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HOME DEPARTMENT

NOTIFICATION

The 4th July 2012

No. 26077—IPW-06/2012-IPW—In exercise of the powers conferred under Section 2 of the Police Act, 1861 (Act No. 5 of 1861) and notwithstanding anything contained in the relevant recruitment rules, regulations, orders or instructions in the context, Government hereby makes the following rules to regulate the appointment of the family of deceased Police Personnel who die in Naxal/ Extremist violence while on duty in Naxalite/ Maoist affected areas to rehabilitate such family, namely :—

1. Short title and commencement—(1) These rules may be called the **Odisha Police Service (Rehabilitation Assistance on account of death in Naxal/Extremist violence while on duty in said areas) Rules, 2012.**

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Applicability—(1) The assistance shall be available to a member of the family of the police personnel who die in Naxal/Extremist violence while on duty in said affected areas :

Provided that nothing in these rules shall prevent for appointment of a member of the family under the provisions of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 under any establishment under the administrative control of Home Department :

Provided further that the appointment shall be made by the provisions of either of these rules.

(2) These rules shall also apply to the family of a Police Personnel who dies in Naxal/ Extremist violence while on re-employment or during extension of service.

3. Definitions—In these rules unless the context otherwise requires,—

(a) "Family Member" shall mean and include the following members in order of preference—

- (i) Wife/Husband;
- (ii) sons or step sons or adopted sons;
- (iii) unmarried daughters and unmarried step daughter;
- (iv) widowed daughter or daughter-in-law including Divorcee daughter residing permanently with the affected family;
- (v) unmarried or widowed sister including Divorcee sister permanently residing with the affected family; and

- (vi) unmarried brother of unmarried-Government servant/married but widower and issueless who was wholly dependant on such Government servant at the time of death.
- (b) "Recruitment Rules" means the rules framed under Section 2 of the Police Act, 1861 (Act No. 5 of 1861) regulating promotions to different posts in Odisha Police and shall include regulations, executive instructions and orders issued by the competent authority in this regard from time to time.
- (c) 'Year' means the calendar year.

4. Posts to which such appointment can be made—Appointment under these rules shall be made once against any post either in Group C or Group D post required to be filled up by direct recruitment and not against promotional posts.

5. Eligibility criteria for appointment—A family member shall be eligible for appointment if he/she possesses the eligibility criteria prescribed in the relevant recruitment rule for the post applying for by him/her :

Provided that the appointing authority shall have the power to condone the upper age limit prescribed for such appointment :

Provided further that the D.G. & I.G. of Police shall have the power to relax the Educational qualification and/or the Physical standard, if he is satisfied that such relaxation shall not affect the discharge of duties assigned to the post.

6. Mode of appointment—(1) Application for an appointment shall be made within a year in the Form appended to these rules to the appointing authority under whom the deceased Police Personnel last worked :

Provided that if at the time of death of the Police Personnel, there is a ward who is minor and who alone is available in the family of the deceased Police Personnel for employment, he/she shall apply for appointment under these rules on attaining the age of eighteen years and in no case beyond three years from the date of attaining the age of eighteen years.

(2) On receipt of the application the appointing authority shall appoint him/her to a post if he/she satisfies the eligibility criteria under Rule 5. Otherwise he shall forward it to the D.G. & I.G. of Police.

(3) The D.G. & I.G. of Police shall consider the same and pass appropriate orders for his appointment to any Group C or Group D posts as per his qualification under any Police Establishment within the State.

(4) Before issue of appointment order the appointing authority shall ensure the production of the following documents :—

- (a) certificate of Age;
- (b) certificate of Educational qualification;
- (c) submission of Medical Certificate of Health;
- (d) verification of Character and antecedents;
- (e) character Certificates from two officers of Government not below the rank of Group B Government servant;
- (f) submission of undertaking that he/she has cr.ly one spouse living, if he/she is married; and

- (g) Submission of undertaking through affidavit to the effect that he/she shall maintain the family members of the deceased police personnel excepting the member who is self sufficient as an earner and who is otherwise separate from the family after partition through a registered deed or after marriage.

(5) Notwithstanding the period of limitation prescribed in sub-rule (1), delay in submission of application for appointment under these rules may be condoned by the Administrative Department.

7. Condition of service—(1) The general conditions of service in matters of confirmation, leave, pay, traveling allowance, pension, etc., of a family member appointed to a post under these rules shall be the same as admissible to the employees appointed to that post under the provisions of the relevant recruitment rules.

(2) Seniority of persons appointed under these rules, in the grade/cadre of the post in which the appointment is made shall be fixed below the persons recruited and appointed in that grade or cadre in that year as per the provisions of the relevant recruitment rules.

(3) *Inter se* position of persons appointed under these rules in a year to a grade/cadre of the post shall be fixed on the basis of their date of appointment. In case the date of appointment of two or more person are the same *inter se* position shall be decided on the basis of their date of birth, i.e. person older in age shall be senior to the younger :

Provided that persons appointed in a year under the provisions of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 shall *en bloc* be senior to the persons appointed under these rules in that year.

8. Relaxation—The Government, if satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, it may dispense with or relax the provisions of the same to such extent as it may consider necessary for dealing with the case in a just and equitable manner.

9. Interpretation—If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

By order of the Governor

U. N. BEHERA

Principal Secretary to Government

FORM

[See Rule 5 (I)]

APPLICATION FOR APPOINTMENT

UNDER THE ODISHA POLICE SERVICE (REHABILITATION ASSISTANCE ON ACCOUNT OF DEATH IN NAXAL/ EXTREMIST VIOLENCE WHILE ON DUTY IN SAID AREAS) RULES, 2012

FOR FAMILY MEMBERS OF DECEASED POLICE PERSONNEL, WHO DIE IN NAXAL/EXTREMIST VIOLENCE WHILE ON DUTY IN NAXALITE/ MAOIST AFFECTED AREAS

TO BE SUBMITTED BEFORE THE APPOINTING AUTHORITY UNDER WHOM THE DECEASED POLICE PERSONNEL LAST SERVED

PART I

(INFORMATION ABOUT THE DECEASED POLICE PERSONNEL)

01. Name of the deceased Police Personnel :
02. Post held at the time of death :
03. Place of posting at the time of death :
04. Date of Death :
(enclose Death Certificate)
05. Nature of Death :
06. Number of family members :
(enclose Legal Heir Certificate)
07. Is any of the family member is employed. :
(If so, enclose details)

PART II

(PERSONAL DETAILS OF THE APPLICANT)

08. Name of the applicant :
09. Father's/Husband's Name :
10. Relationship with the deceased Police Personnel. :
11. Date of Birth :
(enclose supporting document)
12. Educational Qualification and Experience. :
(enclose Certificates)

- * 13. Whether belongs to ST/SC/SEBC
(if so, enclose Caste Certificate)
- 14. Whether a Person with Disabilities
(if so, enclose PWD Certificate)
- 5. Post applied for
- Correspondence Address

OF
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Permanent Address
(other than Correspondence Address)

ri/Smt./Kumari Son/Daughter/Wife of
..... hereby declare that the information furnished above
is the best of my knowledge and belief. If any of the facts herein mentioned are found to be
false at a future date my services can be terminated by the appointing authority without
notice or reasonable opportunity of hearing.

I further hereby undertake that I shall maintain the family members of the deceased
servant excepting the member who is self sufficient as an earner and who is otherwise
in the family after partition through a registered deed or after marriage, failing which the
authority may take any action against me as deemed proper.

Signature of the applicant

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PART III

(FOR OFFICE USE ONLY BY THE APPOINTING AUTHORITY TO WHOM
THE APPLICATION WAS MADE)

1. Posts vacant under the Appointing Authority.
2. Posts for which found suitable
3. No. and Date of issue of appointment order.
4. Place of Initial Posting

If there is no vacancy under the appointing authority the application shall be forwarded to the D.G. & I.G. of Police.

Appointing Authority
(Seal & Signature with Date)

PART IV

(FOR OFFICE USE ONLY IN THE O/o D.G. & I.G. OF POLICE)

1. Post for which found suitable
2. Relaxation of Educational Qualification/ Physical Standards, if any, considered.
3. Appointing Authority, to whom the case was recommended for appointment.

D.G. & I.G. OF POLICE
(Seal & Signature with Date)

PART V

(FOR OFFICE USE ONLY BY THE APPOINTING AUTHORITY TO WHOM
THE CASE WAS RECOMMENDED)

1. Posts in which appointed
2. No. and Date of issue of appointment Order.
3. Place of Initial Posting

Appointing Authority
(Seal & Signature with Date)

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