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Copy of letter No. 71042/R dt. 9.11.83, from Deputy Secretary to Govt. to Orissa, Revenue & Excise Department, Bhubaneswar, addressed to the Secretary, Board of Revenue, Orissa, Cuttack.

Sub:- Rehabilitation assistance to the family of the deceased or permanently incapacitated Govt. servants who suffer such disability while in Govt. service.

Sir,

I am directed to say that certain points of doubt have arisen in connection with the implementation of the recent Govt. circulars regarding provision of rehabilitation assistance to the family of the deceased or permanently disabled Govt. servants who suffer such disability while in Govt. service. In this connection, the specific points of doubt and the clarification thereon are specified below for the information and guidance of subordinate Revenue authorities.

Points of Doubts.

Clarification

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| i) Whether the concession of offering appointment to a member of the family will be extended in all cases as a matter of routine or when the family is found xxx deserving? | The concession is a rehabilitation assistance to a family distressed due to the premature death (while in service) or permanent incapacitation of a Govt. servant and should be extended in deserving cases only subject to the candidate being otherwise eligible for the post. |
| ii) Which authority will ascertain whether the case is deserving and, if so, decide that rehabilitation assistance should be provided to a particular member of the family? | The appointing authority will ascertain the position in individual cases. After ascertaining the detailed facts and circumstances, it would be expedient to place the same before a Committee (while may comprise the members of the existing Departmental Promotion Committee, unless the composition of the committee is specified otherwise in any statutory rules of recruitment) for its recommendation. |
| iii) Who constitute the members of the "Family" for this purpose? | "Family" for the purpose of rehabilitation assistance will mean-
a) Wife or husband (provided she/he was not separated or divorced at the time of death or permanent incapacitation of the Govt. servant).
b) sons (including step-sons) and unmarried daughters (including step-daughters), and
c) brothers and unmarried sisters who were dependent on the deceased or permanently incapacitated Govt. servant. |
| iv) What should be the age limits of such a member of the family seeking appointment as rehabilitation assistance? | The minimum and maximum age limits as prescribed for entry to the relevant post (subject to the relaxation admissible in case of candidates belonging to the Sch. Caste or Sch. Tribes and the physically handicapped candidates) will be applicable in such cases. |
| v) Whether such appointments can be given to more than one member of a particular family? | Only one member of the distressed xxx family may be appointed as measure of rehabilitation assistance if he/she is otherwise eligible for appointment to the relevant post. |

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vi) When one or more members of the family are already in employment, whether the assistance should be provided to another member of the family?

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Not ordinarily, if extraordinary circumstances do not exist, the matter may be referred to the Head of Department with complete particulars of the case.

vii) Whether the concessional appointment can be provided to the widow of a Govt. servant who dies while in Govt. service?

There is no bar to the appointment of the Govt. servant who dies while in service to a post provided she is otherwise eligible for same. There is no reason why the rehabilitation assistance of appointment should be withdrawn because she remarries.

viii) Since which date the cases of death or permanent incapacitation while in service should be reckoned for the purpose of providing such appointment as a measure of rehabilitation assistance?

Provision of rehabilitation assistance may be considered in cases of death or permanent incapacitation of Govt. servant while in service occurred on or after ~~xxxxxxx~~ 9.9.82, i.e. the date of issue of Resolution No.21686/Gen. the General and Administration Deptt.

ix) Whether such concessional appointments can be made in respect of posts the recruitment to which is Governed by statutory rules?

Since executive instructions cannot supersede statutory rules of recruitment, posts which are filled under recruitment rules framed in exercise of powers under the provision to Article 309 of the constitution of India, can be filled up only after compliance of the relevant provisions of the said rules. Steps are being taken for effecting necessary amendments to such statutory rules.

Sd/-

Deputy Secretary to Govt.

Memo No. 71843 dt.9.11.83.

Copy forwarded to all R.D.Cs/Lan Reforms Commissioner, Orissa, Cuttack/ others for information.

2. This disposes of the letter No.2356/EI-dt.23.4.1983 of the R.D.C.(SU) pur.

Sd/-

Deputy Secretary.

Office of the Revenue Divisional Commissioner:(SU)Berhampur,Ganjam.

Memo No.1248/XVIII-72/83- Berhampur dated 30.1.84.

Copy to all Section Officers/ O.S./P.S. to R.D.C.(SU)/D.E.Seat/Class IV seat of Estt.II Section/for Circulation among the staff under their control.

Copy to File No.XVIII-71/83 of Estt.I. Section.

Copy to Guard file of A.M.R.Seat (two spare copies).

Sd/-

Section Officer.

True copy
attested

By
19/3/84

Assistant Surgeon,
M.R.C.G. Medical College Hospital,
Berhampur.