

No. Fin-F-(9)-1/2004
Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

From

The Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA -2.

To

1. All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA - 2.
2. All the Head(s) of Department(s) in H. P.

Dated: Shimla - 171 002, the 21st December, 2012.

Subject:- Appointment(s) on compassionate grounds to be made as
per the decision(s)/direction(s) of the Hon'ble Court(s) -
Latest instruction(s) thereof.

Sir,

While dealing with the cases for providing employment assistance on compassionate grounds to the eligible dependents of the deceased Government employee on the above subject, it has been observed that un-necessary litigation in such cases is increasing day by day for want of proper interpretation of the policy of the Department of Personnel framed in this regard and subsequent instruction(s) issued from time to time thereof. In fact, it has already been made clear vide Para-1 of the policy of the Department of Personnel dated 18.01.1990 that the employment on compassionate grounds to the dependents of Government servants who die while in service is not to be provided as a matter of right. It should be given only in deserving cases where the family of the deceased Government servant is left in indigent circumstances

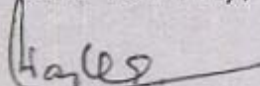
requiring immediate means of subsistence. Even the Apex Court in many of its judgement(s) has strengthened this provision of the policy of the Department of Personnel. Also, it has been made clear vide Department of Personnel's instruction(s) dated 24.08.2002 & 02.09.2002 as to how to ascertain the indigency of the family of the deceased Government servant while analyzing the cases seeking employment assistance on compassionate grounds.

Further, vide Para-10(C) of the policy of the Department of Personnel framed for providing compassionate employment, it has also been made clear that the provision of employment assistance was introduced in 1958 and since then a number of welfare measures have been introduced by the Government which made significant difference in the financial position of the families of the Government servants dying in harness. The benefit received by the family on account of these measures like family pension, ex-gratia grant, death gratuity, Employees Group Insurance Scheme, leave encashment, Deposit Link Insurance in case of GPF subscriber(s) and the amount payable in case of Contributory Pension Scheme holders may be kept in view while considering cases of employment assistance on compassionate grounds. The Hon'ble Supreme Court of India in Civil Appeal No. 6224 of 2008 dated 23.05.2012 titled Union of India & Anr. Versus Shashank Goswami & Anr. has also held that the financial conditions of the family of the deceased Government employee should be taken into consideration while deciding the case of compassionate employment if these have already been incorporated in the Rules/Policy framed in this regard (Copy enclosed).

Thus, in order to avoid un-necessary litigation(s) in such cases vis-à-vis their proper processing at each level of the Government, it has been decided that all the cases seeking employment assistance on compassionate grounds may be examined by the respective Head(s)/Administrative Departments in the light of aforesaid fact(s) viz. mandatory provisions of the policy/instructions of the Department of Personnel about feasibility & indigency of the family of the deceased Government employee vis-à-vis the latest judgement of the Hon'ble Supreme Court of India, as mentioned above, before sending them to Finance Department.

You are, therefore, requested to kindly ensure strict compliance of the aforesaid instructions of the Government in the Departments working under your control.

Yours faithfully,



Special Secretary (Finance-Exp.) to the
Government of Himachal Pradesh, SHIMLA -2.

The Collector issued citation for recovery of Rs. 10,574/- on 13.1.1986 and the total amount to be recovered including principal amount, interest, collection charges etc. came to Rs. 14,483.15P. The property of Ganga Prasad had been sold for a sum of Rs.6,000/-. So, the total amount to be recovered remained about Rs.8,500/-. The appellants' land had been sold for Rs.25,000/- i.e., three times the amount which was to be recovered. In the facts and circumstances of this case, instead of putting this whole-land admeasuring 1 bigha and 10 biswas, the sale of 1/3rd of this land could have served the purpose. Therefore, there had been material irregularity in putting the entire property to auction.

27. In case, the auctioning authority had received Rs.25,000/- from the respondent No.4 as a sale consideration after adjusting the outstanding dues of Rs.8,500/-, the balance amount of Rs. 16,500/- ought to have been paid to the appellants. There is nothing on record to show that authorities had ever adopted such a course.

28. In view of the above, the auction sale stood vitiated and all the consequential proceedings are liable to be quashed.

However, for the reasons best known to the appellants, they have neither impleaded the Bank (creditor) nor any of the legal heirs of Ganga Prasad (principal debtor). In such a fact-situation, it becomes difficult to proceed with the case any further.

29. Be that as it may, the respondent No.4 had been put in possession of the land more than two decades ago and he had made improvements.

This Court has consistently held that such a possession should not be disturbed at a belated stage for the reason that such a person would have spent his whole life savings in improving the land and making developments thereon which may include the construction of residences etc. (See: State of Gujarat v. Patel Raghav Natha & Ors., AIR 1969 SC 1297; and Brij Lal v.

Board of Revenue & Ors., AIR 1994 SC 1128).

30. The courts below have rejected the case of the appellants only on the ground of delay. Nothing had been pointed out before us as to on what basis the aforesaid judgment and orders warrant any interference. In view of the above, the appeal lacks merit and is accordingly dismissed.

However, the appellants may move an application before the Collector/Banda/ concerned authority, in case the excess amount had not been paid to them, for recovery of the same. If such an application is filed and the authority comes to the conclusion that excess amount had not been paid to them, it shall be refunded within a period of 3 months from the date of making the application with 9% interest.

Appeal dismissed.

AIR 2012 SUPREME COURT 2294

(From: Allahabad)

Dr. B. S. CHAUHAN AND
DIPAK MISRA, JJ.

Criminal Appeal No. 6274 of 2008, D/2/3/2008

Union of India & Anr. v. Shashank Goswami & Anr.

Constitution of India, Art. 16—Compassionate appointment—Cannot be claimed as of right—It is not another source of recruitment—Claim for such appointment has to be considered in accordance with rules, regulations or administrative instructions taking into consideration financial condition of family of deceased—Refusal of claim of respondent as scheme framed in that regard made claimant ineligible if his family gets terminal benefits exceeding Rs. 3 lakhs—Proper.

C. M. W. P. No. 28535 of 2006, D/2-3-2006 (All). Reversed. (Paras 9, 15T)

consideration the financial condition of the family of the deceased. Whereas the scheme provides that in case the family of the deceased gets the retiral/terminal benefits exceeding a particular ceiling, the dependant of such deceased employee, would not be eligible for compassionate appointment.

12. In *Mumtaz Yunus Malani (Smt.) v. State of Maharashtra & Ors.*, (2005) 11 SCC 384; (AIR 2008 SC (Supp) 305), this Court examined the scope of employment on compassionate ground in a similar scheme making the dependant of an employee ineligible for the post in case the family receives terminal/retiral benefits above the ceiling limit and held that the judgment in *Govind Prakash (supra)* had been decided without considering earlier judgments which were binding on the Bench. The Court further held that the appointment has to be made considering the terms of the scheme and in case the scheme lays down a criterion that if the family of the deceased employee gets a particular amount as retiral/terminal benefits, dependent of the deceased employee would not be eligible for employment on compassionate grounds.

13. In the instant case, office of the Comptroller and Auditor General of India, New Delhi issued a Circular dated 19.2.2003 explaining the scope of such appointments. Relevant part of the same reads as under:

"With a view to bring uniformity in our offices regarding parameters for compassionate appointment of a family member in the case of death of a government servant in harness, it has been decided that the total income of the family from all sources including terminal benefits after death, excluding G.P.F., should be taken into account. If the resultant computation works out to a figure less than the parameters given below such cases can be considered for compassionate appointment subject to fulfilment of all other conditions. The limits are given below:

Group 'B' Rs. Five lakhs
Group 'C' Rs. Three lakhs
Group 'D' Rs. Two lakhs."

14. The case of the respondent was rejected by the appellants in view of the fact that the family of the deceased Anand Kishore Gautam had been given the following terminal benefit excluding the G.P.F.

Cases Referred : Chronological Paras
AIR 2008 SC (Supp) 305 : 2008 AIR SCW 3642 : 2008 Lab IC 3580 12
(2005) 10 SCC 289 10, 12
AIR 2004 SC 4155 : 2004 AIR SCW 4602 11
(2004) 7 SCC 271 11

D. S. Mahra, for Petitioner.

JUDGMENT :—This appeal has been preferred against the impugned judgment and order dated 23.5.2006 passed by the High Court of Judicature at Allahabad in C.M.W.P. No.28535 of 2006 directing the appellants herein to reconsider application of respondent No.1 on compassionate grounds.

2. Facts and circumstances giving rise to this appeal are that one Anand Kishore Gautam working as Senior Accountant in the office of the Accountant General, Allahabad died on 19.3.2001 in harness, leaving behind two sons aged about 20 and 19 years and a daughter, aged about 17 years and Smt. Rashmi Gautam, his widow.

3. Respondent No. 1 filed an application for appointment on compassionate grounds, which came to be rejected by the appellants on 28.1.2004 in view of the prevailing scheme for appointments on compassionate grounds. Under the scheme, vacancies could be filled up on compassionate grounds only upto 5% of the cadre strength falling under direct recruitment quota during a year in Group 'C' and 'D' posts. The scheme further lays down that the total income of the family from all sources including terminal benefits after death, excluding G.P.F., should be taken into consideration. So far as the post of Group 'C' is concerned, the scheme provides that in case the family gets more than Rs.3 lakhs, the dependent of the deceased would not be eligible for employment on compassionate ground.

4. Respondent No.1 could not be offered appointment on the ground that excluding G.P.F. amount, his family had received a sum of Rs.4,40,908/- in addition to family

pension of Rs.3,100/- per month granted to Mrs. Rashmi Gautam. She was entitled to get the said family pension at least for seven years and thereafter, the family pension would be Rs.1,860/- per month plus other reliefs admissible on pension.

5. Aggrieved, respondent No.1 challenged the order dated 28.1.2004 rejecting his claim, before Central Administrative Tribunal, Allahabad vide Original application No. 728 of 2004, wherein the Tribunal by judgment and order dated 7.12.2005 quashed the order dated 28.1.2004 and directed the appellants herein to reconsider the case of respondent No.1.

6. Aggrieved by the order of the Tribunal, the appellants preferred CMWP No.28535 of 2006 before the High Court which has been dismissed vide impugned judgment. Hence this appeal.

7. We have heard Mr. S.P. Singh, learned senior counsel appearing for the appellants. In spite of notice, the respondents did not appear. The appeal is pending for the last four years before this Court.

8. Learned senior counsel appearing for the appellants has submitted that the appellants had to consider the application for employment on compassionate grounds only within the parameters and terms and conditions incorporated in the scheme laid down for that purpose. The scheme makes a person ineligible for the post in Group 'C', in case, on the death of the incumbent on the post, the family gets retiral benefits/terminal benefits exceeding Rs. 3 lakhs.

9. There can be no quarrel to the settled legal proposition that the claim for appointment on compassionate ground is based on the premises that the applicant was dependent on the deceased employee. Surely, such a claim cannot be upheld on the foundation of Article 14 or 16 of the Constitution of India. However, such claim is considered as reasonable and permissible on the basis of sudden crisis occurring in the family of such employee who has served

State, and dies while in service. Appointment on compassionate ground cannot be claimed as a matter of right. As a rule public service appointment should be made strictly on the basis of open invitation of applications and merit. The appointment on compassionate ground is not another source of recruitment but merely an exception to the aforesaid requirement taking into consideration the fact of the death of the employee while in service leaving his family without any means of livelihood. In such cases the object is to enable the family to get over sudden financial crisis and not to confer a status on the family. Thus, applicant cannot claim appointment in a particular class/group of post. Appointments on compassionate ground have to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased.

10. This Court in *Govind Prakash Verma v. Life Insurance Corporation of India & Ors.*, (2005) 10 SCC 289 while dealing with a similar issue i.e. whether payment of terminal/retiral benefits to the family can be taken into consideration, held as under:

"In our view, it was wholly irrelevant to the departmental authorities to take into consideration the amount which was being paid as family pension to the widow of the deceased and other amounts paid on account of terminal benefits under the Rules."

Therefore, compassionate appointment cannot be refused on the ground that any member of the family received the amount admissible under the Rules."

11. This Court in *Punjab National Bank & Ors. v. Ashwini Kumar Taneja*, (2004) 7 SCC 765; (AIR 2004 SC 4155), placing reliance upon the earlier judgment in *General Manager (D&PB) & Ors. v. Kunzi Tamir & Anr.*, (2004) 7 SCC 271, held that compassionate appointment has to be made in accordance with the Rules, Regulations or administrative instructions taking into

consideration the financial condition of the family of the deceased. Whereas the scheme provides that in case the family of the deceased gets the retiral/terminal benefits exceeding a particular ceiling, the dependant of such deceased employee, would not be eligible for compassionate appointment.

12. In *Mumtaz Yunus Malani (Smt.) v. State of Maharashtra & Ors.*, (2005) 11 SCC 384; (AIR 2008 SC (Supp) 305), this Court examined the scope of employment on compassionate ground in a similar scheme making the dependant of an employee ineligible for the post in case the family receives terminal/retiral benefits above the ceiling limit and held that the judgment in *Govind Prakash (supra)* had been decided without considering earlier judgments which were binding on the Bench. The Court further held that the appointment has to be made considering the terms of the scheme and in case the scheme lays down a criterion that if the family of the deceased employee gets a particular amount as retiral/terminal benefits, dependent of the deceased employee would not be eligible for employment on compassionate grounds.

13. In the instant case, office of the Comptroller and Auditor General of India, New Delhi issued a Circular dated 19.2.2003 explaining the scope of such appointments. Relevant part of the same reads as under:

"With a view to bring uniformity in our offices regarding parameters for compassionate appointment of a family member in the case of death of a government servant in harness, it has been decided that the total income of the family from all sources including terminal benefits after death, excluding G.P.F., should be taken into account. If the resultant computation works out to a figure less than the parameters given below such cases can be considered for compassionate appointment subject to fulfilment of all other conditions. The limits are given below:

Group 'B' Rs. Five lakhs
Group 'C' Rs. Three lakhs
Group 'D' Rs. Two lakhs."

.....

14. The case of the respondent was rejected by the appellants in view of the fact that the family of the deceased Anand Kishore Gautam had been given the following terminal benefit excluding the G.P.F.

1. DCRG	Rs. 2,48,248.00
2. Leave Encashment	Rs. 85,660.00
3. CGEIS	Rs. 44,600.00
4. DLIS	Rs. 60,000.00
Total:	Rs. 4,40,908.00

In addition to above, family pension @ 3100/- per month has been authorised to Smt. Rashmi Gautam for a period of 7 years and thereafter @ 1850/- per month plus admissible relief on pension.

15. In view of the fact that, in the instant case the retiral/terminal benefits have been received by the family exceeding Rs.3 lakhs, respondent No.1 is not eligible to be considered for the Group 'C' post.

16. In view of the above, the appeal succeeds and is allowed. The impugned judgments/orders stand set aside.

Appeal allowed.

AIR 2012 SUPREME COURT 2297

(From: Punjab & Haryana)*

Dr. B. S. CHAUHAN AND
DIPAK MISRA, JJ.

Criminal Appeal No. 378 of 2010, D/2-5-2012

Rohtash v. State of Haryana.

(A) Penal Code (45 of 1860), S. 304-B—Criminal P. C. (2 of 1974), S. 386—Dowry death—Allegation that deceased committed suicide by taking pills because of ill-treatment given by accused

Cri. Appeal No. 146-DB of 1994, D/11-1-2007 (reported in (2007) 2 All Cr L.R. 701).

husband on account of dowry—Father of deceased though deposed that accused has demanded certain sum for establishing his business—Such fact however not mentioned in his statement under S. 161, Criminal P. C.—Such demand even if made may not necessarily be deemed to be dowry—FSL report also not showing that death of deceased was proximate. Defence raised by accused that deceased died because of fits, plausible—Reversal of acquittal in circumstance unjustified.

(2007) 2 All Cr L.R. 704 (P&H), Reversed. (Para 16)

(B) Dowry Prohibition Act (28 of 1961), S. 4—Dowry—Demand of money for establishing business—Not necessarily a dowry demand. (Para 16)

Cases Referred : Chronological Paras
AIR 2012 SC 1292 : AIR 2012 SC (Cri) 1591 15
AIR 2011 SC 1098 : AIR 2011 SC (Cri) 532 : 2011 AIR SCW 1209 : 2011 Cr L.J. 1634 13
AIR 2011 SC 2271 : AIR 2011 SC (Cri) 1585 : 2011 AIR SCW 3889 : 2011 Cr L.J. 3937 15
AIR 2007 SC 763 : 2007 AIR SCW 456 12

Daya Krishan Sharma, for Petitioner.

Dr. B. S. CHAUHAN, J. :—This criminal appeal has been filed against the judgment and order dated 11.1.2007 passed by the High Court of Punjab & Haryana at Chandigarh in Criminal Appeal No. 146-DB of 1994 wherein the High Court has reversed the judgment and order of the Sessions Court in Session Case No. 44 of 1989 dated 3.8.1993, by which the appellant has been acquitted of the charges under Sections 304-B and 498-A of the Indian Penal Code, 1860 (hereinafter referred as 'IPC').

2. Facts and circumstances giving rise to this appeal are that:

A. On 4.7.1989 at 8.00 p.m., Jivan

No. Fin-F-(A)-(11)-1/2002
Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

From

The Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

1. All the Administrative Secretaries to the
Government of Himachal Pradesh.
2. All the Heads of Departments in H. P.
3. All Managing Director(s)/Chief Executive Officer(s)
of Board(s)/Corporation(s) in H.P.

Dated Shimla - 171 002, the

01st May, 2013.

Subject :- Case(s) seeking employment assistance on compassionate
ground(s) in PSU(s).

Sir,

The issue for providing employment assistance on
compassionate ground(s) to the eligible dependent(s) of the deceased
Government employee(s) of various Board(s) and Corporation(s) has been
engaging the attention of the Government from sometime past. It is
clarified that the policy of compassionate employment in Government is not
directly applicable to the Board(s) and Corporation(s). The Board(s) and
Corporation(s) are free to adopt or not to adopt the policy guidelines
issued by the Government, subject to the following:-

- a) If any Board or Corporation intends to provide employment
assistance on compassionate grounds, then it has to consider its
financial position, resources and manpower requirement/surplus
staff before providing employment on compassionate grounds;
- b) If it has surplus staff in certain category/categories, then no
compassionate employment should be made in that/those
category/categories;
- c) The case has to fulfill the indigence criterion fixed by the
Government from time to time;

Therefore, the concerned Board and Corporation may
decide/revise its policy keeping in view the above factors.

Yours faithfully,

Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA -2.

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the 10.09.2013

OFFICE MEMORANDUM

Subject:- Appointment of sons/daughters/near relations of Government servant who die in harness leaving his family in immediate need of assistance.

The undersigned is directed to say that it has been noticed at the Government level that the instructions contained in the Department of Personnel's OFFICE MEMORANDUM No. Per.(AP-II)-F-(4)-4/89-V dated 10th November, 2008 are not being adhered.

2. The above instructions of providing employment on compassionate grounds to 5% of vacancies falling under the direct recruitment quota in Class-III & Class-IV may be adhered to.

Sd/-
Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All Administrative Secretaries
Government of Himachal Pradesh.

Endst. No. Fin-F-(A)-(11)-2/2011, Dated Shimla - 2, 10.09.2013

1. The Secretary to Governor, H.P., Shimla - 2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla - 4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla - 2.
6. The Secretary, H. P. Subordinate Services Selection Board, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. The Secretaries/Chairman/Managing Directors/Registrar of the Public Sector Undertakings/autonomous bodies and Boards/Corporations etc. in Himachal Pradesh.

Sd/-
Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the 10.09.2013

OFFICE MEMORANDUM

Subject:- Appointment of sons/daughters/near relations of Government servant who die in harness leaving his family in immediate need of assistance - Modification thereof.

1. As per Notification No. GAD(CC)-5-2/71 dated 04.09.2013, the subject matter regarding "All policy matters relating to formulation/amendment in the existing policy of providing employment assistance to the dependents of the deceased Government servants including issue of instructions as and when required and providing of employment assistance to the eligible dependents thereunder" has been allotted to FINANCE DEPARTMENT vide Serial No. 29 of the Business of the Government of Himachal Pradesh (Allocation) (144th Amendment) Rules, 2013.

2. After careful consideration, the Para(s): 2(d) & 10(b) of the Department of Personnel's Office Memorandum No. Per.(AP-II)-F-(4)-4/89 dated 18.01.1990 are substituted as under:-

"2(d): A Government servant (Class-III and Class-IV) who retires on medical grounds under Rule-38 of the C.C.S. (Pension) Rules, 1972.

Provided that the employee so retiring has not crossed the age of 45 years in case of Class-III and IV respectively."

"10(b): The dependents of deceased Class-IV employees would be given compassionate employment against Class-IV posts only."

3. The above amendment may be brought to the notice of all concerned for information and strict compliance.

4. These instructions will come into force with immediate effect.

Sd/-


Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All Administrative Secretaries
Government of Himachal Pradesh.

Endst. No. Fin-F-(A)-(11)-2/2011, Dated Shimla - 2, the 10.09.2013

1. The Secretary to Governor, H.P., Shimla - 2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla - 4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla -2.
6. The Secretary, H. P. Subordinate Services Selection Board, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. The Secretaries/Chairman/Managing Directors/Registrar of the Public Sector Undertakings/autonomous bodies and Boards/Corporations etc. in Himachal Pradesh.
9. 100 Spare Copies.


Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the

10.09.2013

OFFICE MEMORANDUM

Subject:- Appointment of sons/daughters/near relations of Government servant who die in harness leaving his family in immediate need of assistance - Modification thereof.

With a view to meet out the requirement(s) of Recruitment & Promotion Rules and to ensure required work efficiency amongst the compassionate appointees which is quite essential for performing day-to-day work as also in view of the legal requirement of carrying out all recruitments in accordance with the Recruitment and promotion Rules of any, it has now been decided in partial modification of Department of Personnel's Office Memorandum No. Per.(AP-II)-F-(4)-3/84-Part-I dated 08.08.1992 that the condition of passing pre-typing test @ required speed prescribed for direct appointee(s) be made compulsory before anyone is given compassionate appointment against Class-III Clerical post as per the requirement of Recruitment & Promotion Rules made for that post.

2. These instructions will come into force with immediate effect & the concerned Administrative Head(s) shall take measures to ensure strict compliance with these instructions.

3. These instructions are being issued in conferment of powers given in the Business of Government of Himachal Pradesh (Allocation) Rules (144th Amendment) Rules, 2013 notified on 4th September, 2013.

SKM

Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.


To

All Administrative Secretaries
Government of Himachal Pradesh.

Endst. No. Fin-F-(A)-(11)-2/2011, Dated Shimla - 2, the

10.09.2013

1. The Secretary to Governor, H.P., Shimla - 2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla - 4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla - 2.
6. The Secretary, H. P. Subordinate Services Selection Board, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. The Secretaries/Chairman/Managing Directors/Registrar of the Public Sector Undertakings/autonomous bodies and Boards/Corporations etc. in Himachal Pradesh.
9. 100 Spare Copies.


Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

PERSONAL ATTENTION

No. Fin-F-(A)-(16)-1/2013
Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

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From

The Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. The Secretary to Governor, H. P. SHIMLA - 2.
3. The Secretary, H. P. Vidhan Sabha, SHIMLA - 4.
4. The Registrar General, H.P. High Court, SHIMLA - 2
5. All the Heads of Departments in H. P.
6. The Secretary to Lokayukta, H. P., SHIMLA - 2.
7. The Secretary, H. P. Public Service Commission, SHIMLA - 2.
8. The Secretary, H. P. Electricity Regulatory Commission, Khalini, SHIMLA - 2.
9. The All the Deputy Commissioners in H. P.

Dated Shimla - 171 002, the 07th October, 2013.

Subject :- Data related to 5% ceiling w.r.t. compassionate appointment(s) in respect of different Government Department(s) updated as on 01.01.2013 - Regarding.


Sir,

On the above subject, I am directed to intimate that the Cabinet in its meeting held on 20.08.2013 has approved that 5% restriction of vacancies for making compassionate appointment(s) under the direct quota in Class-III & Class-IV posts to be arisen in a calendar year be adhered to strictly by all concerned. Accordingly, the Finance Department has issued necessary instruction(s) in this regard vide this Department's Office Memorandum of even number dated 10.09.2013. With a view to

enforce the said instructions of the Government in letter & spirit, I am directed to request you to supply the following data in relation to your Office/Department(s) updated as on 01.01.2013 within a week's time positively either through return FAX (No. 0177-2621154) or by special messenger in Room No. 313, Phase-I, Armsdale Building, H. P. Secretariat Complex, SHIMLA - 171 002, on the enclosed/ prescribed format [ALONG-WITH A SOFT COPY], as the same is urgently required by this Department. Kindly note that in absence of this information it would be difficult for the Finance Department to finalize cases of compassionate employment which are presently pending.

Encls. As above.

Yours faithfully,


Special Secretary (Finance-Exp.) to the
Government of Himachal Pradesh, SHIMLA -2

NAME OF THE DEPARTMENT(S).....
[DATA UPDATED AS ON 01.01.2013]

PRESCRIBED FORMAT

Sr. No.	Name/ designation of the Posts	Category (III or IV) of the Post(s)	Total Number of Sanctioned Post(s)	Total Number of vacant Post(s)	Total Number of filled-up Post(s)	Total Number of Post(s) filled up from compassionate appointee(s) in the preceding year	Additional Information if any.

Certified that the aforesaid data has been given from the official record maintained by this Department/PSU/Organization and nothing has been concealed thereof.

Sd/-

Name & signature of the competent authority a/w official seal & date.

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

.....

No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the 03rd December, 2013

OFFICE MEMORANDUM

Subject:- Appointment of sons/daughters/near relations of Government servant who die in harness leaving his family in immediate need of assistance - Latest instructions thereof.

1. The undersigned is directed to say that Finance Department is in receipt of a number of incomplete cases seeking employment assistance on compassionate grounds from the different Government Department(s) resulting into not only administrative inconvenience but also unnecessary delay in their submission as well as final disposal.

2. In order to ensure functional efficiency and to avoid unnecessary delay at all level(s), it has been decided that only the cases complete in all respects, after ensuring their feasibility under the relevant provision(s) of policy of the Government framed in this regard be sent to this Department. Special attention should be given to:-

- a) ascertaining indigency of the case as per Department of Personnel's instruction(s) dated 24.08.2002 & 02.09.2002 vis-à-vis Finance Department's latest instruction dated 21.12.2012;
- b) restriction of 5% quota within the direct recruitment as per Department of Personnel's OFFICE MEMORANDUM No. Per.(AP-II)-F-(4)-4/89-VI dated 10th November, 2008;
- c) fulfillment of requisite educational qualification(s);

3. The Departments must also keep in view the other policy parameters in respect of the post(s) applied for by the eligible dependent(s) of the deceased Government employees seeking employment assistance on compassionate grounds before sending the case to Finance Department. No incomplete case henceforth would be entertained by this Department.

SKM

Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All Administrative Secretaries
Government of Himachal Pradesh.

Endst. No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the 03.12.2013

1. The Secretary to Governor, H.P., Shimla - 2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla - 4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla -2.
6. The Secretary, H. P. Subordinate Services Selection Board, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.

Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)
.....

No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the 17.12.2013

OFFICE MEMORANDUM

Subject:- Appointment of sons/daughters/near relations of Government servant who die in harness leaving his family in immediate need of assistance - Modification thereof.

1. The undersigned is directed to say that the Para-10(b) of the Department of Personnel's Office Memorandum No. Per.(AP-II)-F-(4)-4/89 dated 18.01.1990 was amended vide this Department's OFFICE MEMORANDUM of even number dated 10.09.2013 by substituting the same with the following provision:-

"10(b): The dependents of deceased Class-IV employees would be given compassionate employment against Class-IV posts only."

2. After careful consideration, it has now decided to withdraw the said amendment from the date of its commencement i. e. w.e.f. 10.09.2013.

3. The above amendment may be brought to the notice of all concerned for information and strict compliance.

4. This Office Memorandum/instruction may also be seen on www.himachal.nic.in/finance under the link "Expenditure".


Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All Administrative Secretaries
Government of Himachal Pradesh.

Endst. No. Fin-F-(A)-(16)-1/2013, Dated Shimla - 2, the 17.12.2013

1. The Secretary to Governor, H.P., Shimla - 2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla - 4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla -2.
6. The Secretary, H. P. Subordinate Services Selection Board, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. The Secretaries/Chairman/Managing Directors/Registrar of the Public Sector Undertakings/autonomous bodies and Boards/Corporations etc. in Himachal Pradesh.
9. 100 Spare Copies.


Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.