

Annexure-II

[No. 29686-SC.-6-71/97-(Pt.)-Gen.]

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on 15th October 1998)
The 14th October 1998

Subject –Applicability of the provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 to the families of non-Government Primary School Teachers. Teaching and non-Teaching staff of Aided Educational Institutions, Work Charged employees of the State Government and the employees of Public Sector Undertakings under the control of the State Government.

In order to ensure that the family members of a Government servant who dies while in service or retires on the grounds of permanent incapacitation, does not face immediate distress condition, the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 were framed under the proviso to Article 309 of the Constitution of India and the said rules came into force with effect from the 24th September 1990 vide General Administration Department Notification S. R. O. No. 394/90, dated the 13th September 1990.

The facilities provided under the above said rules were also made 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 Government and (iv) the employees of Public Sector undertakings under the State Government. Law Department have advised now that under the proviso to Article 309 of the Constitution of India, rules can be framed by the Governor concerning the Services and Posts in connection with the affairs of the State Government and not otherwise.

Thus, rules concerning the employees of the non-Government Primary Schools, Aided Educational Institutions, Work charged Employees and Public Sector Undertakings cannot be framed under the proviso to Article 309 of the Constitution of India.

Therefore, on the advice of Law Department, Rule 11 has been deleted from the O. C. S. (Rehabilitation Assistance) Rules, 1990. But since Rehabilitation Assistance is conceived as a compassionate measure of saving the family of a deceased employee from immediate distress when the employee suddenly dies while in service, Government after careful consideration have decided that the benefit of Rehabilitation Assistance Scheme which has been extended for the family members of non-Government Primary School Teachers, Teaching and non-Teaching staff of Aided Educational Institutions under the Education Department, the work charged employees of the State Government and the employees of the Public Sector Undertakings under the State Government previously should continue. Hence it is ordered that the provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 as amended from time to time shall *mutatis mutandis* be applicable to the families of the employees of the above categories with effect from the 24th September 1990.

Order – Ordered that the resolution be published in the extraordinary issue of the *Orissa Gazette*. Ordered also that copies of the Resolution be forwarded to All Departments of Government/All Heads of Departments/ Secretary to Governor/All Collectors/Registrar, Orissa High Court/Special Secretary, Orissa Public Service Commission/Secretary, Orissa Staff Selection Commission/Registrar, O. A. T.

True copy
attested
[Signature]

Under Secretary to Govt.
G.A Department

By order of the Governor
PRIYABRATA PATNAIK
Special Secretary to Government