



REGISTERED No. O-14

The Orissa Gazette



**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 1280 CUTTACK, THURSDAY, OCTOBER 8, 1998/ASWINA 16, 1920

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 7th October 1998

No. 28761—SC/6-71/97 (pt)-Gen.—In exercise of powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to amend the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, namely:—

1. (1) These rules may be called the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998.

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

2. In the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 (hereinafter referred to as the said rules) in rule 2.

(i) for clause (a) the following clause shall be substituted, namely:—

“(a) Deserving case means a case where the appointing authority is satisfied, after making such enquiry as may be necessary—

(i) that the death of the employee has adversely affected his family financially because the family has no other alternative mode of livelihood;

(ii) that there is existence of distress condition in the family after death of the employee,

(iii) that none of the family members of the employee who has died while in service is already in employment of Government/Public or private sector or engaged in independent business with an earning up to rupees twenty thousand a year; and

(iv) that the family does not have adequate income from the immovable properties to earn its livelihood.

Explanation—The income of any earning member will be taken into account for the purpose of assessing the annual gross income of the family if his separation from the family has not been established by registered partition deed made prior to the death of the Government employee”;

(ii) clause (d) shall be omitted; and

(iii) for clause (e), the following clause shall be substituted namely:—

“(e) ‘Rehabilitation Assistance’ means the assistance provided under these rules to a member of the family of a Government servant who died while in service”.

3. In the said rules, for rule 3 the following rule shall be substituted, namely:—

“3. The assistance shall be applicable to a member of the family of the Government servant who dies while in service.”

4. In the said rules, for rule 4 the following rule shall be substituted, namely:—

“4. The Rehabilitation assistance is conceived as a compassionate measure of saving the family of a Government servant from immediate distress when the Government servant suddenly dies while in service. The concept is based on the premises that in case of sudden death his family would not face starvation. The scheme has a direct relationship with the economic condition of the family of the Government servant. Appointment of the family member of the Government servant under these rules shall be subject to the provisions contained in rule 9 and cannot be claimed as a matter of right.”

5. In the said rules, for rule 5 the following rule shall be substituted namely:—

“5. In deserving cases, a member of the family of the Government servant who dies while in service, may be appointed to any Group-C or Group-D posts only by the appointing Authority of that deceased Government servant provided he/she possesses requisite qualification prescribed for the post in the relevant recruitment rules or instructions of the Government without following the procedure prescribed for recruitment to the post either by statutory rules or otherwise irrespective of the fact that recruitment is made by notification of vacancies to the Employment Exchange or through recruitment examination under relevant recruitment rules. At the time of notifying such vacancies to the employment exchange or the Examining Authority, the employer shall clearly mention that the vacancy is proposed to be filled up under rehabilitation assistance scheme and so, sponsoring of candidates by Employment Exchange or the Examining Authority is not necessary.”

6. In the said rules, for rule 7 the following rule shall be substituted, namely:—

“7. Appointment under these rules shall be made once against any post either in Group-C or in Group-D which is a base post in the said groups and the maximum scale of pay for such posts in Group-C and Group-D shall not exceed Rs. 6000 and Rs. 3,200 respectively, as revised by Government from time to time. When a member of the family has been appointed to a particular post, no further claim shall be entertained for appointing the same person to a higher post. For any further advancement in service, he will have to take his chance in the normal course and compete with other eligible persons.”

7. In the said rules, in sub-rule (1) of rule 8—

(i) for clause (a) the following clause shall be substituted, namely :—

“(a) Application for an appointment shall be made in Form-A to these rules to the appointing Authority under whom the deceased Government servant last worked, by Registered Post with A. D. ; and

(ii) in sub-rule (2), the words “in case of death while in service” shall be omitted.”

8. In the said rules, in rule 9—

(i) for sub-rule (2) the following sub-rule shall be substituted, namely :—

“(2) Subject to the provisions contained in sub-rule (3), the applicant for appointment to a particular post, under rehabilitation assistance scheme, must have the requisite qualifications as prescribed in the relevant recruitment Rules/Resolution or instructions regulating the recruitment to the said post.”

(ii) for sub-rule (3) the following sub-rule shall be substituted, namely :—

“(3) Where a widow of the deceased Government servant is appointed on compassionate ground, against a Group-D post, she is not required to satisfy the educational qualification prescribed for the said post, provided the duties attached to the post can be satisfactorily performed without having the requisite educational qualification” ;

(iii) for sub-rule (4) the following sub-rule shall be substituted, namely :—

“(4) Family of a Government servant who dies while on re-employment or extension of service, shall not be eligible for any benefit under these rules” ;

(iv) sub-rule (5) shall be omitted ;

(v) for sub-rule (6) the following sub-rule shall be substituted namely :—

“(6) Application for appointment under these rules shall be considered if it is received within one year from the date of death of the Government Servant” ;

(vi) for sub-rule (7) the following sub-rule shall be substituted, namely :—

“(7) If at the time of death of the employee, there is a legal heir who is minor and who alone is available for employment, he/she shall apply for a job under these rules as soon as he/she attains the age of 18 years and in no case beyond one year from such age.” ;

(vii) in sub-rule (8) the words “or retired” shall be omitted ; and

(viii) for clause (iii) of sub-rule (10), the following clause shall be substituted, namely :—

“(iii) Character Certificates from two officers of Government not below the rank of Group-‘B’ Government Servant.”

9. In the said rules, rule 11 shall be deleted.

10. Any order made or action taken under the provisions of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 prior to commencement of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998 shall not be re-opened.

11. For Annexure-A the following Form-A shall be substituted.

ANNEXURE-A [See Rule 8 (1) (a)]

FORM OF APPLICATION FOR APPOINTMENT UNDER THE REHABILITATION ASSISTANCE SCHEME (TO BE SUBMITTED IN DUPLICATE)

PART I

1. Name of the deceased Government servant
2. Designation and Office/Department of the Government servant.
3. Whether permanent or temporary
4. Total length of service rendered
5. Date of death (Enclose an attested copy of the death certificate issued by the Health and Family Welfare Department).
6. List of family members as per the Legal Heir Certificate issued by the concerned Tahasildar.
7. Income and status of each of the legal heirs
8. Is any of the members listed under item 6 has been appointed under compassionate ground ? If so, give particulars of such appointment.
9. Total assets of the deceased Government servants—
 - (a) Details of immovable property, if any, in the name of deceased Government servant and members of family.
 - (b) Movable property
 - (c) Pension, family pension and T. I., etc.

PART II

10. Name of the candidate for appointment
11. His/her relationship with the deceased Government servant.
12. Date of birth
13. Particulars of Educational/Technical qualification and experience, if any.
14. Whether belongs to any of the following categories—
 - (a) S. C./S. T.
 - (b) Ex-Servicemen
 - (c) Physically handicapped
 - (d) Sportsmen

15. The post applied for

I, Shri/Smt./Kumarison/daughter/wife of
Shri.....hereby declare that the information furnished above
is true to the best of my knowledge and belief. If any of the facts herein mentioned are found to be
incorrect or false at the future date my service can be terminated by the appointing authority without
furnishing notice or reasonable opportunity of hearing.

Date.....

Signature of the applicant

PART III

Forwarded to Collector,..... for enquiry and report whether the
family of the deceased Government servant is in distress financially.

Appointing Authority
(Seal & Designation)

PART IV

(Certificate by Collector of the District)

Certified that the information furnished by the applicant in this application form have been enquired
into and found correct/incorrect. The family of the deceased Government employee is in distress/ not in
distress. The annual income of the family from all sources including Pension and T. I. is Rs.....
for the year.....

Forwarded to the

(Appointing Authority)

Collector & District Magistrate
(Seal & Signature)

(No authority except the Collector & District Magistrate shall sign this certificate)

By order of the Governor

PRIYABRATA PATANAİK

Special Secretary to Government