

# HIGH COURT OF HIMACHAL PRADESH SHIMLA-171001

HHC/Rules/Compassionate Policy(Dis.Jud.)/2024

Dated: 09.07.2024



## Notification

In supersession to all earlier decisions/notifications, the High Court of Himachal Pradesh is pleased to frame the Policy known as "**Policy for providing Compassionate Employment to the Eligible Dependents of deceased/medically retired/missing employee(s) of District Judiciary.**"

Brief Description	Sr. No	Particulars
<b>OBJECTIVE</b>	1	The objective of the policy is to grant appointment on compassionate grounds to eligible dependent(s) of the employee(s) of District Judiciary who die in harness or who retire on medical grounds, leaving behind family without any means of livelihood, to relieve the family of the concerned employee from financial destitution. The employment on compassionate grounds to the dependents of employee(s) of District Judiciary, who die while in service or retire 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 employee(s) is left in <u>indigent circumstances</u> , requiring immediate means of <u>subsistence</u> . The District Judge shall satisfy himself about the <u>indigent circumstances</u> of the family, before appointment on compassionate grounds is offered.
<b>TO WHOM THE POLICY IS APPLICABLE</b>	2	The employment assistance on compassionate grounds will be allowed in order of priority to widow or a son or daughter-in-law or an unmarried daughter of:-
	a	A regular/contractual Class-III or Class-IV employee of the District Judiciary, who dies while in service (including suicide), leaving his family indigent & in

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18/7/24

		immediate need of assistance;
	b	A Class-III, Class-IV employee of District Judiciary, who has gone missing for <u>more than two years</u> and the family is indigent and needs immediate assistance. An FIR to this effect must be lodged with the police and the missing person should be declared not traceable by the appropriate Court of law and the competent authority must <u>satisfy itself</u> that the case is genuine. The cases of those missing employees are not to be considered who are suspected to have committed fraud, or are suspected to have joined any terrorist organisation or are suspected to have gone abroad.
	c	An employee (Class-III and IV only), who retires on medical grounds under <u>Rule-38</u> of the CCS (Pension) Rules, 1972, provided the employee so retiring has not crossed the age of 45 years.
<b>AUTHORITY COMPETENT TO MAKE APPOINTMENT ON COMPASSIONATE GROUNDS</b>	3	The District Judge after obtaining prior approval of the Chief Justice shall be competent to make compassionate appointment in his/her concerned Division, subject to fulfilment of all essential conditions and satisfaction as to the indigent circumstances of family of the deceased/retired employee(s) of District Judiciary.
<b>POST TO WHICH SUCH APPOINTMENT CAN BE MADE</b>	4	The appointment on compassionate grounds shall be made to the lowest rung of Class-III and Class-IV posts to which the deceased/retired employee belonged. The compassionate employment shall be given against Class-III posts on <u>Contract basis</u> , provided the applicant has requisite qualifications prescribed for the job as per R & P Rules.

<b>ELIGIBILITY</b>	5	The family should be indigent in terms of clause-11.
	a	
	b	Applicant should be eligible and suitable for the post in all respects as per the provisions of the relevant Recruitment Rules.
	c	For Class-III (Clerical) post, passing the requisite typing test at the required speed prescribed for direct appointee(s) will be compulsory before anyone is given compassionate appointment, as per the requirement of Recruitment & Promotion Rules made for that post. The typing test may be conducted by the District Judiciary, for which only 03 (THREE) chances shall be permitted within a maximum time span of 12 months.
	d	In all cases where one or more members of the family are already in Government service or in defence or Para Military Forces or in employment of Autonomous bodies/Boards/Corporations etc., of the State/Central Government, High Court or District Courts, employment assistance shall <u>not</u> under any circumstances be provided to the second or third member of the family.
e	In the case of deceased or medically retired employee who had taken loans/advances from the Government or where there is any other pending liability to the Government etc., the employment assistance to his widow or son or daughter-in-law or un-married daughter will be provided only after obtaining an undertaking from him/her on non-judicial paper, to refund the entire amount of loan together with interest, which the deceased or the medically retired employee had taken.	

<b>APPOINTMENT (S) TO BE PROSPECTIVE</b>	6	Compassionate employment will be prospective the date of joining.
<b>DETERMINATION /AVAILABILITY OF VACANCIES</b>	7 a	Compassionate appointments shall be upto a maximum of <u>5%</u> of vacancies under direct recruitment quota in Class-III & Class-IV posts. A person selected for appointment on compassionate grounds shall be adjusted in the recruitment roster against the appropriate category viz. SC/ST/OBC/General etc. depending upon the category to which he/she belongs.
	b	The District Judge shall constitute a Committee to <u>consider cases for compassionate appointment</u> . The Committee shall limit its' recommendation for appointment on compassionate grounds to deserving cases only within the ceiling of <u>5%</u> of vacancies falling under Direct Recruitment [DR] quota, in Class-III & Class-IV posts.
<b>TIME LIMIT FOR SUBMISSION OF APPLICATIONS FOR COMPASSIONATE APPOINTMENT</b>	8	Requests for grant of employment assistance shall be submitted to the District Judiciary within <u>one year</u> of the death of the employee/retirement on medical grounds as applicable. In case where none of the sons/daughters of the deceased employee have attained majority (age of 18 years) at the time of the death of the employee, the time limit for receipt of request for employment assistance in District Judiciary will be attainment of <u>age of 19 years</u> by the eldest son/un-married daughter.
<b>WIDOW APPOINTED ON COMPASSIONATE GROUNDS GETTING REMARRIED</b>	9	A widow appointed on compassionate grounds will be allowed to continue in service even after re-marriage.

**PROCESSING OF APPLICATIONS**

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Consideration of application for grant of appointment on compassionate basis shall be with reference to the date of death/retirement of the predecessor of the applicant. The date of filing of the application for grant of compassionate appointment will not determine the order of consideration of application for appointment on compassionate basis.

Dependent of a deceased or medically retired Class-III employee shall not, as a matter of right, claim the appointment against a Class-III post. The same shall be dependent upon the availability of post as well as the possession of requisite qualification by the dependent. He can be offered appointment against a Class-IV post also, depending upon the availability of post/qualification of the dependent.

**HOW TO ASSESS INDIGENCY**

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Following criteria shall be adopted to assess indigency of the family of the deceased employee while examining compassionate cases:-

Sr. No.	Source of income	Total Income	Annual
1	Income from Pension (PPO number, Name of DTO & Drawing Bank be mentioned where applicable)		
2	Agricultural Income		
3	Income from Rent		
4	Income from Business		
5	Income from Interest		
6.	Income from other Sources		
	<b>TOTAL ANNUAL INCOME</b>		

		<p>Income Criteria will be an important criteria to determine indigency. The <u>maximum ceiling</u> of total family income to assess indigency is fixed as Rs. <u>4,50,000/-</u> and 10% <u>increase</u> after every two years, presuming a family of 04 persons. Even if the number of family persons exceeds 04, the family size will still be presumed to be 04. If the family members are less than 04, then income of the family would be calculated by multiplying Rs. 1,12,500/- by the number of family members. Thus, if the family size is 03, the maximum income limit would be Rs. 3,37,500/- per annum to determine indigency. If family size is 02, the income limit would be Rs. 2,25,000/- per annum to determine indigency. The above figures shall be subject to 10% increase after every two years. The above income criteria has been mentioned to bring objectivity in the determination of indigency of a family/applicant.</p>
<b>REQUEST FOR CHANGE IN POSTS</b>	12	<p>Once a person has accepted compassionate appointment against a particular post, it shall be treated as final and no request for change shall be allowed. This shall not be a bar for the incumbents for applying and competing for jobs under State Govt./Corporations/Govt. of India etc., in accordance with law.</p>
<b>UNDERTAKING FOR MAINTENANCE OF THE FAMILY OF THE DECEASED EMPLOYEE</b>	13	<p>A person appointed on compassionate grounds under the scheme shall give an undertaking in writing in the prescribed application format that he/she will maintain properly the other family members, who were dependent on the deceased or the medically retired employee and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained</p>

		properly by him/her, his/her appointment may be terminated.
<b>SENIORITY</b>	14	A person appointed on compassionate grounds in a particular year shall 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 grounds.
<b>GENERAL</b>	15	Grant of appointment on compassionate ground shall be as per the enclosed proforma.

PART B (INFORMATION ABOUT THE APPLICANT)	
(a)	Name of the applicant in compassionate employment
(b)	The/Her relationship with the employer
(c)	Date of birth supported by documentary evidence
(d)	Academic/Professional/Qualifications
(e)	Professional/Technical/Qualifications
(f)	Proof of Identity viz. Voter ID, Aadhar Card etc.
PART C (INFORMATION ABOUT PENSION & OTHER RETIRAL BENEFITS)	
(a)	Family pension
(b)	DCR Gratuity
(c)	OLP/GR
(d)	Life Insurance/Postal/Any other

**PRESCRIBED FORMAT FOR APPLICATION FOR EMPLOYMENT TO ELIGIBLE DEPENDENTS OF- EMPLOYEE DYING WHILE IN SERVICE/MISSING FOR MORE THAN TWO YEARS/MEDICALLY RETIRED EMPLOYEES.**

**PART-A (INFORMATION ABOUT EMPLOYEE)**

01.	(a)	Name of the deceased/missing/medically retired employee	
	(b)	Post held lastly	
	(c)	Date of Birth of the employee as per the service record	
	(d)	Date of entry in Service	
	(e)	Date of death/missing/retiring on medical ground supported by authentic documents	
	(f)	Total length of service rendered	
	(g)	Whether regular/contractual/daily waged employee	
	(h)	Category to which belongs - General/SC/ST/OBC	

**PART-B (INFORMATION ABOUT THE APPLICANT)**

02	(a)	Name of the applicant for compassionate employment	
	(b)	His/Her relationship with the employee	
	(c)	Date of Birth supported by documentary evidence	
	(d)	Academic/Educational Qualification(s)	
	(e)	Professional/Technical Qualification(s)	
	(f)	Proof of Identity viz. Voter ID, Aadhar Card etc.	
	(g)	Post for which employment is sought	

**PART-C (INFORMATION ABOUT PENSION & OTHER RETIRAL BENEFITS)**

03	(a)	Family pension	
	(b)	DCR Gratuity	
	(c)	G.P.F./C.P.F.	
	(d)	Life insurance/Postal/Any other	



		insurance	
	(e)	Movable and immovable properties & Annual income earned therefrom by the family	
	(f)	C.G.E. Insurance amount	
	(g)	Encashment of leave	
	(h)	Any other assets	
		TOTAL	
04		Brief particular(s) of liability, if any.	

**PART-D (PARTICULARS OF ALL THE DEPENDANTS OF THE EMPLOYEE (IF SOME ARE EMPLOYED, THEIR INCOME AND WHETHER THEY ARE LIVING TOGETHER OR SEPARATELY.**

Sr. No.	Name & Age	Relationship with the employee	Employed or not particulars of the employment and emoluments.
1.			
2.			
3.			
4.			
5.			
6.			

**DECLARATION/UNDERTAKING: -**

(1) I hereby declare that the facts given by me above are true to the best of my knowledge and are correct. If any of the facts herein mentioned are found to be incorrect/false on a future date, my services may be terminated.

(ii) I also undertake to refund the entire amount of loan/ advance taken from the Government by my husband/father in the event of employment being provided to me together with the interest on the loan/ advance.

(iii) I also undertake that I shall properly maintain the other family members, who were dependent on the deceased or medically retired/missing employee and in case it is proved subsequently (at any time) that the family members are being neglected or are not being properly maintained by me, my appointment may be terminated forthwith.

DATE

Signature of the applicant:

PLACE

Complete Home Address:-

I have certified that the facts mentioned by the candidate above are correct.

Signature of the Head of the

Office

Name:-

Address:-

Recommendation of the Head of the Departments

Signature of the Head of Office

Name:-

Address:-

CHECKLIST FOR EXAMINING/DECIDING PRESENT /PENDING  
EMPLOYMENT ASSISTANCE ON CASE(S) SEEKING  
COMPASSIONATE GROUNDS.

1. The dependent of the deceased/medically retired/missing employee must apply for job on compassionate grounds on the prescribed format.
2. He/she must have the minimum educational qualification(s)/skills as per the R & P Rules for the post for which he/she has applied.
3. Since, such appointments are to be made against the direct recruitment quota, the High Court or District Judiciary shall ensure 5% cap on such appointments as provided in the policy.
4. None of the family member of the deceased/medically retired/missing person should be either in Government service or in defence or Para Military Forces or in employment of Autonomous Bodies/Boards/Corporations etc., of the State/Central Government or any type of other Government job(s).
5. No Objection Certificate(s) is required to be obtained from the other members of the family in favour of the applicant who applies for job on compassionate grounds;
6. The income of the family of the deceased employee shall be reckoned with specific reference to income from all sources [including income from immovable and movable properties]. number of the dependents especially unmarried daughters, aged parents etc. as per the enclosed format. [It may however. be noted that the information on said format is to be supplied/declared by the applicant concerned and duly verified by the competent authority. Only accurate information be given. In case any false information is detected later on. a case under Criminal Law, should be registered against him by the High Court or District Judiciary.]
7. Besides legal heirs certificate, non-employment certificate, death certificate of the deceased, character certificate and bonafide Himachali certificate in respect of the applicant are also needed.

**STATEMENT OF INCOME FROM ALL SOURCE(S) INCLUDING FAMILY PENSION  
IN RESPECT OF THE FAMILY OF THE DECEASED EMPLOYEE (S) ON THE  
DATE OF SUBMISSION OF APPLICATION FOR COMPASSIONATE  
EMPLOYMENT.**

Sr. No.	Source(s) Income	Annual Income	Remark(s) if any
1	INCOME FROM PENSION (PPO NUMBER, NAME OF DTÖ & DRAWING BANK BE MENTIONED WHERE APPLICABLE)		
2	AGRICULTURAL INCOME		
3	INCOME FROM RENT		
4	INCOME FROM BUSINESS		
5	INCOME FROM INTEREST		
6	INCOME FROM OTHER SOURCES		
	TOTAL ANNUAL INCOME		

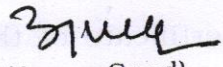
BY ORDER  
THE HIGH COURT OF HIMACHAL PRADESH

REGISTRAR GENERAL

**20602-10**      Dated: 09.07.2024

Copy forwarded for information and necessary action to:-

1. Principal Private Secretary to Hon'ble the Chief Justice, H.P. High Court.
2. Secretaries to the Hon'ble Judges, H.P. High Court.
3. The Secretary/Private Secretary/PAs to the Registrar General/Registrar (Vigilance) / Registrar (GAD) / Registrar (Judicial) / Registrar (Admin./Rules/IT)/ Central Project Co-ordinator/ Registrar (Accounts)/ Registrar (Establishment).
4. All the District & Sessions Judges in the State.
5. All the Additional Registrars/Deputy Registrars of this High Court.
6. The Section Officer O&A Branch of this High Court.
7. The Chief Librarian of this High Court.
8. The Section Officer (Computer) High Court of Himachal Pradesh for conversion into digital form and uploading the same on e-Gazette.
9. The Co-ordinator, NIC deputed in the High Court for updating the High Court website.
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(Aman Sood)  
Registrar (Rules)