compassionate appointment is made only after lapse of atleast 2 years from the date from which the Judicial 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 Hon'ble the Chief Justice feels that the case is genuine.

(b) This benefit will not be applicable to the case of a Judicial 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 is suspected to have joined any terrorist organization or is suspected to have gone abroad.

(c) Compassionate appointment in the case of a missing Judicial employee also would not be a matter of right and, as in other case, it will be subject to fulfilment of all the conditions, including the availability of vacancy, laid down for such compassionate appointment under the scheme.

(d) while considering such a request, the result of the Police Investigation shall also be taken into account;

(e) The provision contained in Para 10 of the scheme mutatis mutandis shall apply for such cases.

14. Procedure : (a) Request for appointment on compassionate ground shall be accompanied by information in the proforma annexed hereto.

(b) An officer from the establishment where the deceased employee was serving should meet the members of the family of the Judicial Employee in question immediately after his death to advise and assist them in getting appointment on compassionate ground. The applicant should be called in person at the very first stage and advised in person, about the requirement and formalities to be completed by him.

(c) An application for appointment on compassionate ground should be considered in the light of the instructions issued from time to time by the High Court.

15. Undertaking to be obtained at the time of appointment on compassionate ground : A person appointed on compassionate ground 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 Judicial employee in question and in case it is proved subsequently (at any time) to the satisfaction of the Honourable the Chief Justice that the family members are being neglected or, are not being maintained properly by him/her, his/her appointment may be terminated forthwith.

16. Request for change in post/person : An appointment made on compassionate ground cannot be transferred to any other person and any such request shall not be entertained.

17. Seniority : (a) The inter se seniority of persons appointed on compassionate ground shall be fixed with reference to their date of appointment.

Their interpolation with the direct recruits/promotees may also be made with reference to their dates of appointment without disturbing the inter se seniority of direct recruits/promotees and in case where condition for acquiring educational qualification is imposed with reference to that date when such qualification is acquired.

(b) Date of joining by a person appointed on compassionate ground shall be treated as the date of his/her regular appointment.

Provided that where an appointment is made by relaxing minimum educational qualification as per para 8(C) of the scheme, for the purpose of computing seniority, the employee would be deemed to have been appointed on the date he acquires requisite qualification.

18. General : (a) Appointments made on the ground 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 Group 'D' post only. As such, a family member of such Group 'D' Judicial employee can be appointed to 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 not be rejected merely on the ground that the family of the Judicial Employee has received the benefits under the various welfare schemes. While considering the 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) and all other relevant factors, such as, presence of an earning member, size of the family, age of the children and the essential needs of the family etc.

(d) Request for compassionate appointment consequent on death of Group 'D' staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.

(e) Compassionate appointment will have precedence over Wait List Candidates and absorption of surplus employees and regularization of daily wage/casual workers with/without temporary status.

ANNEXURE

Form to be filled in at the time of giving application for appointment on compassionate ground to a relative of a Judicial Employee who is missing/died while in government service.

PART – 1

1. (a) Name of employee who died/ missing :
(b) Designation of the employee :
(c) Date of Birth :
(d) Date of missing/of death :

2. (a) Name of the person to whom appointment is to be given :
(b) His/Her relation with the employee :
(c) Date of Birth :
(d) (i) Educational Qualification :
(ii) Technical Qualification :
(e) Whether appointment is given to any other member of the family on Compassionate Ground :

3. Total amount received under following schemes together with the Income from immovable property :
(a) Family Pension :
(b) Monthly income from immovable property or from other properties :
(c) Death-cum-Retirement Gratuity :
(d) Saving in Provident Fund :
(e) Deposit linked Insurance Scheme :
(f) Group Insurance Scheme :
(g) L.I.C :
(h) Compensation if any received as a result of death of an employee :

.....Total Amount :

4. Statement of Assets of the family referred to in Rule 3(I) (movable/ immovable) of the Revised Guidelines in prescribed form No. I and II. (Prescribed vide High Court Letter No. X2306/81 dated 6th/8th September, 1989 implementing Government Resolution G.A. D. No. C.D.R. 1085/2579/46XI, dated the 15th July, 1986 regarding return of Assets and Liability) :

5. Particulars of all the relatives dependent on government employee (Information in respect of monthly income of any person out of them, if any, who is working/carrying on business.)

Serial No.	**Name**	**Relation with the Government employee and age**	**Monthly income, if employed/carrying on business.**
1.			
2.			
3.			
4.			
5.			
6.			

DECLARATION

1) I hereby declare that the abovementioned facts are true to the best of my knowledge. If any of the abovementioned facts is found to be false or erroneous in future, then my appointment should be terminated.

2) I hereby also declare that I shall maintain properly the other family members who were dependent on the Judicial Employee mentioned against 1(a) of Part A of this form and in case it is proved at any time that the said family members are being neglected or not being properly maintained by me, my appointment may be terminated.

Signature of the Applicant

I know Shri/Shrimati .....and the facts mentioned by him/her are true.

Date : Signature of permanent Judicial Employee

Name and Address.

PART – 2

1. (a) Name of the Candidate to whom appointment is to be given :

(b) His/Her relationship with Government Employee :

(c) Educational Qualification, age (date of birth), experience (if any) :

(d) Name of the Office and post on which the appointment is to be given :

2. Date when the application was made by the candidate :

3. Recommendation by the Head of the department/departments :

4. Explanation of delay, if any which is caused in submitting a case of candidate :

I have examined the facts in Part – 1, mentioned by the Candidate.

Date : Signature of the Establishment Officer

Name and address

FORM — I

Statement of immovable property held by Shri/Smt..... ..... either in his/her name or in the name of any member of his/her family or in the name of any other persons, at the time of application.

1. Serial :

2. Full details of property : (Description, Location, nature, area built up area of the house/flat shop etc.)

3. Held in the name of (if not held in own name, in whose name held and relationship :

4. Value of the Property (See note 1 below) :

5. Extent of interest of Applicant :

6. Total annual income from the property. :

The above information is complete, true and correct to the best of my knowledge and belief.

Date : Signature of the Applicant

Note : (1) In column 4 should be shown :—

(a) where the property has been acquired by purchase mortgage or lease, the price or premium paid for such acquisition;

(b) where it has been acquired by lease, the total annual rent thereof also; and

(c) where it has been acquired by inheritance, gift or exchange, the approximate value of the property so acquired.

(2) If a Government Servant is a member of Hindu Undivided family with coparcenary rights in the properties of the family either as a 'Karta' or as a Member, he/she should indicate the value of his/her share in such property, and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added, wherever necessary.

FORM – II

Statement of movable property held by Shri/Smt..... ..... either in his/her own name or in the name of any member of his/her family or in the name of any other person, at time of application.

Sr. No.	Description of movable property	Full particulars relating to movable property (including address of bank post office, U.T.I. Branch, company, insurance company, Loanee etc.	Balance in A/c Face value of Liquid assets Assured amount of policy/ price or value at the time of acquisition Jewellery, Silver and precious metals & stones and other moveable property.	If not in own name, name and address of the person in whose name held and his/her relationship with the Judicial Employee
1.	2.	3.	4.	5.

The above information is complete, true and correct to the best of my knowledge and belief.

Signature of the Applicant.

Note :

1) This return should include :—

a) All Liquid assets, such as cash, all types of Bank Accounts, Recurring Deposit Accounts, Fixed Deposits, Cash Certificates, Public Provident Fund Accounts, Compulsory Deposit (Income Tax payers) Scheme Accounts, Post Office S.S. Accounts, Post Office Time Deposit Accounts, National Savings Certificates, Social Security Certificate, Cumulative Time Deposits, Shares Debentures, Units in the Unit Trust of India, Promissory Notes, Loans etc. showing amount in deposit/value/face value in each cases.

(b) General Provident Fund/Contributory Provident Fund, Life Insurance Policies and Postal Insurance Policies showing the balance in the GPF/CPF and assured amount of each Policy.

(c) Jewellery (Show Total Value)

(d) Silver and other precious metals and precious stones not forming part of Jewellary (show total value); and

(e) Other movable properties, including Motor Cars, Scooters/Motor Cycles, refrigerators, airconditioners, Radios/Radiograms/Television sets and any other articles, the value of which exceeds Rs. 2,000/in each case (excluding article of daily use such as Clothes, Utensils, Books, Crockery etc.) (show each item and its value separately)

(2) In case of the Liquid Assets referred to at Note (1) (a) above and the GPF/CPF and Insurance Polices referred to at Note 1(b) above the description of the item should be mentioned in Column 2 and full particulars such as name and address of bank, address of post office, address of U.T.I Branch, name and address of company/firm/loanee etc.) should be mentioned in column 3.

(3) In case of Articles purchased on hire purchase or installments basis, show total payments made upto the date of return.