

PART I - RULES
THE ORISSA CIVIL SERVICE (REHABILITATION ASSISTANCE) RULE, 1990
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 13th September 1990

(Published in the *Orissa Gazette* on the 24th September 1990)

No. 25585 -Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa hereby makes the following rules to regulate recruitment to the State Civil Services and posts as a measure of rehabilitation assistance, namely :-

Short Title and commencement.

1. (1) These rules may be called the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.
- (2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Definitions

2. In these rules, unless the context otherwise requires -

- (a) ¹['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 the employment of Government/Public or Private Sector or engaged in independent business with an earning above Rs. 20, 000 (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.

- (b) 'Family Members' shall mean and include the following members in order of preference -
 - (i) Wife/Husband;
 - (ii) Sons or step sons or sons legally adopted through a registered deed;
 - (iii) Unmarried daughters and unmarried step daughter;
 - (iv) ²[Widowed daughter or daughter-in-law residing permanently with the affected family.]
 - (v) Unmarried or widowed sister permanently residing with the affected family;
 - ³[(vi) Brother of unmarried Government servant who was wholly dependant on such Government servant at the time of death]

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1. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998 published in *Orissa Gazette* and given effect to from the 8th October 1998.
 2. Substituted vide G. A. Department Notification No. 16289, dated the 26th July 1993 and given effect to from the 24th October 1990.
 3. Inserted vide G. A. Department Notification No. 26303, dated the 6th October 1999 and given effect to from the 1st October 1999.

- (c) Government means the Government of Orissa;
- (d) ¹[**];
- (e) ²[‘Rehabilitation Assistance’ means the assistance provided under these rules to a member of the family of Government servant who died while in service];
- (f) ‘Year’ means the calendar year.

Applicability

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

Objective of the scheme.

4. 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 can not be claimed as a matter of right.]

Appointment to be made in deserving cases.

5. 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.]

Authority competent to make compassionate appointment.

6. The authority competent to make substantive appointment to the post shall be the competent authority to make appointment under these rules.

Posts to which such appointment can be made.

7. ⁶[Appointment under these rules shall be made once against any post either in Group C or 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. 6, 000 and Rs. 3, 200 respectively, as revised by the 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.]

Mode of appointment.

8. (1) (a) ⁷[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.]

(b) On receipt of the application the appointing authority shall send a requisition to the Collector of the district in which the family ordinarily resides calling for a report as to whether the family is in financial distress.

(c) On receipt of a requisition from the appointing authority under Rule 8 (b). the Collector of the district concerned shall cause an enquiry into the matter and furnish his report to the appointing authority within one month from the date of receipt of the requisition.

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- 1. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 2. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 3. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 4. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 5. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 6. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 7. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.

(d) The appointing authority, upon receipt of the report, shall consider the same and in case of favourable report, appoint the applicant in a suitable available vacancy under his control. If a vacancy does not exist under his administrative control, the appointing authority may forward the application to the Head of the Department with suitable recommendations. The Head of the Department shall locate vacancies in other offices under his administrative control and direct Head of the Office where there is a vacancy to appoint the applicant. If no vacancy is immediately available the application shall be considered for the immediate subsequent vacancy. In cases arising in offices of Heads of Departments, the Head of the Department shall appoint the candidate in his office or in the offices subordinate thereto.

(e) In the case, of the Departments in the Secretariat or the attached Offices the appointing authority, on receipt of application shall refer the case to the concerned Collector for enquiry and report as specified in Clauses (b) & (c) above and on receipt of the report of the Collector under Clause (i) of sub-rule (1) shall follow the procedure as specified hereunder, namely :-

- (i) The concerned Department may appoint the candidate against any post available under its control in the Department not being one in common cadre of the Secretariat.
- (ii) In case of non-availability of suitable post, the Department may direct the Heads of Departments under its control to appoint the candidate against any suitable post under their control.
- (iii) If it is proposed to appoint the candidate against a post in any common cadre of the Secretariat administered by the Home Department, the Administrative Department may forward the application with suitable recommendations to the Home Department who shall take steps to appoint the candidate against a suitable post in the common cadre.

(2) Notwithstanding anything contained in Clause (b) of sub-rule (1) if the report of the Collector cannot be received within one month from the date of reference, the appointing authority may ¹[**] appoint the applicant subject to the condition that in case of adverse report made by the Collector, his services will be terminated without assigning any reason thereof.

Condition of service.

9. (1) Appointment under these rules can be made only against the posts required to be filled up by direct recruitment and not against promotional posts.

(2) ²[Subject to the provisions contained in sub-rule (3) the applicant for appointment to a particular post, under the rehabilitation assistance scheme, must have the requisite qualifications as prescribed in the relevant recruitment Rules (1) Resolutions or Instructions regulating the recruitment to the said post.]

(3) 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.]

(4) 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.]

(5) ⁵[**]

(6) 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.]

(7) ⁷[If at the time of death of the Government servant, there is ward who is minor and who alone is available in the family of the deceased Government servant for employment, he/she shall apply for job 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.]

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1. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 2. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 3. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 4. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 5. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 6. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 7. Substituted vide G. A. Department Notification No. 26303, dated the 6th Sept. 1999.

(8) The assistance shall not be available to the families of Government servants who died ¹[**] before issue of Labour & Employment Department Resolution No. 17188, dated the 9th September 1976, in respect of posts which are filled up by reference to the Employment Exchange and before issue of G. A. Department Resolution No. 21684-Gen., dated the 9th September 1982, in respect of posts filled up in pursuance of provisions in the relevant service rules.

(9) In exceptional cases, the maximum age limit may be relaxed by the competent authority in accordance with provisions of the Orissa Service Code.

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

- (i) Submission of Medical Certificate of Health,
- (ii) Verification of Character and antecedents in respect of appointments in Departments of Government and Heads of Departments.
- (iii) ²[Character Certificates from two officers of Government not below the rank of Group B Government servant.]
- (iv) Submission of undertaking that he/she has only one spouse living, if he/she is married.
- ³[(v) Submission of undertaking through affidavit to the effect that he/she shall maintain the family members of the deceased Government servant 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.]

(11) ⁴["Notwithstanding the period of limitation prescribed in sub-rule (6) delay not exceeding twelve months in submission of application for appointment under these rules may be condoned by the Administrative Department and delay exceeding 12 months may be condoned by the Chief Minister.]

Termination of services.

10. Suppression of correct information or furnishing of false information in the application shall render the applicant liable for removal from service in addition to other legal action to which he/she may be liable under the existing laws and this will also debar other members of his family from getting appointment under these rules.

⁵[10. A. If any person after execution of an undertaking under clause (v) of sub-rule (10) of the said Rule 9 violates the terms as specified therein the same act would amount to gross misconduct for imposition of major penalty by the appointing authority.]

11. ⁶[**]

Repeal and Savings.

12. All instructions corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed.

Notwithstanding such repeal any order passed or action taken under the instructions so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

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1. Omitted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 2. Substituted vide G. A. Department Notification No. 28761, dated the 7th October 1998.
 - 3 & 5. Inserted vide G. A. Department Notification No. 12627, dated the 12th April 2001.
 4. Substituted vide G. A. Department Notification No. 26303, dated the 6th September 1999.
 6. Deleted vide G. A. Department Notification No. 28761, dated the 7th October 1998.

13. Seniority of persons, appointed under these rules, in the grade or cadre of the service or posts 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 framed under Article 309 of the Constitution and in other cases according to their date of joining in the post.

Interpretation.

14. If any question arises relating to the interpretation of any provision of these rules, it shall be referred to the Government in General Administration Department for a decision.

Overriding Effect.

15. The provision of these rules shall have effect notwithstanding anything to the contrary in any other recruitment rules made under the proviso to Article 309 of the Constitution including the Orissa ex-Service men (Recruitment to the State Civil Services and Posts) Rules, 1985.

¹[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.]

By order of the Governor

C. NARAYANASWAMY

Special Secretary to Government

1. Inserted vide G. A. Department Notification No. 16289, dated 26-7-1993.

23 - 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 & 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 Servant
 - (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. ect.

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./Kumari
Son/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 a future date my services 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 from 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 excluding pension and T. I. is Rs.
..... For the year.....

Forwarded to the

**(Appointing Authority)
Collector & Dist. Magistrate
(Seal & Designation)**

(No authority except the Collector & Dist. Magistrate shall sign this Certificate)

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 29th December, 2008

No. 3 1 5 3 7
SC/5 - 6/2007

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further 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, 2008.

(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, in rule 2, in sub- rule (a),-

(i) in clause (iii), for the words "above Rs. 20, 000 (Rupees twenty thousand) a year; " the following words shall be substituted namely :-

"capable to tide over the distress condition of the family arising out of the sudden death of the employee" and

(ii) the existing Explanation shall be renumbered as " Explanation I" thereof, and after " Explanation -I" as so renumbered, the following shall be inserted namely :-

"Explanation II -The total annual family income from all sources excluding Family Pension and Temporary Increase must not exceed Rs. 72,000 (Rupees seventy two thousand) for a family to be in a 'distress condition'."

By order of the Governor

(B. B. Mohapatra)
Additional Secretary to Government

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 25th August, 2010

No. 16668-SC/5-3/2009(Pt-I)/Gen—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, namely:

3. (1) These rules may be called the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 2010.

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

4. In the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, in rule 9, sub rule (11) shall be substituted by the following sub-rule, namely : —

"(11) Notwithstanding the period of limitation prescribed in sub-rule (6), the delay in submission of application for appointment under these rules may be condoned by Government in concerned Administrative Department in deserving cases by an order to the effect that the applicant had sufficient cause for not submitting the application within such period."

Order

Ordered that the notification be published in an extra ordinary issue of the *Orissa Gazette* and the copy thereof forwarded to all Departments of Government /all Heads of Department /all Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Special Secretary, Orissa Public Service Commission.

By order of the Governor

UPENDRA NATH BEHERA

Special Secretary to Government.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 5th November, 2016

No. 23345-GAD-SC-RULES-0020/2015/Gen.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Odisha is pleased to make the following rules further to amend the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990, namely:—

1.Short title and commencement:— (1) These rules may be called the Odisha Civil Service (Rehabilitation Assistance) Amendment Rules, 2016.

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

2. In the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 (hereinafter referred to as the said rules), in rule 2, clause (a) and *Explanation* thereof shall be omitted.

3. In the said rules, in rule 5,

a. for the marginal heading the following marginal heading shall be substituted, namely:—

"appointment to be made basing on the evaluation report of the Committee."

- b. for the words "in deserving cases" the following phrases shall be substituted, namely:—

"On receipt of the report of the Committee constituted under rule 8"

4. In the said rules below rule 5, the following proviso shall be inserted, namely:—

"Provided that a maximum of 10% of the total vacancies in a year shall be earmarked to be filled up by applicants under Rehabilitation Assistance Scheme."

5. In the said rules, in rule 7, the phrases "not exceed Rs.6,000 and Rs.3,200 respectively, " shall be omitted.

6. In the said rules, for rule 8, the following rule shall be substituted, namely:—

"8. (a) Application for appointment shall be made in prescribed form as at *Annexure-A* to these rules to the Appointing Authority under whom the ' deceased Government servant last worked, by registered post with

A. D.

- (b) On receipt of the application the Appointing Authority shall refer the case to a Committee constituted with the Officer in charge of

Establishment, and two other officer not below the rank of Group'B' to be nominated by the Heads of Department or the Appointing Authority where the latter is other than the Heads of Department. The Committee shall examine each case individually and evaluate the case with reference to the criteria prescribed in *Annexure-B*.

- (c) The evaluation report of the committee shall be placed before the Appointing Authority for consideration.

- (d) The appointing authority, upon receipt of the report of the Committee, shall consider the same and in case of eligibility, appoint the applicant in a suitable available vacancy under his control, subject to the ceiling stated hereinafter and subject to the criteria as indicated in *Annexure-B*. If a vacancy does not exist under his administrative control, the Appointing Authority may forward the application to the Head of the Department with suitable recommendations. The Head of the Department may locate vacancies in other offices under his administrative control and forward to Head of the Office where there is a vacancy to consider to appoint the applicant. In cases arising in offices of Heads of Departments, the Head of the Department shall appoint the candidate in his office or in the offices subordinate thereto.

(e) In the case of the Departments of Government in the Secretariat or; the attached Offices, the Appointing Authority, on receipt of application shall refer the case to a Committee constituted by him with the officer- in-charge of the Office Establishment and two other officers not below the rank of Desk Officer to examine each case in the manner prescribed in clause (b). On receipt of the report of the Committee, subject to the conditions stipulated in the proviso to rule 5, the procedure as specified here under shall be followed, namely:—

(i) The concerned Department may appoint the candidate against any post available under its control in the Department not being one in common cadre of the Secretariat subject to the criteria as indicated in *Annexure- B*.

(ii) In case of non-availability of suitable post, the Department may forward to the Heads of Departments under its control to appoint the candidate against any suitable post under their control.

(iii) If it is proposed to appoint the candidate against a post in any common cadre of the Secretariat administered by the Home Department, the Administrative Department may forward the application with suitable recommendations to the Home Department who shall take steps to appoint the candidate against a suitable post in the common cadre.

(iv) While considering the pending applications in any office, the concerned Competent Authority will consider all complete applications' in order of date of death of the deceased employee.

(v) The cases rejected at the level of the Appointing Authority may be referred to the Government for re-examination but cases rejected once at .Government level shall not be reopened."

7. In the said rules, in rule 9, sub-rule (8) and the words "in deserving cases" appearing in sub-rule (11) shall be omitted.

8. In the said rules, in rule 15 the phrases "including the Orissa ex-Service men (Recruitment to the State Civil Services and Posts) Rules, 1985" shall be omitted.

9. In the said rules, *Annexure -A* shall be substituted with the following *Annexures* and check list, namely:—

"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 competent authority). -
6. List of family members as per the legal heir certificate issued by the concerned Tahsildar.
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 Servant.
 - 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. ect.

PART II

10. Name of the candidate for appointment with AADHAR Number.
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./Kumari

Son/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 a future date my services can be terminated by the Appointing Authority without furnishing notice or reasonable opportunity of hearing.

Date :

Signature of the applicant

PART – II – INSTRUCTIONS

No. **21684**-Gen.

GOVERNMENT OF ORISSA GENERAL ADMINISTRATION DEPARTMENT RESOLUTION

The 9th September 1982

Subject – Rehabilitation Assistance to the family of deceased or permanently disabled Government servant who suffers such disability while in Government service.

In resolution No. 17188-118/3-21/76-L. E. II., dated the 9th September 1976 of the erstwhile Labour, Employment & Housing Department (copy enclosed) it had been decided that appointing authorities would be competent to give employment to a member of the family of a deceased or permanently disabled employer who suffers such disability while in the service of the employee irrespective of whether the name of the candidate is sponsored by the Employment Exchange or not. This enabling provision is being resorted to in deserving cases. However these instructions do not apply to posts which are filled up by other means of recruitment.

After careful consideration Government have been pleased to decide that it would be desirable to extend concession to all Class III posts and service irrespective of whether recruitment is by notification of vacancies to the Employment Exchange or otherwise, in other words in deserving cases a member of the family of a Government Servant who dies or is permanently incapacitated while in government service could be appointed to any Class III posts under the appointing authority of that Government servant provided he possesses the qualification prescribed for the post, without insisting on the prescribed mode of recruitment in his case. The relevant recruitment rule may be amended accordingly.

Order – Ordered that this resolution be published in an extraordinary issue of the *Orissa Gazette* for general information and copies be forwarded to all Departments/Heads of Departments/all district offices/Secretary to the O. P. S. C.

**By order of the Governor
C. NARAYANASWAMY
Special Secretary to Government**

No. **20306**-VIE/ABI/85-EYS.

GOVERNMENT OF ORISSA EDUCATION & YOUTH SERVICES DEPARTMENT RESOLUTION

The 20th May 1985

Subject – Rehabilitation assistance to the families of non-Government Primary School Teachers under Education & Youth Service Department who die or suffer from permanent incapacitation while in service.

Government have had under consideration for some times past a proposal for providing rehabilitation assistance to members of the families of a non-Government Primary School Teacher who dies or becomes permanently incapacitated for work while in service. After careful consideration

Government have been pleased to decide that rehabilitation assistance may be made available to a member of the family of the deceased or permanently disabled non-Government Primary School Teacher subject to the following conditions :-

1. Once member of the family of the deceased or permanently disabled non-Government Primary School Teacher would be eligible for appointment in a Class III or Class IV post under Government including a post of Primary School Teacher or as the Primary School Teacher in a non-Government Primary School, subject to the condition that the member of the family who seeks to avail of this facility possesses the requisite educational or technical qualifications required for the post. If such a person seeks appointment as a Primary School Teacher whether in a Government or in a non-Government Primary School, he may be appointed as such if he possesses the requisite educational qualifications. If such a person does not possess the requisite training qualification, he/she shall be required to acquire the necessary training qualification within a period of three years from the date of appointment as a Teacher in a Primary School. An untrained person appointed as a Primary School Teacher would receive pay in the scale applicable to untrained matriculate teachers till he/she acquires the training qualifications.

2. The above facilities will be available to only one member of the family of the deceased or permanently disabled Primary School Teacher provided that the death or permanent disability has occurred prior to the normal date of superannuation and not during the period of re-employment or extension of service after retirement.

3. For the purposes of rehabilitation assistance being extended under this Resolution, the members of the family of the deceased or permanently disabled Primary School Teacher shall mean

- (a) husband or wife;
- (b) son or daughter including adopted son or daughter, step son or daughter.
- (c) Dependent brother or sister.

4. Applications for assistance under this Resolution shall ordinarily be received within the period of five years from the date of death or permanent disability.

5. Notwithstanding the instructions contained in Labour & Employment Department Resolution No. 19479-L. E. H., dated the 19th November 1975, appointing authorities would be competent to give employment to a member of the family of a deceased or permanently disabled employee who suffers such disability while in the service of the employer in question, irrespective of whether the name of he candidate is sponsored by the Employment Exchange. Notification of vacancies required under the Employment Exchanges (C. N. V.) Act, being mandatory the establishment concerned is not absolved of the responsibility to notify to the Employment Exchange the occurrence of the vacancies. But at the time of notifying such vacancies the employer should clearly mention that since the vacancy is proposed to be filled by a member of the family of a deceased/permanently disabled employee whose disability occurred while in service sponsoring action by the Employment Exchange is not necessary.

6. Rehabilitation assistance would be available only for initial appointment and not for promotion or further advancement in service.

Order – Ordered that the Resolution be published in an extraordinary issue of the Orissa Gazette for information of general public and copies be forwarded to all Departments/Heads of Departments/all Collectors.

By order of the Governor

R. C. SAMAL

Additional Secretary to Government

No. **13781**-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

Dated the 3rd May 1988

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Rehabilitation Assistance to the families of deceased or permanently disabled Government servant who die or suffer the disability while in service.

Some guidelines were prescribed in G. A. Department Memo. No. 24052, dated the 19th October 1983 for providing rehabilitation assistance to the families of Government servants who die or suffer permanent incapacitation while in service. The list of family members entitled to get such benefit under the scheme was defined in this Department Memo. No. 4192, dated the 18th February 1984.

Difficulties are being experienced by some of the appointing authorities to extend such benefit to an adopted son/daughter of the deceased or permanently incapacitated employee, since adopted son/daughter has not been included in the list of family members.

It has now been decided that an adopted son/daughter of a deceased or permanently disabled Government employee may be accepted as a member of the family of such Government servant for rehabilitation purpose provided the adoption has been legally perpetuated through a registered deed.

The above clarifications may be brought to the notice of all officers under your control.

B. B. MISHRA
Joint Secretary to Government

No. **4569**-SC-6-1/93-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

Dated the 22nd February 1993

To

All Departments
All Heads of Departments
All Collectors.

Subject – Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

Procedures for appointment of family members of the deceased/disabled employees under the rehabilitation assistance scheme have been laid down under Orissa Civil Service (Rehabilitation Assistance) Rules, 1990. A doubt arose as to whether a widow appointed under the said scheme will lose her job if she gets re-marriage.

After careful consideration Government have been pleased to decide that a widow, appointed under the said scheme will be allowed to continue in service even after her re-marriage. All subordinate offices may be intimated accordingly.

M. B. K. RAO
Deputy Secretary to Government

[No. **27924**-SC-6-52/95-(Pt.)-Gen.]

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 24th October 1996

From

Shri T. S. Chakraborty,
Under-Secretary to Government.

To

The Additional District Magistrate,
Ganjam.

Subject – Issue of clarification regarding providing employment under R. A. Scheme.

Sir,

In inviting a reference to your Letter No. 5775, dated the 29th August 1996 on the subject noted above I am directed to say that the membership of the family of an employee, who dies while in service or who retires on the ground of permanent incapacitation, is decided on the basis of the status of the family concerned on the very day of death or invalid retirement for the purpose of rehabilitation assistance scheme as per Rule 2 (b) of O. C. S. (R. A.) rules 1990. It means that the persons who were not separated from the family as per procedure established by law on or before the date of death or retirement of the Government servant concerned cannot be said to have been separated from the family for the purpose of determination of family members under the O. C. S. (R. A.) Rules, 1990 as amended up-to-date. Hence, any separation or adoption deed executed and registered after the date of death or invalid retirement of an employee cannot be taken into consideration for the purpose of providing employment under R. A. Scheme to any one of his family members.

Yours faithfully,

T. S. CHAKRABORTY
Under-Secretary to Government

[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.

**By order of the Governor
PRIYABRATA PATNAIK**

Special Secretary to Government

[No. **39937**-SC-6-71/97-(Pt.)-Gen.]

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

From

Shri Priyabrata Patnaik, I. A. S.,
Special Secretary to Government.

To

All Departments of Government
All Heads of Departments
All Collectors.

The 30th November 1998

Subject – Amendment to Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 Clarification thereof.

The undersigned is directed to say that consequent upon amendment of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 vide General Administration Department Notification No. 28761/Gen., dated the 7th October 1998, read with Resolution No. 29686, dated the 14th October 1998 a number of reference have been received from different quarters seeking clarification regarding interpretation of Rules 10 of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998 with regard to the action to be taken in respect of cases of disabled Government employees which are pending prior to the 8th October 1998 and with regard to inclusion of pension and T. I while assessing the annual income of the family of the deceased employee.

After careful consideration of the references received it is clarified that :

- (i) The Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998 came into force with effect from the 8th October 1998 i.e. the date on which they have been published in the extraordinary of the *Orissa Gazette* and hence these Amendment Rules have no retrospective effect. Therefore cases already disposed of either affirmatively or negatively prior to 8th October 1998 shall not be reopened.
- (ii) Cases which have already been initiated as per the provisions laid down in Orissa Civil Service (Rehabilitation Assistance) Rules 1990 prior to 8th October 1998 and are still pending shall be examined and disposed of as per the provisions contained in the rules as they stood before the amendments i.e. prior to 8th October 1998.
- (iii) In part IV of the prescribed application form appended to the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998, the words "including pension and T. I." shall be read as "excluding pension and T. I."
- (iv) Distress certificates may be issued in old forms in favour of the family of disabled/deceased employees, whose applications are pending prior to commencement of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1998.

These clarifications should be brought to the notice of the all the subordinate offices under their control for their information and future guidance.

P. PATNAIK
Special Secretary to Government

No. **3033-SC-6-1/99-Gen.**
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
Dated the 28th January, 1999

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Appointment of family members of the deceased employees under Rehabilitation Assistance Scheme Rulings of the Hon'ble Supreme Court of India.

The undersigned is directed to say that the Hon'ble Supreme Court in its judgements as indicated below has observed various aspects in the matter of appointment of family members of the deceased employees under Rehabilitation Assistance Scheme. The rulings of the Supreme Court which are reproduced below may be kept in view while considering cases of compassionate appointment :-

- (a) The Supreme Court in its judgement dated April 8-1993 in the case of Auditor General of India and others-Vrs-G. Anant Rajeswar Rao [(1994) I-SCC-192] has held that appointment on grounds of descent clearly violates Article 16(2) of the Constitution : but if the appointment is confined to the son or daughter or widow of the Government servant who died in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.

- (b) The Supreme Court's judgement, dated May 4, 1994 in the case of Umesh Kumar Nopgal, *Vrs.* State of Haryana and Other [Jt 1994 (3) S. C. 525] has laid down the following important principles in this regard :
- (i) Only dependents of an employee dying in harness leaving his family in penury and without any means of livelihood can be appointed on compassionate ground.
 - (ii) The posts in group 'C' and 'D' formerly Class II and (IV) are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds and no other posts, i.e., in the Group 'A' or Group 'B' category is expected or required to be given for this purpose as it is legally impermissible.
 - (iii) The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution and to help it get over the emergency.
 - (iv) Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased Government servant is legally impermissible.
 - (v) Neither the qualification of the applicant (dependent family member) nor the post held by the deceased Government Servant is relevant. If the applicant finds it below his dignity to accept the post offered, he is free, not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.
 - (vi) Compassionate appointment can not be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future.
 - (vii) Compassionate appointment can not be offered by an individual functionary on *ad hoc* basis.
- (c) The Supreme Court has held in its judgement, dated February 28, 1995 in the case of the Life Insurance Corporation of India *Vrs.* Miss. Asha Ramchandra Ambekar and others [J. T. 1994 (2) S. C. 183] that the High Courts and Administrative Tribunals cannot give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such an appointment.
- (d) The Supreme Court has rules in the cases of Himachal Road Transport Corporation *Vrs* Dinesh Kumar [J. T. 1996 (5) S. C. 319] on May 7, 1996 and Hundustan Aeronautics Limited *Vrs.* Smt. A. Radhika Thirumalai [J. T. 1999 (9) S. C. 197] on October 9, 1996 that appointment on compassionate grounds can be made only if a vacancy is available for that purpose.
- (e) The Supreme Court has held in its judgement in the case of State of Haryana and others *Vrs.* Rani Devi and others [J. T. 1996 (6) S. C. 646] on July 15, 1996 that if the Scheme regarding appointment on compassionate ground is extended to all sorts of casual, *ad hoc* employees including those who are working as Apprentices, then such scheme cannot be justified on constitutional grounds.

It is, therefore, requested that the above observations of the Hon'ble Supreme Court may be kept in view by the appointing authorities while considering the cases of appointments of family members of the deceased employees under Rehabilitation Assistance Scheme.

The subordinate offices under their control may be intimated accordingly.

PRIYABRATA PATTNAIK
Special Secretary to Government

No. **11928-SC-6-56/98-Gen.**
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 22nd April 1999

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject – Clarification in respect of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

The undersigned is directed to say that different Departments are submitting proposals to General Administration Department for obtaining orders of Chief Minister with regard to the availability of assistance of the scheme under Rule 9 (8) of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 and for condonation of delay of the period of limitation prescribed in Rule 9 (11) of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1992, After careful consideration of the matter, it has been decided by the Government in General Administration Department that in future, cases which come under the provisions laid down in Rule 9 (8) of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 and Rule 9 (11) of the Orissa Civil Service (Rehabilitation Assistance) Amendment Rules, 1992 will be dealt with by the concerned Administrative Departments and they will obtain orders of Chief Minister without routing the proposals through the General Administration Department. Only such cases where operation of the existing rules cause under hardship then proposals will be submitted by the Department to General Administration Department for examination of such cases and obtaining orders of Chief Minister under the Relaxation provisions of Rule 16 of the Orissa Civil Services (Rehabilitation Assistance (Second Amendment) Rules, 1993.

PRIYABRATA PATTNAIK
Special Secretary to Government.

Memo. No. **41150**-CCI. (S. C.)-15/99-CC.,

GOVERNMENT OF ORISSA

HOME DEPARTMENT

The 21st July 1999

To

All Departments of Government
(Branch-wise)

Subject – Appointment of the wards of the deceased government servants under Rehabilitation Assistance Scheme.

The undersigned is directed to say that a good number of applications are being received in this Department from various Departments of Government to consider giving appointment to the wards of the deceased Government servants under Rehabilitation Scheme against the vacancies available in the Departments of Secretariat under common cadre of Junior Assistants and Junior Grade Typists, the cadres of which are being controlled by the Home Department.

Rule 8 (1) (d) of the Orissa Civil Services (Rehabilitation Assistance) Rules, 1990 provides that "the appointing authority, upon receipt of the report, consider the same and in case of favourable report, appoint the applicant in a suitable available vacancy under his control. The appointing authority may forward the applicant to the Heads of the Department with suitable recommendations. The Heads of the Department shall locate vacancies in other offices under his administrative control and direct the Heads of Office where there is a vacancy to appoint applicant. In cases arising in the offices of the Heads of the Department, the Heads of the Department shall appoint the candidates in his office or in the offices subordinate thereto.

In view of aforementioned clear provisions of the relevant Rules, early the responsibility of appointing persons under the Rehabilitation Scheme devolves either upon the concerned Administrative Department or lies with the Heads of the Department under whom the deceased Government servant was working.

The Home Department do not have any responsibility in this regard whatsoever, excepting in cases of the wards of the employees who die while in service in the common cadres of the Secretariat.

They are, therefore, requested not to recommend the cases of such appointments henceforth; which do not come within the purview of the Home Department as per the provision of O. C. S. (Rehabilitation Assistance) Rules, 1990.

[ILLEGIBLE]

**Commissioner-*cum*-Secretary to Government,
Home Department**

No. **33213**-2M-15/2004

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 15th December 2004

Sub: Guidelines on determination of "Distress Condition" of the family of the deceased Government servant as per provisions under OCS(RA) Rules, 1990 - clarification regarding.

1. Rehabilitation Assistance is conceived as a compassionate measure of saving the family of a Government servant from immediate distress on account of death of a Government servant while in service. The concept of providing employment to one of the family members of the deceased in deserving cases is based on the premise that in case of sudden death the family should not face starvation. "Deserving Case" has been defined u/R 2 (a) of the OCS(RA) Rules, 1990, as a case where the appointing authority is satisfied, after making such enquiry as may be necessary on the conditions outlined under Clauses (i) to (iv) of the said sub-rule, that the case deserves consideration.

2. It has come to the notice of the Government that different Appointing Authorities are interpreting the above rule differently, particularly the condition 2 (a) (ii) on the existence of distress condition, while determining "Deserving Case" for appointment under the Rehabilitation Assistance Scheme. As the objective of the scheme is to save the family from immediate starvation, it has direct relationship with the economic condition of the family of the deceased Government servant. Therefore, income derived from all sources including Family Pension and T.I. has to be taken into account while determining the distress condition of the family of the deceased Government servant. It has earlier been clarified in General Administration Department Circular Letter No. 6340/Gen., Dt.08.03.1991 that the family pension allowed to the members of the deceased Government servant will not count towards earning u/R 2 (a) (iii) of the OCS(RA) Rules, 1990. But Family Pension has to be certainly taken into account u/R 2 (a) (ii) of the said rules while determining the existence of distress condition of the family to determine deserving cases. But instead of acting as per clarifications issued, some Appointing Authorities have resorted to varying interpretations of the contents of General Administration Department Notification No. 28761 / Gen., Dt.07.10.1998, which required that Collector's Certificate to be given in Part-IV of the application form should mention annual income of the family from all sources excluding pension and T.I. The exclusion of 2 pension and T.I. in the Collector's Certificate was suggested on account of two reasons :

- i) Collector was not normally aware of the exact quantum of family pension and T.I. resulting in either delay in furnishing of certificate or furnishing of inaccurate information.
- ii) If the Collector's Certificate were to include Family Pension and T.I., there was a possibility of the Appointing Authority again adding Family Pension and T.I. leading to double counting of income on this score.

3. It is, therefore, clarified that as per the prevailing practice, the Collector while submitting required report u/R 2 (a) (iii) of the OCS(RA) Rules, 1990 shall state the annual income of the family from all sources excluding Family Pension and T.I. (as only pension sanctioning authority is aware of the quantum of earning from the said source). In order to ensure uniform interpretation of "distress condition" (and therefore eligibility of the family as a "deserving case"), the Government have, after taking into account the fifth pay revision, been pleased to decide that total annual family income from all sources including Family Pension and Temporary Increase (T.I.) must not exceed Rs.45,000/- for a family to be in a distress condition. The calculation of Annual Family income may be done by the concerned Appointing Authority by adding the following :

- i) Family Pension and T.I. as sanctioned by the Pension Sanctioning Authority/ admissible.
- ii) Income of the family from all other sources as certified by Collector in part-IV of the application form. The Collector's report will exclude the family Pension + T.I. as per the current instructions.

4. All pending cases for Rehabilitation Assistance under the OCS(RA) Rules, 1990 shall be disposed of as per the above clarification.

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 / all Collectors / Registrar, Orissa High Court /Special Secretary, Orissa Public Service Commission, Cuttack / Secretary, Staff Selection Commission, Orissa, Bhubaneswar / Registrar, Orissa Administrative Tribunal, Bhubaneswar.

By order of the Governor
T.K.PANDEY
Special Secretary to Government

**Government of Orissa
General Administration Department**

No. **18357** / Gen., Dated 24-06-05

From

Sri D.C.Sahoo,
Deputy Secretary to Government.

To

All Departments of Government/
All Heads of Department/
All Collectors.

Sub:- Clarification regarding determination of "Distress Condition" for appointment under the Rehabilitation Assistance Scheme.

In order to ensure uniform interpretation of "distress condition", while determining "Deserving Case" for appointment under Rehabilitation Assistance Scheme, Government in G.A Department vide their Resolution No.33213 /Gen., dated 15.12.2004 have, after taking into account the fifth pay revision, been pleased to decide that the total annual family income from all sources

including Family Pension & Temporary Increase (T.I.) must not exceed Rs.45,000/- for a family to be in distress condition.

2. Now, clarifications are being sought for from different levels as to whether Family Pension & T.I. admissible as on the date of application or the amount payable/received at the time of appointment shall be taken into consideration.

3. It is clarified that amount of Family Pension & T.I. admissible on the date of application, shall be calculated to determine the eligibility of the applicant for consideration of appointment under the Rehabilitation Assistance Scheme.

Deputy Secretary to Government.

[No. **5147**—SC/6-63/2004 (Pt. I)/Gen.]

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 1st March 2006

Sub:—Guidelines on determination of "Distress Condition" of the family of the deceased Government Servant under the Rehabilitation Assistance Scheme.

In General Administration Department Resolution No.33213/Gen., dated the 15th December 2004 it was decided that the total annual family income from all sources including Family Pension and Temporary Increase (T.I.) must not exceed Rs.45,000/- for a family to be in distress condition.

2. The Cabinet Sub-committee constituted under the Chairmanship of Hon'ble Chief Minister to examine the existing Rehabilitation Assistance Scheme in their first meeting held on 8th November 2005 have recommended that the monetary ceiling of Rs.45,000/- as determined in G.A. Department Resolution referred to above may be raised to Rs.60,000/- keeping in view inflation and the revised pay structure fixed following the recommendations of the 5th Pay Commission.

3. After careful consideration of the recommendation of the Cabinet Sub-committee, it has been decided by Government that the total Annual family income from all sources including Family Pension and Temporary Increase (T.I.) must not exceed Rs.60,000/- for a family to be in a distress condition.

4. The G.A. Department Resolution No.33123/Gen., dated the 15th December 2004 stands modified to the above effect.

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/all Collectors/Registrar, Orissa High Court/Special Secretary, Orissa Public Service Commission, Cuttack / Secretary, Orissa Staff Selection Commission, Bhubaneswar/Registrar, Orissa Administration Tribunal, Bhubaneswar.

By order of the Governor
T.K. PANDEY
Special Secretary to Government

Government of Odisha
General Administration Department.

No. SC/6-63/04 (pr-1) **16838** / Gen., Bhubaneswar, dated 21st June 2007.

To

All Departments of Government etc.

Sub:- Appointment under Rehabilitation Assistance Scheme.

Appointment under Rehabilitation Assistance is regulated by O.C.S (Rehabilitation Assistance) Rules 1990, Rule-7 of these rules provide that, "Appointment under these rules shall be made once against any post, either in Group C or 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. 6,000 and Rs. 3,200 respectively, as revised by the Government from time to time.

Due to enactment of Fiscal Responsibility and Budget Management Act, 2005 vacancies in Group C and Group D posts are being filled up by way of contractual appointment carrying consolidated remuneration. Many appointing authorities have expressed doubt whether persons found eligible for appointment under the Rehabilitation Assistance Scheme shall be given contractual appointment carrying consolidated remuneration.

References from various quarters of Government are being made seeking clarification on the matter.

Appointment under Rehabilitation Assistance Scheme is a welfare measure which enables the Government Servant to give his best to the Government Service, sometimes even the cost of his health. Appointment under the scheme is not given as a matter of course Fulfillment of certain conditions as laid down under the rules and instructions issued by the Govt. are prerequisites for such consideration. Under the scheme, it has been thought of providing a sustainable and permanent arrangement for the family facing a distress condition arising out of the sudden death of the Government servant while in service.

In view of the above, it has been decided by Government that appointment under Rehabilitation Assistance Scheme shall be made against a Group C or Group D post carrying regular scale of pay as provided under the Rules.

Keeping in view the above aspects, Government after careful consideration have been pleased to decide that the above 385 persons appointed under R.A. Scheme after 12.04.1993 shall be considered as a class of employees shall be considered in isolation of other employees who do not come within this class.

In case some of them leave the job on any account, such vacancy shall not be, filled up by any means Payment would be made basing on actual work performed in different projects/ circles, but, not in offices like office of the Executive Engineer/ S.E./ Chief Engineer/ EIC or Secretariat. Their wages shall be charged to the work.

ii) These employees shall have no claim for regularization of service merely on the ground of their continuance.

iii) As regards the additional expenditure, the vacancies arising in the regular post of class-iv, Class-iii etc shall be abolished to avoid double addition for the establishment expenditure. The expenditure has to be met from the over al budgetary allocation approved for the Department.

This has been concurred in by Law Department. Vide UOR No. 587/L dt. 04.04.2006 & Finance Deptt. UOR No. 262/W.II/ dtd. 25.04.2006 & 694/MF dtd 08.06.2006.

By Order of Governor
Sd/- (Aurobindo Behera)
Commissioner-cum-secretary to Govt

**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION**

No. SC/5-6/07 - 845 / Gen. dt. 13 January 2009

Sub: Disposal of applications for appointment under Rehabilitation Assistance Scheme consequent upon amendment of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990.

Family Pension and Temporary Increase was being included in the annual income of the family of a deceased Government servant to determine the 'distress condition' of the family while considering appointment of a member of a family under Rehabilitation Assistance Scheme. The proposal for exclusion of Family Pension and Temporary Increase from the purview of calculation of family income was under active consideration of the Government for sometime past.

5. Government after careful consideration have been pleased to decide that, the total annual family income from all sources excluding Family Pension and Temporary Increase must not exceed Rs. 72,000/-(Rupees seventy two thousand)only for a family to be in a 'distress condition'. Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 have accordingly been amended vide General Administration Department Notification No. 31537 dated 29.12.2008. The amendment has been given effect to from the date of its publication, i.e., 29.12.2008 in the Orissa Gazette.

6. In order to facilitate disposal of pending cases and cases earlier rejected only on ground of inclusion of Family Pension and Temporary Increase in the calculation of annual income of the family, and income stipulation prescribed u/r 2(a)(iii), Government have been pleased to further decide that –

- (i) the amendment shall be applicable to all the cases pending for disposal;
- (ii) cases rejected only on the ground of inclusion of family pension and Temporary Increase in family income and on the ground of the stipulation of Rs.20,000 prescribed u/r 2(a)(iii), shall be reopened only on the basis of fresh income certificate and decided as per the amended provisions with the orders of the Government;
- (iii) all other conditions and procedure prescribed would remain unaltered; and
- (iv) the appointments can only be given against clear unabolished vacancies.

ORDER : Ordered that the Resolution be published in an extra ordinary issue of the Orissa Gazette for general information and the copies thereof forwarded to all Departments of Government / All Heads of Department / All Collectors / Registrar, Orissa High Court / Registrar, Orissa Administrative Tribunal / Special Secretary, Orissa Public Service Commission.

By order of Governor
(B. B. Mohapatra)
Additional Secretary to Government

[No. **11186-SC/5-16/2006/Gen.**]

GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 25th May 2009

Subject : Applicability of the provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 to the families of Job-Contract Employees working under State Government.

As a compassionate measure of saving the family of a Government servant, who dies while in service, the state Government has made statutory provisions for providing employment to one of the family members of the deceased employee under Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 in deserving cases.

Rehabilitation Assistance has also been made available to 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 vide General Administration Department Resolution No. 29686, dated the 14th October 1998.

Extension of Rehabilitation Assistance to family members of Job Contract employees of Settlement/Consolidation Organisation under Revenue & Disaster Management Department who die while in service was under consideration of Government for some time past. After careful consideration, it has been decided that the benefit of Rehabilitation Assistance shall also be made available to the families of Job Contract employees of Settlement/Consolidation Organisation.

The provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 as amended from time to time shall mutatis mutandis be applicable for Job Contract employees. This shall be given effect from the date of publication of this Resolution in Orissa Gazette.

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, Orissa Administrative Tribunal.

By order of the Governor
D.C. SAHOO
Additional Secretary to Government.

[No. 3024-SC/5-16/06/Gen.]

GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

The 5th February 2010

Subject:- Applicability of the provisions of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 to the families of Job-Contract Employees of Settlement/Consolidation Organisation under the Revenue & Disaster Management Department.

As a compassionate measure of saving the family of deceased Job Contract Employees of Settlement/Consolidation Organisation under Revenue & Disaster Management Department from falling into immediate distress arising out of the death of the Job Contract Employees, Government vide their General Administration Department Resolution No 11186/Gen., dated the 25th May, 2009 had extended the facility of appointment of a member of the affected family as per provision of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990. This was given effect from the date of its publication in the *Orissa Gazette* with effect from 26th May, 2009.

Now, after careful consideration, Government have decided that the benefit of Rehabilitation Assistance be made available to the Job Contract Employees of Settlement/Consolidation Organisation with effect from 16th July, 1996.

Accordingly, Para - 4 of the General Administration Department Resolution No. 11186/Gen., dated the 25th May, 2009 is modified as follows:

1. The provisions laid down in the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 as amended from time to time shall *mutatis mutandis* be applicable for Job Contract Employees of Settlement/Consolidation Organisation with effect from 16th July, 1996.

2. The last sentence of the Resolution dated the 25th May, 2009 is deleted.

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.

By order of the Governor
U. N. BEHERA
Special Secretary to Government

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

No. SC/5-27/06(Pt) **21133** /Gen., Bhubaneswar Dated the 11th November 2010

To

All Departments of Government
All Heads of Departments
All Collectors

Subject: Rehabilitation Assistance to the families of deceased Government servants who die while in service-clarification regarding eligibility of divorced daughter.

Appointment under RAS has been conceived as a compassionate measure saving the family of a Government servant who suddenly dies while in service from falling into immediate distress. The list of family members entitled to such benefit is defined under rule 2(b) of the Orissa Civil Services (Rehabilitation Assistance) Rules, 1990.

2. Instances of divorced daughter claiming appointment under the scheme has come to the notice of the Government. It is required to clarify whether the "divorced daughter" shall be treated as a member of the family of the deceased Government servant to be considered for appointment under the Orissa Civil Services (Rehabilitation Assistance) Rules, 1990.

3. As per the provision of Section 23 of Hindu Succession Act, 1956, the unmarried daughter and the daughter deserted by or separated by her husband are given the right of residence in the house of the father. Thus by law an unmarried daughter and a daughter deserted by or separated by her husband had been made to stand on one pedestal.

4. After careful consideration, Government have been pleased to decide that "unmarried daughter" shall also include "divorced daughter(legally divorced)" treating them on equal footing under rule 2(b)(iii) of Orissa Civil Services (Rehabilitation Assistance) Rules, 1990. All subordinate offices may be intimated accordingly.

The above clarifications may be brought to the notice of all officers under your control.

Additional Secretary to Government.

Government of Orissa
General Administration Department

No.SC/5-18/2011-**19902** / Gen, Bhubaneswar, Dated the 12th September 2011.

To

All Departments of Government
All Heads of Departments
All Collectors.

Subject - Clarification on appointment under the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 against any post where "Basic Computer Skill" is a necessity.

Recruitment to the post of Junior Clerks at District Level is governed under the provisions of the Orissa Ministerial Services (Method of Recruitment to the posts of Junior Clerks in District Offices) Rules, 1985. As per the provision u/r 7(1)(c), minimum qualification is "*Matriculation or any equivalent qualification*". Similarly, Recruitment to the post of Junior Assistant at Heads of Department Level is governed under the provisions of the Orissa Ministerial Services (Method of Recruitment and Conditions of Service of Assistants and Section Officers in the offices of the Heads of Departments) Rules, 1994. As per the provision u/r 9(a), minimum qualification is "+2 *in Arts/Science/Commerce or such other qualification equivalent to +2*".

In both the above cases a PAPER on *Basic Computer Skills* has been included in the *SCHEME of Examination* in order to test the Computer Knowledge of the applicant. The *Basic Computer Skills* prescribed in both these rules can be acquired without acquiring any formal qualification in the field. Further, in the last decade, a large number of computer institutions have been established in the State, which provide Basic Computer Courses. Hence it was not felt necessary to prescribe a specific qualification on Computer Knowledge in these rules.

As per the provision under rule 9(2) of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, the applicant for appointment to a particular post, under the rehabilitation assistance scheme, must have the requisite qualifications as prescribed in the relevant recruitment Rules, Resolutions or Instructions regulating the recruitment to the said post.

As such references and suggestions were received from different quarters to test the Basic Computer Skills of family members of deceased Government employees, who have applied for 'appointment under the provisions of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990, against Group "C" posts like Junior Clerk, Junior Assistant, where Basic Computer Skill is a necessity.

After careful consideration it is clarified as follows-

1. Since Basic Computer Skill is purely technical knowledge, persons without having Basic Computer Skills cannot be appointed under the provisions of the Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 against any post, where such knowledge is required under the provisions of the relevant Recruitment Rules, Resolutions or Instructions.
2. The appointing authority, before considering applications for appointment against such posts must satisfy himself that the applicant has acquired the Basic Computer Skills required for the post. He may adopt any method found fit by him to test the Basic Computer Skills of the applicant.
3. If the applicant has not acquired the Basic Computer Skills required for the post, he may be appointed to any other Group 'C' or Group 'D' post for which he may become eligible and where Basic Computer Skill is not a necessity.

SPECIAL SECRETARY TO GOVERNMENT.

Government of Odisha
General Administration Department

No- **26329** / Gen.,
GAD- SC-RAS-0062-2012

Bhubaneswar, Dated the 8th Nov, 2012.

From

Shri G. C. Patra,
Joint Secretary to Government.

To

The Collector,
Kendrapara.

Sub: Clarification on issue of Distress Certificate for appointment of a family member under Rehabilitation Assistance Scheme.

Sir,

I am directed to invite a reference to your Letter No. 10617 dated 20.07.2012 on the above subject and to say that the total annual family income from all sources, excluding family Pension and T. I. must not exceed Rs. 72,000/- for a family to be in distress. Hence all sources here means the Pension of the husband is to be included though the Pension of the deceased will be excluded for computation of total family income.

Yours faithfully

Joint Secretary to Government.

No: GAD-SC-CASE1-0024-2015/ **8934** /Gen

Government of Odisha

General Administration Department

Bhubaneswar, dated the 8th April 2015.

From

Niten Chandra, IAS
Principal Secretary to Government

To

All Departments
All RDCs
All Collectors

Sub: Implementation of Rehabilitation Assistance Scheme.

Sir/Madam,

The State Government have issued directions for the proper implementation of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 in order to mitigate the distress of the bereaved family members of the deceased Government employees. Instances have come to the notice that the provisions of the rules are not adhered to in true letter and spirit resulting in prejudice to the members of the family of the deceased employee. You may note that these rules have been specifically provided to prevent distress to the family members of the deceased employees of the government. It will be expedient to inform the members of the bereaved family about the provisions of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 so that they can seek remedy in an appropriate manner. Steps may be taken to review all pending cases of such applications and send a report to the General Administration Department along with a status on action taken by 30.4 2015.

Yours faithfully,

Principal Secretary to Government.

No: GAD-SC-RAS- 0029 / 2014 (PT) / **17880** / Gen.,

Government of Odisha

General Administration Department

Bhubaneswar, Dated 22th July 2015

From

G. V. V. Sarma, IAS
Principal Secretary to Government

To

All Departments All RDCs All
Collectors,

Sub: Implementation of Rehabilitation Assistance Scheme.

Ref: 1. Letter No. 8934/Gen dated 08.04.2015
2. Letter No. 10614 Dated 14.3.2012
3. D.O. No. 28486/CS dated 12.11.2007

Sir/Madam,

I am directed to invite a reference to the above subject and say that the Rehabilitation Assistance Scheme was formulated by the Government specifically to prevent immediate distress to the family members of the deceased Government employee. Instructions are issued time to time for proper implementation of Rehabilitation Assistance Scheme. However, it has come to notice that applications for appointment under Rehabilitation Assistance are pending at different levels for months together due to which the very purpose of the Scheme is defeated. Necessary provisions for appointment under Rehabilitation Assistance Scheme have been made in the OCS(RA) Rules, 1990 and instructions issued subsequently.

You are therefore requested to review all Rehabilitation Assistance Cases pending for more than three months and ensure appointment in eligible cases by **end of September, 2015**. A compliance note may be sent to GAD in this regard.

This may be treated as most urgent.

Yours faithfully

Principal Secretary to Government.

No: GAD-SC-RAS- 0029 / 2014 (PT) /. **17881** /Gen.,

Government of Odisha

General Administration Department

Bhubaneswar, Dated 22nd July 2015.

From

G. V. V. Sarma. IAS
Principal Secretary to Government.

To

All Collectors.

Sub: Implementation of Rehabilitation Assistance Scheme.

Ref : Letter No 845/Gen dated 13.01.2009

Sir/Madam,

I am directed to invite a reference to the above mentioned subject and say that instructions are issued from time to time for proper implementation of the Rehabilitation Assistance Scheme under the OCS (RA) Rules, 1990. Rehabilitation Assistance Scheme was conceived with a view to mitigate the distress of the bereaved family members of the deceased government employee. Instances have come to notice that the provisions of the rules are not followed resulting pending of RA applications at different levels. This frustrates the very purpose of the Rehabilitation Assistance Scheme. In many cases, the application for appointment under RA Scheme are not processed due to want of Distress Certificate. Very often, issue of distress certificate is delayed at the district level.

You are therefore impressed upon to review the Rehabilitation Assistance Cases pending at your level and ensure that all cases where distress certificates are pending with the Collectors for more than three months **are cleared by 10th August, 2015** by appropriate decisions.

An up to date information on pending Rehabilitation Assistance applications along with compliance to the above instruction may be sent to GAD by 20th August, 2015.

This may be treated as most urgent.

Yours faithfully

Principal Secretary to Government.

**Government of Odisha
General Administration Department**

Order

No.GAD-SC-RAS-0029/14 (pt) **19036**/ Gen. BBSR Dated, 4th Aug, 2015.

In order to ensure proper implementation of the Rehabilitation Assistance Scheme and to review applications for appointment which are pending for more than one year, a committee has been constituted with the following members.

- | | |
|--|-----------------|
| 1. Principal Secretary, G.A Deptt. | Chairman |
| 2. Representative of FD | Member |
| 3. Representative of concerned A/D | Member |
| 4. Jt. Secretary, (Service Condition),
G.A Deptt. | Member Convenor |

The concerned A/D will make initial scrutiny of the pending applications and place the eligible cases before the Committee for appropriate decision including delay condonation.

Joint Secretary to Govt.

Government of Odisha
General Administration Department

No. **19038** / Gen., Bhubaneswar, Dated 4th Aug 2015.

From

Shri G.C. Patra, OAS(S)
Joint Secretary to Government.

To

All Departments

Sub:- Compassionate Appointment under OCS (Rehabilitation Assistance) Rules, 1990.

Sir/Madam,

I am directed to say that in order to implement the Rehabilitation Assistance Scheme, Circulars/Notifications are issued from time to time. But it has come to the notice that applications for appointment under the scheme are pending at different levels for years together and the sole purpose of the scheme is defeated.

You are therefore requested to review the pending cases and furnish report to GA Department in the following proforma **by 10.8.2015**. R& DM Department may collect information from all RDCs and all Collectors and furnish a consolidated report to GA Department.

SI No.	No. of applications pending for appointment under RA scheme		Reasons for pending	Remarks
	Less than one year	More than one year		

Yours faithfully
Joint secretary to Govt.

Government of Odisha
General Administration Department

No. GAD-FE-PSC-0019-2015- **19785** /Gen., Bhubaneswar, Dated 13rd August 2015.

From

Debabrata Mallick, OAS(SB)
Officer on Special Duty.

To

The Addl. Chief Secretary / Principal Secretary to Govt.
Commissioner-cum-Secretary to Govt.,
All Departments.

Sub: Minutes of the meeting on recruitment of different posts held under the Chairmanship of Hon'ble Chief Minister on 28.07.2015.

Madam/Sir,

Inviting reference on the above subject, I am directed to send herewith a copy of the minutes of the meeting on recruitment for state and district cadre posts held under the Chairmanship of Hon'ble Chief Minister on 28.07.2015 for taking follow up action and to request that the progress of compliance on the decisions taken in the meeting may please be intimated to this Department by **21.08.2015** for placing the same in the next review meeting.

Yours Faithfully
Officer Special Duty.

Government of Odisha
General Administration Department

No. **20504**/Gen., Bhubaneswar, dated. 21-Aug-2015.

From

Ganesh Chandra Patra Joint
Secretary to Government.

To

All Departments of Government.

Sub: Appointment under Rehabilitation Assistance Scheme.

Ref: This Deptt. Letters No.17780 dt.22.7.2015 & 19038 dt.04.8.2015.

In continuation of this Department Letters under reference on the above noted subject, the undersigned is directed to say that the information called for therein may please be furnished (if not furnished already) to this Department along with up to date information on disposal of RA Cases pending for more than 3 months as on 01.4.2015 in the following format forthwith for review of the same by the Chief Secretary.

This may please be treated as extremely URGENT.

Joint Secretary to Govt.

Government of Odisha
General Administration Department

No. GAD-SC-RAS-0029/14(pt.)- **25604** / Gen., Bhubaneswar, dated 29th October 2015.

From

Shri Ganesh Chandra Patra, OAS(S)
Joint Secretary to Govt.

To

Principal Private Secretary to D.C.-cum-A.C.S.
Principal Private Secretary to A.C.S.(Finance),
Sr. Private Secretary to Principal Secretary to Govt., GA Department

Sub:- Meeting on Amendment to the OCS(RA) Rules, 1990.

Sir,

I am directed to say that the next High Level Committee Meeting to look into the matter of Compassionate Appointments under Government and possible amendment to the OCS(RA) Rules, 1990 is scheduled to be held under the Chairmanship of Chief Secretary on **31st October, 2015 at 7.00 p.m.** in his Conference Hall.

This may kindly be placed before the Development Commissioner-cum- Addl. Chief Secretary/ Addl. Chief Secretary (Finance)/ Principal Secretary to Govt., G..A. Department to make it convenient to attend the said meeting in the scheduled date and time.

Yours faithfully

Joint Secretary to Govt.

Government of Odisha
General Administration Department

No. GAD-SC-RAS-0058/15- **1043** / Gen

Bhubaneswar, dated 14-01-2016

From

Shri Garish Chandra Patra.OAS(S)

Joint to Govt.

To

The Addl. Dist. Magistrate,

Koraput

Sub:- Clarification regarding - an applicant has filed application for appointment under Rehabilitation Assistance Scheme alter lapse of 21 years of death of the Govt, servant.

Sir,

I am directed to invite a reference to your L No. 3047 Dt. 29.09.2015 on the subject noted above and to say that as per Notification No 3033/Gen dt. 28-01-1999, compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future. Hence, the case of Shri Raj Kishore Nayak. S/O late Tularam Nayak deserves no consideration.

Yours faithfully

Joint Secretary to Govt

Government of Odisha
General Administration Department

No. GAD-SC-MISC-0005-2017- **4235** /Gen. Bhubaneswar, dated **the 27th Feb, 2017**

From

Sri Kali Ch.Hembram, OSS.
Under Secretary to Government.

To

The Collector,
Khurdha

Sub:- Clarification on issue of distress certificate under Rehabilitation Assistance Scheme in respect of earning member of deceased family.
Sir,

In inviting reference to your Letter No.1091/Estt. dated 25.012017 on the subject cited above, I am directed to say that the persons who were not separated from the family as per procedure established by law on or before the date of death or retirement of the Government servant concerned cannot be said to have been separated from the family for the purpose of determination of family members under the O.C.S.(R.A.) Rules, 1990. Hence, any separation or adoption deed executed and registered after the date of death or invalid retirement of an employee cannot be taken into consideration for the purpose of assessing the annual gross income of the family or providing employment under R. A. Scheme to any one of his family members.

Yours faithfully,

Under Secretary to Government.

Government of Odisha
General Administration & Public Grievance Department

No. GAD-SC-RAS-0029-2014- **16138** /Gen., Bhubaneswar, dated the 26th July, 2017

To

All Departments of Government/
All Heads of Departments/
All Collectors.

Sub: **Applicability of the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 - Clarification regarding.**

The Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 have been amended in G.A. Department Notification No. 23345/Gen., dated 05.11.2016 effective from 07.11.2016 i.e. the date of its publication in the extra ordinary issue in the Odisha Gazette.

Consequent upon such amendment, the applications for appointment under R.A. Scheme are required to be scrutinized and evaluated by a Committee taking into consideration different parameters like income/assets/liabilities etc. of the bereaved family, constituted for the purpose by

the competent authority under rule-8(b) of the said Rules. As per provisions under rule-8(d), the appointing authorities are competent to decide the appointment in deserving cases against 10% of the vacancies advertised in the year.

Previously, in order to streamline pending R.A. cases and ensure appointment of deserving candidates, this Department have issued instructions in order No. 19036/Gen., dated 04.08.2015 to refer cases pending for more than one year at the Department level to the Committee in G.A. Department for consideration. Although, a number of such cases have already been considered and disposed of prior to amendment of the said rules, a good number of applications are still pending at different Departments including the R.A. cases of less than one year.

After careful consideration of the above scenario, it has been decided by the Government that all Departments of Government shall follow the following instructions to decide appointment under Rehabilitation Assistance in deserving cases strictly according to the procedure of the R.A. Rules as amended by G.A. Department Notification No. 23345/Gen., dated 05.11.2016.

- i Scrutinize and evaluate the old cases prior to 07.11.2016 strictly as per Rules as amended by Notification No. 23345/Gen., dated 05.11.2016 instead of sending them to G.A Department for consideration. Such cases shall be. Scrutinized and evaluated within a period of six months.
- ii R.A. applications received after publication of the OCS (R.A.) Amendment Rules, 2016 (i.e on or after 07.11.2016) shall be decided by the Department strictly as per the OCS (R.A.) Amendment Rules, 2016 against 10% vacancies advertised in the year.

This Department order No. 19036/Gen., dated 04.08.2015 is accordingly superseded.

Special Secretary to Government.

Government of Odisha

General Administration & Public Grievance Department.

No. **2237** Gen., Bhubaneswar, Dated 21st January, 2020
GAD-SC-RAS-0029-2014

RESOLUTION

The Rehabilitation Assistance Scheme has been prescribed by the Government as a compassionate measure for saving the family of a Government servant, who dies while in service. The Government have framed the Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 for providing employment to one of the family members of the deceased employee under Rehabilitation Assistance to save the family from immediate starvation.

The objective of the scheme is conceived as a compassionate measure of saving the family of a Government servant from immediate distress when the Government servant dies while in service. The concept is based on the premises that in case of sudden death, the family would not face starvation. The scheme has a direct relationship with the economic condition of the family of the Government servant. The objective of the compassionate measure is need-based to save the family of the deceased from immediate distress. The appointment is not meant to cater to the

economic status of the family or suit the educational qualification of the applicant who has applied for appointment under the scheme and appointment of one family member of the Government servant on compassionate ground cannot be claimed as a matter of right.

In order to improve efficiency in administration and timely delivery of better services to the people, changes have been made in the mean time in different Service Cadres by way of restructuring involving assignment of higher responsibilities with higher status. On the other hand a lot of applications for appointment under R.A. Scheme are lying for disposal due to different unavoidable reasons. In order to ensure immediate appointment under the R.A. Scheme, it is required to revise the existing provisions of rules and procedures as per the following parameters;

(1) In deserving cases, a member of the family of the Government servant who dies while in service, shall be appointed on compassionate ground only in any base level Group D vacant post by the competent authority which shall be limited up to fifty per centum (50%) of the sanctioned strength following the Rehabilitation Assistance rules.

(2) Compassionate appointment shall ordinarily be available to the spouse of the deceased Government employee. However, in case the spouse is more than 50 years of age (as on the date of death of the deceased Government employee) or in case the spouse is found to be medically unfit for the job (as per the report of the Medical Board), the spouse may nominate any one eligible family member of the deceased Government employee for compassionate appointment.

(3) Appointment on compassionate ground shall be made without following the due recruitment procedure subject to satisfaction of the educational qualification prescribed for the post, but in case of the widow of the deceased Government Servant, it is not required to satisfy the educational qualification prescribed for the said post if the authority concerned is satisfied that the duties attached to the post can be satisfactorily performed without having the requisite educational qualification, and

(4) On being appointed under the Rehabilitation Assistance Rules, the candidate shall be placed under the category to which he/she may belong to under post based reservation principles.

Provision of the OCS (RA) Rules, 1990 shall be substituted accordingly very shortly.

By Order of the Governor

Principal Secretary to Government.

Government of Odisha
General Administration & Public Grievance Department
Notification

No. **6999** / Gen., Bhubaneswar, dated 2nd March, 2021
GAD-SC-RAS-0006-2021

To

All Department of Government

All Heads of Department

All Collector

Sub: Clarification in the matter of consideration of pending RA applications as per OCS (RA) Rules, 2020 - the matters regarding.

Consequent upon coming into force of the Odisha Civil Services (Rehabilitation Assistance Rules, 2020 issued vide G.A. & P.G. Department Notification No. 5651, dtd. 17.02.2020 and the provision prescribed under sub-rule (9) of Rule 6 of the said rules , doubts have been raised from different Departments/offices on the following points:

1. As to whether RA applications which were received prior to Notification of OCS (RA) Rules, 2020 will be examined as per OCS (RA) Rules, 2020 or OCS (RA) Rules, 1990.
2. As to whether the RA applications which were received from the family members of the deceased employees who died prior to coming into force of the OCS (RA) Rules, 2020 will be considered as per the OCS (RA) Rules, 2020 or OCS (RA) Rules, 1990.
3. As to whether RA applications which were received prior to Notification of OCS (RA) Rules, 2020 and are already examined by the evaluation committee and considered for RA appointment as per OCS (RA) Rules, 1990 but appointment orders have not yet been issued will be considered as per OCS (RA) Rules, 2020 or OCS (RA) Rules, 1990.

After careful consideration, of the above issues, it is clarified that:-

1. As per the provision prescribed under sub-rule (9) of the rule 6 of the Odisha Civil Services (Rehabilitation Assistant) Rules, 2020 issued vide G.A. & P.G. Department Notification No. 5651, dtd. 17.02.2020 , " All pending cases as on the date of publication of these Rules in the Odisha Gazette shall be dealt in accordance with the provision of these Rules."

2. The pending cases includes all the cases in which all formalities have been completed but offer of appointment has not been issued under the provisions of superseded Rules prior to coming into force of the OCS (RA) Rules, 2020 .

Special Secretary to Government.

**Government of Odisha
General Administration & Public Grievance Department**

No. GAD-SC-RAS-0028-2021-**26055** /Gen., Bhubaneswar, dated 27th September, 2021

To

All Department of
Government All Heads of
Department All Collectors.

Sub: Issue of clarification - matters regarding appointment under Rehabilitation Appointment.

In inviting reference to this Department Notification No. 5651/Gen., dated 17.02.2020, it is to be mentioned here that, Rehabilitation application for appointment under OCS (RA) Rules, 2020, shall be considered, if it is received within one year from the date of death of Government Servant. Further, the said Rule contains provision to award points against different parameters mentioned in the evaluations sheet, to determine eligibility of the RA applicant for appointment under RA Scheme, in which terminal benefits (benefit from DCRG & Encashment leave salary) received by the family of the deceased is also one of the parameters mentioned at point No. II of the part-1 of form- D of the evaluation sheet.

However, clarification is often sought for from different quarters as to award of points against the terminal benefits (benefit from DCRG & Encashment leave salary) mentioned at point No. II of the part-1 of form- D, when the same is not sanctioned till the date of submission of the RA application by the applicant. After careful examination on the above issues , it is hereby clarified that when the terminal benefits (DCRG & Encashment leave salary) is not sanctioned to the bereaved family of the deceased till the date of submission of RA application, the appointing authority will compute the DCRG and encashment of leave salary provisionally on the basis of the last pay admissible on the date of death of the deceased and award the points against the same admissible amount to decide the deserving case for appointment under Rehabilitation Assistance .

It is therefore, requested that all concerned may be informed accordingly.

(G.C. Patra)

Additional Secretary to Government.

GOVERNMENT OF ORISSA

General Administration & Public Grievance Department

No. – **27414** / Gen.,

Bhubaneswar, dated 11th October, 2021

GAD-SC-GCS-0057-2021

To

All Department of Government,

All Heads of Department,

All Collectors.

Sub: Consideration of appointment under OCS (RA) Rules, 2020- matters regarding.

Provisions have been prescribed under sub-rule (9) of rule 6 of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 issued vide GA & PG Department Notification No. 5651, dated 17-02-2020 that "all pending cases as on the date of publication of these rules". Subsequently, clarification have been issued vide this Department Circular letter No. 6999/Gen., dated 02-03-2021 that all the cases in which all formalities have been completed, but offer of appointment have not been issued under the provisions of superseded Rules prior to coming into force of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 will be considered as per the provisions of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020.

Instances have been brought to the notice of the Government by different Administrative Departments that, some of RA applicants, whose RA applications were pending before coming into force of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 have obtained orders from different Courts of Law to apply the RA rules prevailing at the time of submission of the application taking into consideration the rules prevailing at the time of date of death of the deceased and to decide the matter accordingly.

It is therefore, impressed upon all concerned that, if the RA applications were pending before coming into force of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 and the RA applicants have obtained orders from the court of Law for consideration of his/her applications as per Rules prevailing at the time of submission of the application/ prevailing at the time of date of death of the deceased, the said order may be challenged before the higher forum on obtaining orders of the Government in their Department referring the latest judgment dated 04-03-2020 of the Hon'ble Apex Court reported in (2020) 7 SCC 617 (copy enclosed) and in consultation with the Law Department instead of referring the cases to the GA & PG Department soliciting views in the matter.

Additional Secretary to Government.