

From

The Chief Secretary to Government, Haryana.

To

- 1) All the Heads of departments in Haryana.
- 2) Commissioner Ambala, Hisar, Rohtak and Gurgaon Divisions.
- 3) Registrar, Punjab and Haryana High Court.
- 4) All the Deputy Commissioners and S.D.O.(Civil) in Haryana.
- 5) The Registrars, Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Ch. Charan Singh Haryana Agriculture University, Hisar and Guru Jambheshwar University, Hisar.

Dated Chandigarh the 31<sup>st</sup> March, 2003

Subject:-

The Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003.

Sir,

I am directed to invite your kind attention to the subject cited above and to say that the State Government introduced the ex-gratia Scheme/Policy in December, 1970 with an object to enable the family of employee to tide over the financial crises which it faces due to the untimely death of the 'sole bread winner'. Under this scheme/policy, beside other financial benefits, one of the eligible dependent members of the family is considered for providing compassionate employment. This scheme/policy was modified by the Government in 1995, keeping in view the decision of the Hon'ble Supreme Court of India in the case of 'Umesh Kumar Nagpal V/s State of Haryana and others' and instructions have been issued from time to time.

2 The matter has been considered by the Government and "The Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules', 2003" have been framed under Article 309 of the Constitution of India which have been notified on 28.2.2003 in Govt. Gazette dated 4.3.2003, with a view to assist the family of a deceased employee in tiding over the emergency situation, resulting from the loss of the bread-earner by giving either of the following options :-

- i) ex-gratia appointment on compassionate grounds to a member of the family who was "completely dependent" on the deceased employee and is in extreme financial distress due to the loss of the deceased, namely, the Government employee who dies in harness";
- ii) ex-gratia compassionate financial assistance to the family of the deceased, over and above all other benefits like ex-gratia grant due to his family to be paid @ 2.5 lacs, in cases where the family of the deceased does not opt for ex-gratia employment.

These Rules shall govern the compassionate assistance by way of ex-gratia financial assistance or ex-gratia appointment on compassionate grounds to members of the family a deceased government employees who dies while in service and the following existing instructions issued by the Haryana Government from time to time in this regard have been repealed:-

- 1) Letter No. 16/5/95-6GS-II, dated 08-05-1995
- 2) Letter No. 16/5/95-6GS-II, dated 31-08-1995
- 3) Letter No. 16/48/96-6GS-II, dated 22-08-1996.
- 4) Letter No. 16/29/97-5GS-II, dated 25-09-1997.

- 5) Letter No. 16/5/95-5GS-II, dated 13-08-1998.
- 6) Letter No. 33/7/96-5GS-II, dated 08-06-1999.
- 7) Letter No. 33/17/2000-6GS-II, dated 07-02-2001

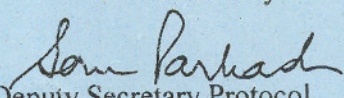
It is made clear here that an action taken under these Rules and instructions so repealed shall be deemed to have been taken under the corresponding provisions of these Rules.

3. These rules shall also be applicable to those dependents of the deceased Govt. employee whose cases are pending as on the date of coming into force of these rules. The cases already decided shall not be re-opened.

4. A copy of "The Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules', 2003" notified on 28.02.2003 in Govt. Gazette dated 04.03.2003 is enclosed herewith for further necessary action. You are, requested to bring these rules to the notice of all concerned officers/officials under your control for strict compliance. Clarification, if any, required may be sought from this office through the concerned Administrative Department.

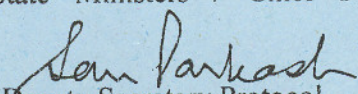
5. The receipt of this communication may kindly be acknowledged.

Yours faithfully

  
Deputy Secretary Protocol  
For Chief Secretary to Government, Haryana.

A copy alongwith the copy of rules is forwarded to the following for information and necessary action:-

- 1) All the Financial Commissioners and Principal Secretaries to Govt., Haryana.
- 2) All the Administrative Secretaries to Government, Haryana.
- 3) Senior Secretaries / Secretaries / Private Secretaries to Chief Minister / Ministers / State Ministers / Chief Parliamentary Secretary

  
Deputy Secretary Protocol  
For Chief Secretary to Government, Haryana

To

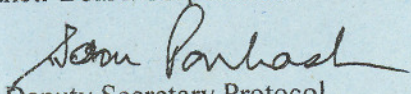
- 1) All the Financial Commissioners and Principal Secretaries to Govt., Haryana.
- 2) All the Administrative Secretaries to Government, Haryana
- 3) Senior Secretaries / Secretaries / Private Secretaries to Chief Minister / Ministers / State Ministers / Chief Parliamentary Secretary.

U.O. No. 16/138/2001-5GS-II, dated Chandigarh the 31<sup>st</sup> March, 2003

No. 16/138/2001-5GS-II, dated Chandigarh the 31<sup>st</sup> March, 2003

A copy alongwith a copy of the rules is forwarded to all M.D.s/C.A.s of Boards/Corporations in the State of Haryana for information and necessary action.

2 They are advised to consider adoption of these rules for giving employment to one of the dependents of the deceased employee of their Board/Corporation.

  
Deputy Secretary Protocol  
For Chief Secretary to Government, Haryana

[ Authorised English Translation ]

**HARYANA GOVERNMENT**  
**GENERAL ADMINISTRATION DEPARTMENT**  
**NOTIFICATION**

The 28th February, 2003

**No. G. S. R. 1/Const./Art. 309/2003.**— In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules to regulate the compassionate assistance by way of ex-gratia financial assistance or ex-gratia appointment on compassionate grounds to members of the family of a deceased Government employee who dies while in service, namely:—

Short title and commencement.

1. (1) These rules may be called the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003.

(2) They shall come into force with immediate effect.

Object of rules.

2. The object of the rules is to assist the family of a deceased employee in tiding over the emergency situation, resulting from the loss of the bread-earner by giving either of the following options :—

(i) ex-gratia appointment on compassionate grounds to a member of the family who was “completely dependent” on the deceased employee and is in extreme financial distress due to the loss of the deceased, namely, the Government employee who dies in “harness”;

(ii) ex-gratia compassionate financial assistance to the family of the deceased, over and above all other benefits like ex-gratia grant due to his family to be paid @ 2.5 lacs, in cases where the family of the deceased does not opt for ex-gratia employment.

Definitions.

3. In these rules unless the context otherwise requires,—

(a) “appointing authority” means the Head of Department, where the deceased Government employee was working;

(b) “compassionate financial assistance” means the financial assistance to the tune of 2.5 lacs, provided as ex-gratia assistance over and above all other benefits to the completely dependent members of the indigent family of the deceased;

(c) “competent authority” means the Head of the concerned department where the deceased/missing employee was serving;

(d) “deceased Government employee” means a Government employee—

(i) appointed on regular basis, and not working on daily

wages, casual, apprentice, work charged, adhoc, contractual or re-employment basis;

- (ii) who has served the Government for atleast 3 years;
- (iii) who should not have crossed the age of 55 years.

(e) "dependent" means—

- (i) spouse of the deceased Government employee or missing Government employee;
- (ii) son (including adopted son) till he attains the age of 25 years subject to the proof of adoption as envisaged in the Hindu Adoption and Maintenance Act, 1956.(78 of 1956);
- (iii) unmarried daughter (including adopted daughter) till she attains the age of 25 years subject to the proof of adoptions as envisaged in the Hindu Adoption and Maintenance Act, 1956 (78 of 1956);
- (iv) the person who was wholly dependent at the time of his/her death.

(f) "Government" means the Government of Haryana in the Administrative Department;

(g) "Head of the Department" means the Head of the Department in which the deceased/missing Government employee was serving;

(h) "Indigent family" Where the family of the deceased/missing Government employee is completely dependent upon him/her and deserve immediate assistance for relief from destitution and whose income does not exceed Rs. 6000/- per month excluding the family pension;

(i) "missing Government employee" means a person who is in Government service and not traceable for the last seven years and whose where about are not known; and

(a) an FIR to this effect has been lodged with the police; and

(b) the "appointing authority" feels that the case is genuine;

(j) "option" means the option exercised voluntarily by the dependents of the deceased/missing Government employees;

(k) "orphan" means a child who has previously lost one parent and has become an orphan upon the demise of the Government employee;

- (l) "state" means the State of Haryana ;
- (m) "service" means service upto to the age of 55 years on a civil post and shall not include extension in service or re-employment;
- (n) "welfare officer" means the officer incharge of establishment of the concerned department, so designated.

Option.

4. (1) A dependent of the deceased/missing Government employee shall give in writing his/her preference of option, within 3 years from the date of death of the Government employee, for one of the following:-

- (a) ex-gratia appointment on compassionate grounds to a member of the family who was "completely dependent" on the deceased employee and is in extreme financial distress due to the loss of the deceased, namely, the Government employee who dies in "service"

or

- (b) ex-gratia compassionate financial assistance to the family of the deceased, over and above all other benefits like ex-gratia grant due to his/her family, to be paid @ Rs. 2.5 lacs in case of the family of the deceased not opting for ex-gratia employment.

(2) Exercise of option shall be permitted only once and shall not be changed, once exercised.

Submission of application.

5. A dependent of the deceased/missing Government employee shall make an application in Form 'A' or Form 'B' for ex-gratia appointment on compassionate grounds or ex-gratia compassionate financial assistance, as the case may be.

Competent authority.

6. (1) The Head of the concerned department where the deceased/missing person was employed is competent to give appointment/provide compassionate financial assistance to the completely dependent indigent member of the family of the deceased/missing Government employee.

- (a) The Head of the Department shall prepare a list of such dependents which shall be valid for a period of 3 years and appointments will be given by the department strictly in accordance with the seniority so maintained.
- (b) The validity of the list shall lapse after 3 years.
- (c) The dependent of the deceased Government employee can exercise his preference with regard to option as contained in clause (b) of sub rule (1) of rule 4 of these rules within a period of one month after the expiry of the validity of the list prepared by the department, if no post exist in the department for ex-gratia appointment.

(2) The competent authority for the purpose of providing ex-gratia appointment/compassionate financial assistance to the completely dependent indigent members of the family of a missing Government employee, shall be the Chief Secretary to Government Haryana.

7. (a) The appointments under these rules shall be confined to Group C and Group D posts only.

Post to which  
appointment  
can be made.

(b) Status of the deceased employee or the higher qualifications of the dependent shall be no criteria for giving appointment.

(c) The appointment being offered shall be at least one step lower than that of the post of the deceased Government employee, except in cases where the deceased employee was working at the lowest level in that category:

Provided that while giving the post under these rules only the substantive/officiating post on which the deceased Government employee was working is to be considered and not the pay scale of the deceased.

8. The criteria for eligibility under these Rules shall be as under :—

Criteria of  
eligibility.

(a) The family is indigent and deserves immediate assistance for relief from financial destitution.

(b) The monthly income of the family shall not exceed Rs. 6000/- per month, from all sources other than family pension. For this purpose, the income of the entire family of the deceased Government employee will be taken into account and not just the income of the dependent who has applied for appointment on compassionate grounds.

(c) The applicant for appointment should be eligible and suitable for the post in all respects under the provisions of the relevant recruitment rules.

(d) Where spouse of the deceased is already in Government service, no other dependent member shall be eligible for appointment or ex-gratia compassionate financial assistance.

(e) Married son of the deceased will be eligible only if no other member of the family is eligible for Government service and his spouse is not already in Government service and unmarried eligible dependent is not willing to join service and give an affidavit to this effect.

(f) Where dependent of the deceased Government employee does not become eligible for appointment on any ground or within three years of the death of the Government employee he/she shall not be eligible for the ex-gratia compassionate financial assistance also.

(g) The prescribed educational qualifications and lower/upper age limits, would not be relaxed for appointments.

Determination/  
availability of  
posts.

9. (a) Appointments under these rules shall be made only on regular basis and that too only, if regular posts meant for that purpose are available.

(b) Appointments under these rules can be made up to a maximum of 5% of sanctioned posts (falling under direct recruitment quota) in Group C and D categories to be determined by the Head of the Department on the 31st of March of each year. The appointing authority may hold back upto 5% of posts in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise, so as to fill such posts by appointment on compassionate grounds.

(c) A person selected for appointment on ex-gratia basis shall be adjusted in the recruitment roster against the appropriate category viz., Scheduled Caste/ Scheduled Tribes/Backward Classes/General depending upon the category to which he/she belongs.

Exemption.

10. Appointments under these rules are exempted from observance of the following requirements :—

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

(b) The ban orders on filling up of posts issued by the department of finance.

Ex-gratia  
Appointment in  
case of missing  
Govt.  
employee.

11. The cases of missing Government employees are covered under these rules for appointment, subject to the following conditions :—

(a) The benefit of appointment with regard to missing Government employee shall be granted only after a lapse of seven years from the date from which the Government employee is missing and an F.I.R. has been lodged to this effect.

(b) This benefit will not be available in the case of a Government employee;

(i) who had put in such years of service as entitle him/his family to draw pensionary benefits or the age of 55 years, whichever is earlier, 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 organization or suspected to have gone abroad.

(c) Appointment in the case of a missing Government employee would not be a matter of right and it will be subject to fulfillment of all the conditions, including the availability of vacancy, laid down for such appointment under these rules.

(d) While considering such a request, the results of the Police investigation shall also be taken into account.

- (e) A decision on any such request for appointment will be taken at the level of the Chief Secretary, Government of Haryana.

12. (a) The proforma as in Form C may be used by departments for ascertaining necessary information and processing the cases of ex-gratia appointment.

Procedure.

(b) Each Department may nominate one or more Welfare Officer(s). The "Welfare Officer" shall meet the members of the family of the deceased/missing Government employee immediately upon the demise to advise and assist the family in obtaining ex-gratia compassionate assistance under these rules. The applicant shall be called in person at the very first instance and advised in person about the requirements and formalities to be completed by him/her.

(c) An application for appointment is to be considered in the light of these rules. The concerned Head of Department shall review the status of applications once every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the concerned Head of the Department, if necessary, for better appreciation of the facts of the case.

(d) The cases of compassionate financial assistance and Ex-gratia appointments shall be processed and decided expeditiously as far as possible.

13. A person appointed under these rules shall give an undertaking in writing as in Form D that he/she will maintain all the other members who were completely dependent on the deceased/missing Government employee; and in case it is proved subsequently, that the family members are being neglected or, are not being maintained by him/her, his/her appointment may be terminated forthwith. A condition to this effect, shall also be inserted in his/her appointment letter.

Undertaking  
(by way of an  
affidavit).

14. (a) Once an appointment has been offered to the dependent of a deceased Government employee, no request for change of post shall be entertained with respect to any other post or department under any circumstances. In case the offer is not acceptable to him/her, no further claim shall be entertained.

No  
entertainment  
of request for  
change in post/  
department.

(b) When a person has been appointed under these rules to a particular post, the set of circumstances, which led to such appointment, shall be deemed to have ceased to exist.

Therefore :—

- (i) he/she should strive his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion are to be rejected;
- (ii) any appointment made under these rules shall not be transferred to any other person and any request for the same on considerations of compassion shall invariably be rejected.

Seniority.

15. (a) The *inter-se* seniority of persons so appointed may be fixed in their respective cadre 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.

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

General.

16. (a) Appointments made under these rules shall be done in such a way that persons appointed to the posts have the essential educational/technical qualifications, age and experience required for the post consistent with the requirement of maintenance of efficiency of administration.

(b) Appointment shall not be denied or delayed merely on the ground that there is re-organization in the department/office. It shall be made available to the person concerned, if there is a vacancy meant for such appointment and he or she is found eligible and suitable for such appointment.

(c) Appointment under these rules will have precedence over absorption of surplus employees and regularization of daily wage/casual workers with/without temporary status.

(d) The dependent of the deceased employee shall be required to apply for appointment within 3 years of the death of the employee. He/ she shall be eligible within this period with respect to the requirement of recruitment rules. The claim of the dependent of deceased Government employees regarding his/her appointment will be considered on the basis of circumstances prevailing on the date of death of Government employee or on the date of application of the dependent which shall strictly be within three years of the date of death of the employee. It shall be ensured that the dependent who is offered regular employment satisfies the eligibility criteria at the time of offering employment.

Removal of doubts.

17. If any doubt arises relating to the application, interpretations and scope of these rules, it shall be referred to the Government in the department of General Administration (In General Services-II branch) whose decision thereon shall be final.

Relaxation.

18. There shall be no relaxation of any provision of these rules. However, as a special case, these rules shall be relaxed only in the cases of children who have become orphans upon the demise of the Government employee. The claim of appointment of such orphans, shall remain alive till one child has attained majority/ minimum eligible age for entry into Government service.

Repeal and Savings.

19. The existing instructions issued by the Haryana Government from time to time regarding providing of financial assistance and appointments under ex-gratia scheme are hereby repealed :

Provided that an action taken under these rules and instructions so repealed shall be deemed to have been taken under the corresponding provisions of these rules.

**FORM A**

(See rule 5)

**Application Form for employment under Ex-gratia Scheme**

**PART-A**

1. Name of the deceased / missing employee :
2. Date of death / missing employee (with proof) :
3. Full information of Applicant :—

- (1) Name :
- (2) Full Address :
- (3) Relation with the deceased/missing employee :
- (4) Whether the applicant was fully dependent upon the deceased / missing employee ? If yes, Produce proof :
- (5) Is there any source of income of the applicant ?
- (6) Is the applicant serving in any Government or Semi Government office or he/she is unemployed ?
- (7) If the applicant is a Government/Semi Government employee, if yes, intimate the name of office along with the Basic Pay.
- (8) Is the applicant is suffering from any chronic disease or he/she is physically handicapped ? If yes, give details thereof :

4. Information about the dependents of the deceased missing employee :—

| Name | Age | Full address<br>(if in<br>Government<br>service,<br>name of<br>office) | Source of<br>Income/<br>details of<br>Government/<br>Private<br>Service | Monthly<br>income | Details of<br>movable/<br>immove-<br>able<br>property<br>and months<br>income | Any other<br>informa-<br>tion |
|------|-----|------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------|-------------------------------|
| 1    | 2   | 3                                                                      | 4                                                                       | 5                 | 6                                                                             | 7                             |

- (a) Widow/husband
  - (b) Son (unmarried)
  - (c) Unmarried daughters
  - (d) Mother/Father dependent on the deceased/missing employee.
5. General Financial position of the family (this information is to be given in affidavit proforma ).
  6. Member of the deceased / missing employee's family who is interested to have Government service. His educational qualifications and other information.
  7. Any other related information, if any.
  8. If the job is given under this scheme. No objection certificate is to be enclosed from the other family members.

Place:

Signature of the applicant and  
address.

Date:

**PART - B**

(This affidavit is to be typed on stamp paper of Rs.3/- which is to be attested by Ist Class Magistrate).

**AFFIDAVIT**

I, \_\_\_\_\_ son of Shri \_\_\_\_\_  
resident of (village/name of city) \_\_\_\_\_ tehsil \_\_\_\_\_  
district \_\_\_\_\_ solemnly affirm and declare as under that—

(a) The following property was with my husband/father and with the members of his family at the time of his death.

- (1) Detail of deposit in Bank/Post Office
- (2) Amount of General Life Insurance and income on other investments
- (3) Cash/Jewellery
- (4) Details of movable/immovable property and other investments
- (5) If any amount is received from ex-gratia policy, details of the same

(b) Family members who are in Government service  
(Income in each case be mentioned.)

| Name of member<br>and relation with<br>deceased | Age | Member married<br>or unmarried | Detail of job and<br>monthly income |
|-------------------------------------------------|-----|--------------------------------|-------------------------------------|
|-------------------------------------------------|-----|--------------------------------|-------------------------------------|

(c) The following are the sources of income of family members :—

- (1)
- (2)
- (3)

(d) I was fully dependent on the deceased/missing employee.

**DEPONENT**

**Verification**

I further hereby declare that the information given in the application form under the ex-gratia scheme and in the affidavit is correct and true to the best of my knowledge and belief and nothing has been concealed therein.

Place :

**DEPONENT**

Date :

**FORM B***(See rule 5)***Application form for Ex-gratia compassionate Financial Assistance**

1. Name and full address of the applicant :
2. Relation with deceased/missing employee :
3. Date of death of deceased/missing employee :
4. Pay Scale and designation of deceased/missing employee :
5. Detailed information regarding dependents of deceased/missing employee :

| Sr. No. | Name | Relation | Age/Date of birth | Occupation | Married/unmarried |
|---------|------|----------|-------------------|------------|-------------------|
|---------|------|----------|-------------------|------------|-------------------|

6. Monthly income of family from all sources :
7. Educational qualifications and date of birth of the family member, who is considered for Government appointment :
8. Any other information

Place:

Signature of applicant.

Date:

**FORM C**

*(See rule 12)*

**(This form is to be filled in by Head of Department)**

1. Name of the deceased/missing employee :
2. Designation, pay scale and place of posting :
3. Date of death (with death certificate) :
4. Whether the deceased employee was regular ?
5. Which member of the family is recommended for the employment ?
6. Post on which the applicant is recommended for appointment :
7. Class and pay scale of the post :
8. Detail of the qualifications for the post on which the appointment is given by the department :
9. Detail of the qualifications of the applicant :
10. Whether the post is vacant with the Department ?
11. Whether relaxation is to be given in rules/qualification, details thereof :
12. Application for the employment (Form A) and Affidavit (Part B) is originally attached :
13. Date on which the application for the employment was given to the Department  
(Application in original be sent)
14. Category to which applicant belongs.  
(General category or reserved category) :
15. Any other information :

Place:

Signature of the Head of Department

Date:

**FORM D**

(See rule 13)

**AFFIDAVIT**

I, \_\_\_\_\_ son of / daughter of late Shri/  
Shrimati \_\_\_\_\_, aged \_\_\_\_\_ years resident of  
village and post office \_\_\_\_\_  
tehsil \_\_\_\_\_ district \_\_\_\_\_ do hereby  
solemnly affirm and declare as under :—

I hereby declare that I shall maintain properly all the members of family  
who were dependent on the deceased Government employee Shri/Shrimati  
\_\_\_\_\_ post \_\_\_\_\_ 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 services may be terminated and I shall have no claim  
whatsoever, against the Government.

Place :

Dated :

**DEPONENT****Verification**

I, \_\_\_\_\_ the above deponent do  
hereby solemnly affirm and declare that the above statement of mine is true and  
correct to the best of my knowledge and belief and nothing has been concealed  
therein.

Place :

Dated :

**DEPONENT**

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A. N. MATHUR,  
Chief Secretary to Government, Haryana.