

Government of Orissa
General Administration Department.

MEMORANDUM

Bhubaneswar, dated the 24/11/92

Sub:- Amendment to Orissa Civil Service
(Rehabilitation Assistance) Rules,
1990.

In order to ameliorate the distress caused to the family members of the Government servants who prematurely die before their superannuation or are physically incapacitated on health grounds, the Government have framed in 1990 a set of rules known as Orissa Civil Service (Rehabilitation Assistance) Rules. It however came to the notice of Government that some genuine cases and situations have not been visualised in the Rules as a result of which, some bereaved families in distress are not eligible to avail the benefits of the Rehabilitation Assistance Scheme. It is, therefore, proposed that Rule 2 dealing with definition of family, Rule 11 dealing with coverage of some categories of employees. Rule 12 dealing with ~~repeal~~ ~~and savings~~ etc. are to be suitably amended, so that genuine cases are brought within the fold of Rehabilitation Scheme. }

2. According to Rule 2(b) of the above rules, following members of the family of a deceased/incapacitated Government servant are eligible for appointment:

- (i) wife/Husband;
- (ii) Sons/Step Sons or Sons legally adopted through a registered deed;
- (iii) Unmarried daughters/Unmarried step daughters;
- (iv) widowed daughters if they reside with the affected family, and
- (v) Unmarried or widowed sister permanently residing with the affected family.

3. A number of representations have been received from different quarters to include some others as members of the family e.g., the widowed daughter-in-law, brother etc. These proposals have been examined in detail. It is proposed to include widowed daughter-in-law residing permanently with the affected family in the list of family members under Rule 2 (b) and to add the following proviso in order to consider the cases of other family members in case no such member as mentioned in Rule 2(b) are available in a family.

" Provided that when no family member of the deceased employee is eligible for getting benefit under this rule, the Government may, in deserving cases, appoint any other close relative of the deceased to be named by the widow or guardian of the children of the deceased under orders of the Chief Minister to be obtained through the General Administration Department."

4. According to Rule 11, facilities provided under these Rules shall also apply to (a) non-government Primary School Teachers and Teachers in aided institutions under the Education & Youth Services Department, (b) the work charged employees and (c) the employees under Public Sector Undertakings of the State Government. In this Rule, the non-teaching staff of the aided institutions have been left out. The Director, Higher Education has submitted a proposal for extending the benefits under this scheme to the non-teaching staff also. It has, therefore, become necessary to amend Rule 11 as follows.

"11. The facilities provided under these rules shall, mutatis mutandis, be applicable to the families of -

- (i) non-Government Primary School Teachers,
- (ii) teaching and non-teaching staff of aided educational institutions under the Education Department.
- (iii) the work-charged employees of the State Govt. and
- (iv) the employees of the Public Sector Undertakings under the State Government."

5. The above rules came into force with effect from 24.9.90. According to Rule 12, all instructions corresponding to these rules and in force immediately before the commencement of these rules have been repealed. Consequently cases pending before 24.9.90 could not be considered. There was no saving clause under these rules to consider such pending cases. Further these rules apply to Government Servants who die while in service or are incapacitated while in service but do not cover cases where a Government Servant has absconded consequent to which his family members face distress. Further these rules do also not apply to the cases where persons selected for appointment under different Recruitment Rules expired before they are actually employed as a result of which his family members are deprived of their livelihood. Therefore, it has become necessary to provide relaxation clause to consider such cases. With this end in view, the following clause is proposed to be added to the existing Rules.

"16(1)The State Government where satisfied that the operation of all or any provisions of these rules causes undue hardship in any particular case, it may dispense with or relax the provisions to such extent as it may consider necessary for dealing with the case in a just and equitable manner.

(2) Such cases shall be examined in General Administration Department and orders of Chief Minister shall be obtained."

6. The Draft Notification for amendment of the relevant provisions of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 on the above lines, duly vetted by the Law Department is placed below for consideration.

7. The memorandum is placed before the Cabinet for consideration and approval.

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23/11
Tarun Kanti Mishra
Special Secretary to Government.

Memo No. SC/6-27/92 40698 /Gen. Bhubaneswar, Dt. 24/11/92
50 Copies of the Memorandum alongwith Draft Notification are forwarded to Secretary to Cabinet, with request to place the same before the Cabinet in their next meeting.

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Special Secretary to Government.

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