

SCHEME FOR
COMPASSIONATE APPOINTMENT
IN THE REGISTRY OF THE
SUPREME COURT OF INDIA

2006

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1. OBJECT

The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Court Officer/servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Court Officer/servant concerned from financial destitution and to help it get over the emergency. The Scheme will not be open to the family members of Court Officer/servant voluntarily taking retirement on any ground.

2. TO WHOM APPLICABLE

To a dependent family member:-

(A) of a Court Officer/servant who:-

- (a) dies while in service (including death by suicide); or
- (b) 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 (57 years for Group 'D' Court Officer/servants); or
- (c) 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 (57 years for Group 'D' Court Officer/servants).

NOTE I “Dependent Family Member” means:

- (a) spouse; or
- (b) son (including adopted son); or
- (c) daughter (including adopted daughter); or
- (d) brother or sister in the case of unmarried Court Officer/servant

who was wholly dependent on the Court Officer/servant at the time of his death in harness or retirement on medical grounds, as the case may be.

considered whose appointment in the opinion of Hon'ble the Chief Justice of India, will be in the larger interest and welfare of the family members.

7. A. EXEMPTIONS

Compassionate appointments are exempted from the requirements of ordinary/normal recruitment procedure

B. RELAXATIONS

(a) Hon'ble the Chief Justice of India can relax educational qualifications/upper age limit or any other requirement as prescribed in the relevant recruitment rules/guidelines/orders

NOTE: Age eligibility shall be determined with reference to the date of application and not the date of appointment.

- (b) The applicant seeking appointment for the post of Junior Clerk shall have to pass all such tests, as are or may from time to time be prescribed for such post.
- (c) If the applicant fails to qualify in any of the prescribed tests he will be given another chance to appear in and qualify in that test after a period of 3 months. No further chance will, however, be given for the purpose.
- (d) If an applicant fails to qualify in the tests prescribed for the post of Junior Clerk in spite of extension of time allowed, he/she shall be given an option to seek appointment for a Group 'D' post and the request made in that behalf if any, shall be considered provided the applicant fulfills the eligibility conditions. If, however, the applicant does not choose to apply for a Group 'D' post or is otherwise not found eligible for such a post, an option may be given to another dependent family member who fulfills the educational qualification and other eligibility conditions to apply for the post of Junior Clerk or a Group 'D' post. If however, such a family member applies for, but, fails to qualify the tests prescribed for the post of Junior Clerk no further opportunity shall be given.
- (e) Where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempted from the requirement of possessing the educational qualifications prescribed in the relevant rules/guidelines provided the duties of the post can be

satisfactorily performed by her without possessing such educational qualifications.

8. DETERMINATION/AVAILABILITY OF VACANCIES

- (a) Appointment on compassionate grounds can be made on ad hoc basis or on regular basis. The ad hoc appointment may be regularised subject to availability of regular vacancy.
- (b) Subject to availability of vacancy, appointments on compassionate grounds can be made upto a maximum of 10% of the total sanctioned strength of posts of Junior Clerk/Group 'D' posts having quota for direct recruitment, as the case may be. This will include the employees appointed on compassionate grounds and serving on the date of commencement of this scheme. Appointments shall be subject to availability of vacancies within the prescribed ceiling and the general and special orders, if any, of Hon'ble the Chief Justice of India.

9. RELATED REQUESTS FOR COMPASSIONATE APPOINTMENT

- (a) Application for compassionate appointment shall be made within 6 months from the date of death or retirement on medical ground of the Court Officer/servant.
- (b) If the Registry is not able to offer compassionate appointment for 3 years from the date of death or date of retirement on medical ground as the case may be, the application for compassionate appointment shall lapse and shall not be processed further. The applications pending on the date of commencement of the scheme shall however lapse on expiry of one year from commencement, if compassionate appointment cannot be offered within that period.

10. WIDOW APPOINTED ON COMPASSIONATE GROUNDS GETTING REMARRIED

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

11. WHERE THERE IS AN EARNING MEMBER

- (a) In deserving cases even where there are one or more earning member in the family, a dependent family member may be considered for compassionate appointment, if having regard to the number of dependents, assets and liabilities left by the Court Officer/servant, income of the earning member as also their liabilities family responsibilities, needs of dependent family members and other relevant factors, Hon'ble the Chief Justice of India is satisfied that compassionate appointment is justified.
- (b) In cases where any member of the family of the deceased is already in employment and is not supporting or is not in a position to support the other members of the family of the Court Officer/servant, extreme caution will be observed in ascertaining the economic distress of the members of the family of the Court Officer/servant so that the facility of appointment on compassionate grounds is not circumvented and misused by putting forward the ground that the employed member is not supporting the family.

12. MISSING COURT OFFICER/SERVANT

Cases of missing Court Officer/servant are also covered under the scheme for compassionate appointment subject to the following conditions:-

- (a) A request to grant the benefit of compassionate appointment can be considered only after at least 7 years from the date from which the Court Officer/servant has not been heard of by those who would naturally have heard of him if he had been alive, provided that:
- (1)an FIR to this effect has been lodged with the Police within reasonable time,
 - (2)the competent authority is satisfied that the case is genuine;
- (b) This benefit will not be applicable to the case of a Court Officer/servant:-
- (a) who is alleged to have committed any offence punishable under the law or gone abroad.

(c) while considering such a request, the results of the Police investigation shall also be taken into account; and

13. **DECLARATION**

All the adult non earning family members of deceased/retired Court Officer/servant shall have to make a declaration in the form of Affidavit that they are unemployed and have no source of income except the income disclosed in the application form and they have no objection to employment on compassionate ground being given only to the applicant. All other adult family members (other than applicant) shall also have to make a declaration by way of Affidavit regarding verification of the information furnished by the applicant.

14. **UNDERTAKING**

A person appointed on compassionate grounds under the scheme shall give an undertaking in writing (as in Annexure) that he/she will maintain properly the other family members who were dependent on the Court Officer/servant in question and in case it is found otherwise at any time, his/her appointment may be terminated forthwith. The Undertaking shall be made before, and personally authenticated by Registrar (Admn.).

15. **PROCEDURE**

- (a) The proforma as in Annexure with such modifications if any, as may be deemed appropriate will be used by the Registry for ascertaining necessary information and processing the cases of compassionate appointment.
- (b) An application for appointment on compassionate grounds shall be considered by a Committee of officers nominated by the Registrar General. The applicant may also be granted personal hearing by the Committee, if felt necessary.
- (c) Application (s) if any, received during a particular month shall be placed before the Committee in the next month. The Committee may direct such investigation as may be deemed fit, which as far as possible, will be completed within one month and report will be placed before the Committee. The Committee shall make its

recommendation within 3 months of the application being placed before it for the first time.

- (d) Recommendations of the Committee shall be placed before the Hon'ble the Chief Justice of India through Registrar General for a decision.

16. **REQUEST FOR CHANGE IN POST/PERSON**

(a) an appointment made on compassionate grounds shall not be transferred to any other person on any ground.

(b) Only one family member of the deceased Court Officer/servant shall be given appointment on compassionate ground.

17. **SENIORITY**

(a) The inter-se seniority of persons appointed on compassionate grounds will be fixed with reference to their date of appointment. Their interpolation with the direct recruits/appointees will also be made with reference to their dates of appointment without disturbing the inter-se seniority of direct recruits/appointees.

(b) Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/her appointment.

18. **GENERAL**

(a) Appointments on compassionate grounds shall be made in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration.

(b) Employment of a family member of a deceased or medically retired Group 'D' Court Officer/servant may not be restricted to a Group 'D' post only. As such, a family member of such Group 'D' Court Officer/servant can be appointed as Junior Clerk provided that he/she is educationally qualified and a vacancy in the cadre of Junior Clerk is available for this purpose.

- (c) An application for compassionate appointment shall not be rejected merely on the ground that the family of the government Officer/servant has received retiral and other benefits under various welfare schemes. While considering a request for appointment on compassionate ground an objective assessment of the financial condition of the family shall be made taking into account its income, assets (including the benefits received under the various welfare schemes such as GPF, gratuity, leave encashment, family pension) and liabilities and all other relevant factors such as the presence of an earning member, size of the family, age and qualifications of the children, family obligations and essential needs of the family, etc.
19. Hon'ble the Chief Justice of India, may, in His Lordship's absolute discretion, relax or waive any of the conditions/requirements laid down in this scheme.
20. Nothing in this scheme shall be deemed to affect the power of the Chief Justice to make such orders, from time to time, as he may deem fit in regard to all matters incidental or ancillary to the scheme not specifically provided for herein or in regard to matters as have not been sufficiently provided for.
21. All questions relating to the interpretation of this scheme shall be referred to the Chief Justice, whose decision thereon shall be final and binding.