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

No. Fin-F(A)-(16)-1/2013 Dated Shimla-2, the 24th January, 2022.

OFFICE MEMORANDUM

Subject:- Filling up of vacant posts of Class-IV employees on Compassionate grounds.

1. The revised Policy for providing Compassionate employment to the eligible dependents of the deceased Government employees was issued by the Government vide this Department's OM of even number dated the 7th March, 2019 and subsequent amendments were made thereunder from time to time. The issue with regard to relaxation in the said policy has been engaging the attention of the Government from sometime past. It has been decided by the Government to give the following relaxation in respect of Class-IV posts for granting appointment on compassionate grounds:-

- i) Direct quota un-advertised vacant posts of Class-IV excluding Beldar and other categories in the dying cadre, in the Government Department(s) may be filled from amongst the eligible compassionate applicants.
- ii) In terms of the eligibility and other aspects of the compassionate employment, 'the Compassionate Employment Policy Guidelines-2019' as amended from time to time shall be adhered to strictly.
- iii) Such compassionate appointment(s) shall be made on daily wage basis by the respective Department(s) after obtaining approval of the Hon'ble Chief Minister, without consultation with Finance Department, in relaxation of:-
 - a) Para-9 of the Rules of Business of the Government of Himachal Pradesh, 1971;



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- b) Finance Department's instruction(s) dated 24-11-2018; and,
- c) 5% ceiling for such appointments as imposed vide Para-8(g) of the 'Compassionate Employment Policy' of the Government dated 07.03.2019.

- iv) Since, this relaxation is only for Class-IV posts, those who have applied for Class-III posts may also be given an option to be considered for the post of Class-IV on compassionate grounds. The claim of such persons who have applied for Class-III post, but appointed to the Class-IV category, would cease for the Class-III post as a result of opting for the Class-IV category post.

- v) Departments shall send monthly return of such filled up vacancies to the Finance Department on the enclosed proforma in the first week of the month.

2. The above instructions may be brought to the notice of the concerned for compliance.

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

(Rohit Jamiwal)

Special Secretary (Finance) to the
Government of Himachal Pradesh

To

All the Administrative Secretaries to the
Government of Himachal Pradesh, Shimla-2.

No. Fin-F(A)-(16)-1/2013 Dated Shimla-2, the 24th January, 2022.

Copy to:-

1. The Secretary to Governor, H.P., Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-4.
3. All Heads of Departments in Himachal Pradesh.
4. The Registrar General, High Court of Himachal Pradesh, Shimla-1.
5. The Deputy Secretary (GAD) to the Government of Himachal Pradesh, Shimla for information and necessary action.
6. Spare copies/Guard file.

(Rohit Jamiwal)

Special Secretary (Finance) to the
Government of Himachal Pradesh

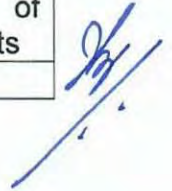
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Proforma

Name of the Department:

Month:

No. of appointments given by the Department for Class-IV posts on compassionate grounds w.e.f. 01.01.2018 to 24.01.2022(category-wise).	No. of appointments given by the Department for Class-IV posts on compassionate grounds during the month (category-wise)	Total No. of appointments given by the Department for Class-IV posts on compassionate grounds after issuance of OM dated 24.01.2022 (category-wise)	No. of cases of eligible dependents lying pending for appointment on compassionate grounds in respect of Class-IV posts
1	2	3	4



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

No. Fin-F-(F)-1-2/2021 Dated Shimla - 2, the

15.02.2022

OFFICE MEMORANDUM

Subject:- Constitution of Committee to review existing 'Compassionate Employment Policy' and allied issues thereof.

1. A Committee comprising of 08 member(s) under chairmanship of Chief Secretary has been constituted to review the existing policy for providing compassionate employment and its allied issues, vide this Department's Notification of even number dated 04.09.2021 (Copy enclosed).

2. It has now been decided that this Committee will also monitor the process of filling up of vacant post(s) of Class-IV employees on compassionate grounds in the various Department(s) in the light of the guidelines circulated vide this Department's OFFICE MEMORANDUM No. Fin-F-(A)-(16)-1/2013 dated 24.01.2022 (Copy enclosed).

3. The Departments may strictly ensure submission of monthly return of filling up of vacancies through compassionate grounds to Finance Department on the prescribed format in the first week of each month as has already been stated in Finance Department's instruction *ibid* so that the Committee could take cognizance of the same and proceed further accordingly.

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

Ms. Shama

PRABODH SAXENA, IAS
Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To


All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA -2.

....2/....

Endst. No. Fin-F-(F)-1-2/2021 Dated the

15.02.2022

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. Staff Selection Commission, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. 100 Spare Copies.


[MANOJ SHARMA]

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

No.Fin-F-(F)-1-2/2021

Dated Shimla-171 002, the 4th September, 2021.

NOTIFICATION

The Governor, Himachal Pradesh, is pleased to constitute the following Committee to review the existing policy for providing compassionate employment/ discuss various issues relating to the compassionate employment and to submit recommendations to the Government, with immediate effect, in public interest:-

- | | |
|--|------------------|
| 1. Chief Secretary to the Government of Himachal Pradesh | Chairman |
| 2. Addl.C.S.(Forests) to the Government of Himachal Pradesh | Member |
| 3. Addl.C.S.(Finance) Government of Himachal Pradesh | Member |
| 4. Pr.Secretary(PWD)to the Government of Himachal Pradesh | Member |
| 5. LR-cum-Pr.Secy.(Law) Government of Himachal Pradesh | Member |
| 6. Secretary(JSV)to the Government of Himachal Pradesh | Member |
| 7. Secretary (Education) to the Government of Himachal Pradesh | Member |
| 8. Spl.Secy.(Fin.-Exp.)to the Government of Himachal Pradesh | Member Secretary |

By Order

Prabodh Saxena
Additional Chief Secretary to the
Government of Himachal Pradesh


Contd..2/-

(2)

Endst. No. As above Dated Shimla-171 002, the 4th September, 2021.

Copy to:-

1. Additional Chief Secretary (Forests) to the Govt. of Himachal Pradesh, Shimla-2.
2. The Principal Secretary (PWD)to the Govt. of Himachal Pradesh, Shimla-2.
3. The LR-cum-Pr.Secretary(Law)to the Govt. of Himachal Pradesh, Shimla-2.
4. The Secretary (JSV) to the Government of Himachal Pradesh, Shimla-2.
5. The Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-2.
6. The Sr. Special Secretary office of the Chief Secretary to the Govt. of Himachal Pradesh, Shimla-2.
7. The Sr.Private Secretary office of the Additional Chief Secretary (Finance)to the Govt. of Himachal Pradesh, Shimla-2.
8. Guard file.


(Rakesh Kanwar)
Special Secretary (Finance-Exp.)to the
Government of Himachal Pradesh.

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

No. Fin-F-(A)-16-1/2013-I Dated Shimla - 2, the 30.03.2022

OFFICE MEMORANDUM

Subject:- Filling up of vacant posts of Class-IV employees on compassionate grounds.

1. Instruction(s) were issued vide this Department's OFFICE MEMORANDUM of even number dated 24th January, 2022 for filling up unadvertised vacant Class-IV posts from amongst the eligible compassionate appointee(s) in relaxation of 5% ceiling for such appointments as imposed vide Para-8(g) of the 'Compassionate Employment Policy' of the Government dated 07.03.2019.
2. It has been decided that the aforesaid instruction/relaxation of Finance Department circulated on 24.01.2022 shall remain in operation till 15.04.2022 only.
3. Thereafter, the position prevailing prior to issuance of the Finance Department's instruction/relaxation dated 24.01.2022 shall be applicable w.e.f. 16.04.2022 in the Departments.
4. This Office Memorandum/instruction may also be seen on www.himachal.nic.in/finance under the link "Expenditure."

PRABODH SAXENA, IAS
Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

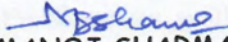
All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA -2.

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....2....

Endst. No. Fin-F-(A)-16-1/2013-I Dated Shimla - 2, 30.03.2022

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. Staff Selection Commission, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. 100 Spare Copies.


[MANOJ SHARMA]

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

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

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No. Fin-F-(A)-16-1/2013-I Dated: Shimla - 171 002, the 18.05.2022

OFFICE MEMORANDUM

Subject:- 'Compassionate Employment' - Provision regarding married daughter(s).

1. The matter regarding providing compassionate employment/assistance to married daughter(s) in case(s) where the family of the deceased employee has only daughter(s) was under consideration of the Government for some time.
2. After due consideration of this issue, it has been decided that married daughter(s) will also be eligible for compassionate appointment, in case the family of the deceased Government employee has only daughter(s) and none in both the families i. e. her parental family and the family into which she is married, are in an employment, funded by the Government. As regards income criteria for married daughter(s), income of the parental family will be taken into account to determine indigency.
3. This provision may be brought to the notice of all concerned for information and compliance.
4. This Office Memorandum/instruction may also be seen on www.himachal.nic.in/finance under the link "Expenditure."

[PRABODH SAXENA, IAS],
Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA -2.

Endst. No. Fin-F-(A)-(16)-1/2013 Dated:

18.05.2022

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. Staff Selction Commissin, 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.

[ROHIT JAMWAL, IAS]
Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

125

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

No. Fin-F-(A)-16-1/2013-I Dated: Shimla - 171 002, the 22.08.2022

OFFICE MEMORANDUM

Subject:- 'Compassionate Employment' - Clarification on already rejected case(s).

1. This Department is in receipt of some proposal(s) from Departments seeking clarification whether the compassionate employment case(s) already rejected on the basis of high income or some other reason(s) at a particular time of their consideration can be re-considered/reviewed.
2. Attention of the Departments is invited to Para-17 (f) of the Policy dated 07.03.2019 which reads as under:-

"The Supreme Court in its judgment dated 05.04.2011 in Civil Appeal No. 2206 of 2006 filed by Local Administration Department vs. M. Selvanayagam @ Kumaravelu has observed that "an appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death , simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind",

Further, the Para-17 (g) of the policy dated 07.03.2019 also refers to the Apex Court Judgment in Civil Appeal No. 988 of 2019 (Arising out of SLP (C) No. 7079 of 2016) titled State of Himachal Pradesh & Anr. versus Shashi Kumar.

In this case of Shashi Kumar Vs. State of H.P. the Ape. Court had observed as under:-

"We see no reason or purpose in now directing the State to reconsider its decision in the case of the respondent which would only result in another round of fruitless litigation. In our view, the respondent is debarred from seeking compassionate appointment by the delay as well as by the lapse of time which has taken place."

Since this particular case stands decided as per the Rules prevalent at that particular time, such persons may not be considered under the policy, and re-considering the appointment afresh would be in conflict with Articles 14 & 16 of the Constitution and the principles of merit in appointment to public services.

Further, 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.

3. In view of the aforesaid Supreme Court ruling(s), the Departments may, take a decision at their level keeping in view the income criteria at the time when the indigency was determined and if a case is already decided/rejected, it may not be appropriate to consider the case afresh.

4. This instruction may be brought to the notice of all concerned for information and compliance.

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

[PRABODH SAXENA, IAS],
Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA -2.


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Endst. No: Fin-F-(A)-(16)-1/2013 Dated:

22.08.2022

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. Staff Selection Commission, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
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[ROHIT JAMWAL, IAS]
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-I Dated Shimla - 2, the 30.09.2022

OFFICE MEMORANDUM

Subject:- Filling up of vacant posts of Class-IV employees on compassionate grounds - Extension of date.

1. Instruction(s) were issued vide this Department's OFFICE MEMORANDUM of even number dated 24th January, 2022 (Copy enclosed) for filling up unadvertised vacant Class-IV posts from amongst the eligible compassionate appointee(s) in relaxation of 5% ceiling for such appointments prescribed vide Para-8(g) of the 'Compassionate Employment Policy' of the Government dated 07.03.2019. These instructions were remained in operation till 15.04.2022.
2. Further, the operation of instructions ibid has again been extended till 31.08.2022 vide this Department's OFFICE MEMORANDUM of even number dated 08.08.2022.
3. Now, it has again been decided to extend aforesaid instruction of Finance Department dated 24.01.2022 till 07.10.2022.
4. Thereafter, the position prevailing prior to issuance of the Finance Department's instruction/relaxation dated 24.01.2022 shall be applicable w.e.f. 08.10.2022 in the Departments.
5. This Office Memorandum/instruction may also be seen on www.himachal.nic.in/finance under the link "Expenditure."

PRABODH SAXENA, IAS

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

To

All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA - 2.

.....2/.....

.....2.....

Endst. No. Fin-F-(A)-16-1/2013-I Dated Shimla - 2, 30.09.2022

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. Staff Selection Commission, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
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[ROHIT JAMWAL, IAS]

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