

Government of India
Ministry of Home Affairs
Office of the Director General
Sashastra Seema Bal
East Block-V, R.K. Puram
New Delhi – 11 00 66

No.2/12/2010/SSB/Pers-II/(4538-652) Dated the, 5th Sept' 2014

Subject :- SOP on Compassionate Appointment in SSB.

Director General, SSB has approved the revised SOP on Compassionate Appointment for follow up action and implementation in SSB.

I. Scope and application:-

The object of this scheme is to grant an appointment on compassionate grounds to a dependent family member of a Government servant who dies in harness or retires on medical grounds, thereby leaving his family in penury and without any means of livelihood, so as to relieve the family of the Government servant concerned from financial destitution and to help the family of the deceased to overcome the serious financial crisis.

The Director General, SSB is competent to appoint a dependent family member of the deceased SSB personnel, after relaxing the procedure of recruitment but subject to fulfilling other requirements to Group 'C' posts. Application for appointment on compassionate grounds will be examined by the Pers Directorate and will be decided with the approval of the Director General, SSB. The compassionate appointment can be made against Group 'C' posts against direct recruitment quota. The appointment on compassionate grounds is not a matter of right.

The rulings contained in the following judgments are to be kept in view while considering the cases of compassionate appointment as mentioned below:-

(a) The Supreme Court vide its judgment dated May 4, 1994 has laid down the following important principles in the case of Umesh Kumar Nagpal v/s State of Haryana and others {JT 1994(3) S.C. 525} in this regard:-

- (i) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate ground.

- (ii) The posts in Group 'C' and 'D' (formerly Class III and IV) are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds and no other posts i.e. in the Group 'A' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.
- (iii) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
- (iv) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired Government servant is legally impermissible.
- (v) Neither the qualifications of the applicant (dependent family member) nor the post held by the deceased or medically retired Government servant is relevant. If the applicant finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.
- (vi) Compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future.
- (vii) Compassionate appointment cannot be offered by an individual functionary on an ad-hoc basis.

(b) The Supreme Court in its judgement dated 8 April, 1993 in the case of Auditor General of India and others vs. G. Ananta Rajeswara Rao {(1994) 1 SCC 192} has held that appointment on grounds of descent clearly violates Articles 16(2) of the Constitution; but if the appointment is confined to the son or daughter or widow of the Government servant who died in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.

(c) The Supreme Court has held in its judgement dated February 28, 1995 in the case of the Life Insurance Corporation of India vs. Mrs Asha Ramachandra Ambekar and others {JT 1994(2) S.C. 183} that the High Courts and Administrative Tribunals can not give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment.

(d) The Supreme Court has ruled in the cases of Himachal Road Transport corporation vs. Dinesh Kumar {JT 1996(5) S.C. 319} on May, 7, 1996 and Hindustan Aeronautics Limited vs. Smt. A. Radhika Thirumalai {JT 1996 (9) S.C. 197} on October 9, 1996 that appointment on compassionate grounds can be made only if a vacancy is available for that purpose.

(e) The Supreme Court has held in its judgement in the case of State of Haryana and others vs. Rani Devi and others {JT 1996(6) S.C. 646} on July 15, 1996 that if the scheme regarding appointment on compassionate ground is extended to all sorts of casual, ad-hoc employee including those who are working as Apprentices, then such scheme cannot be justified on Constitutional grounds.

(f) The Hon'ble 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 "(OM No. 14014/3/2011-Estt. (D) dated 26/07/2012).

2 Eligibility Criteria for appointment on compassionate grounds :-

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

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

3. Definitions:-

(a) “**Dependent Family Member**” means:

- i) spouse; or
- ii) son (including adopted son); or
- iii) daughter (including adopted daughter); or
- iv) brother or sister in the case of unmarried Government servant.

-- who was wholly dependent on the member of the Force at the time of his death in harness or retirement on medical ground grounds, as the case may be.

(b) “**Government servant**” for the purpose of these instructions means a Government servant appointed on regular basis and not one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.

(c) “**Service**” includes extension in service (but not re-employment) after attaining the normal age of retirement in a civil post.

(d) “**Re-employment**” does not include employment of ex-serviceman before the normal age of retirement in a civil post.

4. To whom applicable:-

Dependent family member of the Government servant who -

- (a) dies while in service (including death by suicide); or
- (b) is killed in action; or
- (c) is retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules 1957 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years; or
- (d) is retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years; or
- (e) is medically boarded out under Rule-24 or 27 of SSB Rules, 2009 and is unfit for civil employment.

Note The benefit of compassionate ground appointment will not be available to the dependents of a Govt. servant who is involved in criminal cases & other undesirable activities or was dismissed from service for his proven involvement in criminal cases & other undesirable activities. While considering such requests, the results of the police investigation should also be taken into account.

5. Missing Government Servant :-

The dependents of missing government servants will be considered for appointment on compassionate ground subject to fulfilling the following conditions:-

- a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the Government servant 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 competent authority feels that the case is genuine.
- b) This benefit will not be applicable to the case of a Govt. servant:-
 - i) who had less than 02 years to retire on the date from which he has been missing: or
 - ii) who is suspected to have, committed fraud, or joined any terrorist organization or gone abroad.
- c) Compassionate appointment in the case of a missing Govt. servant also would not be a matter of right and it will be subject to availability of vacancies and fulfillment of all other conditions, as specified.
- d) While considering such a request, the result of the Police investigation should also be taken into the account.
- e) A decision on any such request for compassionate appointment should be taken only at the level of the DG, SSB.

6. Cases where there is an earning member :-

- (a) In deserving cases even where there is already an earning member in the family of the deceased employee, a dependent family member can be considered for appointment on compassionate ground with the prior approval of the DG, SSB.
- (b) DG, SSB, will take a decision in the matter keeping in view the number of dependents, assets and liabilities left by such employee and the status of the earning member, whether he is living with the family and is the support for other family members. In such types of case, extreme caution has to be taken in ascertaining the economic distress of the applicant so that the facility is not misused.

- (c) In case of an unmarried SSB employee, his/her dependent brother or sister may be considered for this appointment. He/she will have to give undertaking to the effect that he/she will look after the other dependent members.
- d) In case where any member of the family of the deceased or medically retired Government servant is already in employment but is not supporting the other members of the family of the Government servant, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the Govt. servant, so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the members of the family is already employed but is not supporting the family.

7. Posts to which such appointments can be made :-

The following Group 'C' posts are available in SSB against which appointment on compassionate ground can be made subject to availability of vacancy: -

S/No.	Name of posts	Remarks
1	ASI (Steno/Pharmacist)	Gender as per RRs
2	ASI (Commn)	Gender as per RRs
3	Head Constable (Min/Elec)	Gender as per RRs
4	Head Constable (Commn/Mech)	Gender as per RRs
5	Constable (GD/Cook/WM/Barber/Safaiwala / Waiter / Water Carrier / Lab Asstt/ Nursing Orderly/Mason/Plumber / Carpenter/ Blacksmith/ Painter/ Tailor / Cobbler/ Gardener)	Gender as per RRs
6	Constable (Commn/Driver)	Gender as per RRs

8. Determination /availability of vacancies:-

- (a) Appointment on compassionate grounds should be made only on regular basis and that too only if regular vacancies meant for that purpose are available.

- (b) Compassionate appointment can be made up to a maximum of 5% of the vacancies falling under direct recruitment quota in any Group 'C' post. The appointing authority may hold back up to 5% of vacancies in the aforesaid categories to be filled by direct recruitment through Staff Selection Commission or otherwise so as to fill such vacancies by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against the appropriate category viz SC/ST/OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against the vacancy point meant for General category.
- (c) While the ceiling of 5% for making compassionate appointment against regular vacancies should not be circumvented by making appointment of dependent family member of Government servant on casual/daily wage/ad-hoc/contact basis against regular vacancies, there is no bar to considering him for such appointment if he is eligible as per the normal rules/orders governing such appointments.
- (d) The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilizing any other vacancy.

9. Procedure for filling application for appointment on compassionate ground:-

- a) The proforma as mentioned in Annexure- 'I' may be used for ascertaining necessary information and processing the cases of compassionate appointment.
- b) As per standing instructions of DOP&T No.14014/6/94-Estt (D) dated 09.10.1998, the 'Welfare Officer of Unit or a representative should meet the members of the family of the Government servant in question immediately after his death to advise and assist them in getting appointment on compassionate grounds. The applicant should be called in person at the very first stance and advised in person about the requirements and formalities to be completed by him/her.

- c) All cases of compassionate appointment shall be dealt at Force Hqrs as per the vacancy position and procedure.
- d) All applicants for compassionate appointment are to be serially listed indicating full details including name of deceased Government servants, date of casualty and cause of casualty. Following priority should be adopted for consideration of compassionate cases provided he/she is eligible and a deserving case:-
- i) Killed in action.
 - ii) Normal death on duty.
 - iii) Personnel invalidated out from service.
 - iv) Death while on leave.
 - v) Death due to suicide.
 - vi) Boarded out/retired on medical grounds.
- e) In case of more than one issue of the deceased, the wife may exercise discretion as to which heir will exercise the option of compassionate appointment.
- f) Requests for compassionate appointment consequent on death or retirement on medical ground of erstwhile Group 'D' staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.
- g) No restriction will be imposed for employment of a family member of the deceased or medically retired Group 'C' Govt. servant to a Group 'C' post only. As such a family member of such Group 'D' Govt. servant can be appointed to a Group 'C' post for which he/she is educationally qualified and eligible provided a vacancy in Group 'C' post exists for this purpose (Now, no Group "D" post is held in SSB).
- h) In case a candidate is found unfit while assessing the suitability/eligibility by the board of officers then suitability/eligibility for next lower post can be assessed. In case they have shown willingness, the same may be obtained in writing and kept on record and matter may be disposed off.

10. Time limit for considering applications for compassionate appointment.

Prescribed time limit for considering applications for compassionate appointment has been reviewed by DoP&T vide OM No. 14014/3/2011-Estt. (D) dated 26/07/2012. Subject to availability of a vacancy and instructions on the subject issued and amended from time to time, any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case.

11. Belated requests for compassionate appointment.

- a) Requests for compassionate appointment can be considered even where the death or retirement on medical grounds of a Government servant took place long back, say five year or so. While considering such belated request it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of substance. Therefore, examination of such cases would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the level of the Secretary of the Department / Ministry concerned.
- b) Whether a request for compassionate appointment is belated or not may be decided with reference to the date of death or retirement on medical grounds of a Government servant and not the age of the applicant at the time of consideration.
- c) The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment (Para-4 of O.M. No.14014/3/2011-Estt.(D) dated 26/07/2012).

12. Relaxation and exemption:-

a) Relaxation if any, required will be granted by the DG, SSB in deserving cases up to the extent as admissible. As per MHA UO No.I-45023/6/2008/Pers-II dated 23.03.2010, the Government has decided to empower DsG only to grant the following relaxations in case of compassionate appointments made as per DOP&T's scheme upto a maximum of the following parameters:-

- | | | | |
|------|-----------------|---|--------------|
| i) | Height | - | 05 Cms |
| ii) | Chest | - | 03 Cms |
| iii) | Weight | - | 05 Kgs (+/-) |
| iv) | Upper age limit | - | 02 Years. |

b) The upper age limit could be relaxed wherever found to be necessary. The lower age limit should, however, in no case be relaxed below 18 years of age.

Note:- Age shall be determined with reference to the date of application and not the date of appointment (Authority DOP&T OM No.14014/6/94/ Estt (D) dated October 9, 1998).

c) The candidates applying under compassionate appointment scheme of the government will not be required to appear in the written test as per MHA UO No.I.45023/16/2003-Pers-II dated 18th January, 2005 and No.I/45023/6/2008-Pers-II dated 03/02/2011.

d) The Physical Efficiency Test (PET) is relaxed for Widows :-

CT(GD)	1) 1.6 km Race to be completed within 10.30 minutes. 2) Long Jump- 6 Feet (5 chances) 3) High Jump- 2.5 Feet (5 chances)
CT(Tradesmen) / (Lab. Asstt):-	1) 800 mtr Race to be completed within 7 minutes 2) Long Jump- 6 Feet (5 chances) 3) High Jump- 2.5 Feet (5 chances)
ASI(Steno)/ ASI(Pharmacist) / HC(Min)	1) 800 mtr Race to be completed within 7 minutes 2) Long Jump- 6 Feet (5 chances) 3) High Jump- 2.5 Feet (5 chances)

c) Typing Test :

- (i) In the matter of exemption from the requirement of passing the typing test those appointed on compassionate grounds to the post of HC(Min) will be governed by the general orders issued in this regard DoP&T OM No.14014/02/2012-Estt.(D) dated 16/01/2013.
- (ii) Typing Test has to be passed within two years from the date of appointment by availing maximum three attempts only and if still unqualified shall be terminated.
- (iii) Typing Test : The typing test for the purpose of these orders will be the typing test for the candidates who reappear in typing test only consisting of the following Board at FHQ :-

Chairman	-	Assistant Director/DC (Min)
Member-I	-	Asstt. Comdt.(PS)/PS
Member-II	-	SO/AC(Ministerial)

13. Education :-

- a) As per DOP&T OM No.F.No.14014/2/2009-Estt (D) dated 11/12/2009, appointment on compassionate grounds, in exceptional circumstances may be considered if person is not immediately meeting the minimum educational standards. They may be engaged as “trainees” who will be given the regular pay bands and grade pay only on acquiring the minimum qualification prescribed under the recruitment rules. The emoluments of these “trainees”, during the period of their training and before they are absorbed in the Govt. as employees, will be governed by the minimum of the – 1S pay band Rs. 4440-7440 without any grade pay. In addition, they will be granted all applicable Allowance, like Dearness Allowances, House Rent Allowance, Transport Allowance and RMA at the admissible rates. The same shall be calculated on the minimum 1S pay band without any grade pay. The period spent in 1S pay band will not be counted as service for any purpose as their regular service will start only after they are placed in the pay band PB-1 of Rs. 5200-20200 along with Grade Pay of Rs. 2000.

- b) As per DoP&T OM No.14014/2/2009-Estt.(D) dated 03/04/2012, such relaxation will be permitted upto a period of five years beyond which no relaxation of educational qualification will be admissible and the services of the person concerned, if still unqualified, are liable to be terminated.
- c) The probation period of a person appointed as “Trainee” on compassionate ground will be counted only from the date he/she acquires minimum educational qualification and such person will be on probation for a period specified in the RRs of the post/grade against which he/she is being appointed.

14. Composition of the Board:-

- (a) The composition of Board of Officers for conducting PET/PST/Medical examination/Trade test and Typing test of the candidates would be as under:-

Chairman	-	Commandant
Member-I	-	2 nd -in Command or Dy. Comdt.
Member-II	-	Assistant Commandant
Members-III	-	Medical Officer

Note:-The composition of the Board of Officers will change as per the RRs of the post available for compassionate appointment.

- (b) The particulars of the candidates who qualify PET/PST/Medical examination/Trade test and Typing Test will be examined by a Committee as mentioned below and submit their recommendations to the DG, SSB for approval.

Chairman	-	IG (Pers)
Member –I	-	DIG(Pers)
Member-II	-	AD(Pers-II)

15. Number of the posts in each rank should be clearly displayed on the Recruitment Ground at the time of recruitment.

16. Scheme of recruitment test for Compassionate appointment :-

The recruitment test / trade test / typing test for the post applied for will be as per the general scheme/SOP of recruitment notified for the post . All Physical Standard Tests/ Physical Efficiency Tests and Medical Examination would be carried out in accordance with the scheme of recruitment of the post. However, the candidates would be exempted from appearing in the written test on Compassionate Appointment.

17. Steps to be followed during recruitment test :-

- a) Documentation
- b) Physical Standard Test (PST)
- c) Physical Efficiency Test (PET)
- d) Trade Test / Typing Test
- e) Final Medical Examination
- f) Review Medical Examination.

18. The preference for selection of candidate to be made on the basis of casualty as under:-

- (i) Killed in action
- (ii) Normal death on duty
- (iii) Personnel invalidated out from service
- (iv) Death while on leave
- (v) Death due to suicide
- (vi) Boarded out/retired on medical grounds

19. Termination of service.

The compassionate appointment can be terminated on the ground of non-compliance of any condition stated in the offer of appointment after providing an opportunity to the Compassionate Appointee by way of issue of show cause notice asking him/her to explain why his/her service should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Rules/ Temporary Service Rules for this purpose.

20. Seniority

A person appointed on compassionate ground in a particular year will be placed at the bottom of all the candidates recruited/ appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate ground. (Para 4.8 of OM No. 20011/1/2008-Estt. (D) dated 11/11/2010).

21. Miscellaneous :-

a) **Balanced and objective assessment on financial condition stressed**

The financial benefits received by the family of the deceased Government servants under various welfare schemes are to be kept in view while considering cases of compassionate appointments. It has been clarified that the intention is not that the requests should be rejected merely on the ground that the family has received the financial benefits under the various welfare schemes. While these benefits should be taken in to account, the financial condition of the family has to be assessed taking into account its liabilities and all other relevant factors such as the presence of an earning member, size of the family, age of the children.

b) An undertaking mentioned all factors as per proforma (as in Annexure - 'II') may be obtained from the applicant at the time of recruitment. This annexure may be provided to the applicant at the time of issue of call letter with the direction to submit the same at the Recruitment venue.

c) **Widow appointed on compassionate grounds getting re-married**

A widow appointed on compassionate grounds will be allowed to continue in service even after her re-marriage.

d) **Undertaking**

A person appointed on compassionate grounds under the scheme should give an undertaking in writing (as in Annexure-'I') that he/she will maintain the other family members properly, who were dependent on the deceased/medically retired Government servant and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by the compassionate appointee, his/her appointment may be terminated forthwith. The same will be incorporated as one of the additional conditions in the offer of appointment applicable only in the case of appointment on compassionate grounds.


e) Request for change in post/person

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist. Therefore,

- i. he/she should strive in his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion should invariably be rejected.
- ii. an appointment made on compassionate grounds cannot be transferred to any other person and any requests for the same on considerations of compassion should invariably be rejected.

f) No ban on compassionate appointment

As per DOP&T OM No.14014/6/94/Estt (D) dated October 9, 1998. Compassionate appointments are exempted from the ban on filling up of the posts. Appointments should not be denied or delayed merely on the ground that there is reorganization in the Ministry/Department/Office, but should be made available to the person concerned if there is a vacancy meant for compassionate appointment and he/she is found eligible and suitable under the scheme.


 (Renuka Mishra)
 Inspector General (P&T)

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Internal :-

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5. The Commandant (Commn./Vety) FHQ New Delhi.
6. The Assistant Director (Pers-I/III/IV/V) , Trg, Rectt, Hindi Cell & Admn, FHQ.
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