

No. Fin-F-(A)-(11)-4-6/2002  
Government of Himachal Pradesh  
Finance Department  
(Expenditure Control-II)

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From

The Chief Secretary to the  
Government of Himachal Pradesh, SHIMLA-02.

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.

Dated Shimla-171 002, the <sup>th</sup> 17 February, 2025.

Subject:- Policy for providing 'Compassionate Employment to the eligible dependent(s) of the deceased Government employee(s)' - Fresh instruction(s) thereof.

Sir/Madam,

1. On the above subject, I'm directed to reiterate that the State Government has framed a policy on 18.01.1990 for providing employment assistance on compassionate grounds to the dependent(s) of the Government servants who die while in service leaving their families in indigent circumstances. The main objective of the policy is to grant so as to relieve the family of Government servant from financial destitution which he/she had left behind in penury and without any means of livelihood. This has been amended from time to time. The Government in Finance Department has issued the latest 'Revised Policy Guidelines for providing Compassionate Employment to the eligible dependents of the deceased employee(s) of the State Government', on 07.03.2019.

2. As per the extant policy, the employment assistance on compassionate grounds is to be provided in deserving cases in order of priority only to widow or a son, or unmarried daughters (in case of unmarried Government servant, to father, mother, brother and unmarried sister), married daughter(s) having only daughters in the family of regular, contractual, daily waged deceased employee, employees who have been missing for the last 02 years and a Government servant

Government servant (Class-III & Class-IV) who retire on medical grounds under Rule-38 of CCS (Pension) Rules, 1972, provided the employee so retiring has not crossed the age of 45 years. These appointment(s) strictly speaking, not in accordance with the provision(s) of Article-14 & 16 of the Constitution of India, yet these are being provided on humanitarian grounds. The employment on compassionate grounds of Government servants, who die while in service or are retired on medical grounds, is not to be provided as a matter of right. It should be given only in deserving cases, where the family of deceased Government servants left in indigent circumstances, requiring immediate means of subsistence. Currently, the Administrative Secretary(s) are the competent authority to provide such appointment after satisfying themselves about the indigent circumstances of the family and fulfilment of all essential conditions.

3. For assessing the indigency of the family of the deceased employee, its financial status is to be taken into account for which total income of the family from all sources including family pension has to be seen, as per the judgement passed in Apex Court in CIVIL APPEAL NO. 988 OF 2019 (ARISING OUT OF SLP (C) No. 7079 of 2016 STATE OF HIMACHAL PRADESH & ANR. VERSUS SHASHI KUMAR. Also, it provides that such cases once settled at any relevant time of consideration, are not required to be re-considered afresh. Furthermore, as per the Supreme Court decision in the case of State of HP Vs. Sanjay Kumar SLP No. 1709/2015 eligibility of a candidate for compassionate appointment must be considered with regard to the income limits fixed at the time of such consideration and not on the date on which the application is made. The income criterion is enhanced prospectively unless provided otherwise.

4. While providing employment on compassionate grounds, relaxation from recruitment procedure [i.e. without the agency of H. P. Public Service Commission or H. P. Staff Selection Commission (H. P. Rajya Chayan Aayog) or Employment Exchange or any other approved method, as case may be] and ban of filling up of posts is already there for the purpose of making compassionate appointments. In a normal course, it has already been made crystal clear, vide Para-8(g) that no relaxation is permissible in 5% ceiling for making such appointment(s) since these are compassionate appointment(s) and any appointment in this category is at the cost of direct selection through competition. In exceptional cases, this ceiling may be exceeded only with prior approval of the Council of Ministers. No relaxation in time limit for submission of compassionate employment case(s) and in upper & lower age limit for employment is permissible as is evident from vide Para-7(2). However, genuine cases may be placed before the Cabinet for its decision. But no relaxation can be given in minimum education qualification and required

skills as per the R & P Rules of the post(s) for which he/she has applied for.

5. In the Execution Petition No. 391/2024 in CWP No. 8464/2022, the Hon'ble High Court of H.P. has specifically passed the direction(s) on 27.12.2024 that offer of appointment on compassionate basis be made to the incumbents as per their eligibility, in a transparent manner and those who have no influence in the system, also are offered appointment on compassionate basis as per their turn in accordance with the Policy.

6. You are, therefore, requested to kindly ensure strict compliance of the aforesaid instruction(s) positively, failing which entire responsibility will rest upon the Department/organization itself.

7. This letter/instruction may also be seen on [www.himachal.nic.in/finance](http://www.himachal.nic.in/finance) under the link "Expenditure".

[Rohit Jamwal, IAS]

Special Secretary (Finance) to the

Government of Himachal Pradesh, SHIMLA - 2.

Endst. No. As above. Dated Shimla-2, the

17.02.2025.

Copy of the above is forwarded to:-

1. All Chief Executive Officers/Managing Directors of H.P. Public Sector Undertakings/Boards/Corporations.
2. The Secretary to Lokayukta, H.P., SHIMLA - 2.
3. The Secretary, H.P. Public Service Commission, SHIMLA - 2.
4. The Secretary, H. P. Rajya Chayan Aayog, HAMIRPUR.
5. The Secretary, H.P. Electricity Regulatory Commission, Khalini, SHIMLA- 2.
6. The All the Deputy Commissioners in H.P.
7. The Registrars of all the Universities in H.P.
8. All the District Treasury Officers/Treasury Officers in Himachal Pradesh for information and similar necessary action.

[Rohit Jamwal, IAS]

Special Secretary (Finance-Exp.) to the

Government of Himachal Pradesh, SHIMLA - 2.