

## Background Note

The existing OCS (Rehabilitation Assistance) Rules was formulated during 1990. Some provisions in the existing Rules need further amendment to cater to the need of the present situation.

The Committee may discuss the following and recommend necessary amendments:-

1. As per the RA Scheme, one of the family members of the deceased Government servant may be provided with appointment in the Group 'C' or 'D' as per eligibility following due procedure. *It may be noted that Group 'D' posts are becoming less and less feasible because of the policy of outsourcing of several services. It is therefore inevitable that R.A. Scheme gets confined practically to Group 'C' posts. Therefore it may be considered to enable onetime payment of a lump-sum ex-gratia.*
2. Appointment under RA Scheme is considered against vacant Gr-C and Gr-D posts. But there is no limit on appointments in this scheme. Gol has a ceiling of 5% of vacancy to be filled up by candidates under RAS. *A ceiling may be fixed for appointment under RA Scheme under the State government also. In case the number of RA cases in any particular year happens to be more than 5% of the vacancies arising that year, then one-time cash assistance should be the only option.*
3. There is a ceiling of Rs 6000/- and Rs 3000/- in Gr C and Gr D respectively which is the maximum scale of pay against which appointments under RAS can be made. *In view of revised scale of pay, this maximum limit may be revised appropriately.*
4. As per Rule 2(b) (ii) of the OCS (RA) Rules, 1990, a family member in order of preference may be provided appointment. In many cases, the family of the deceased government employee prays for appointment of a particular person who is not eligible as per order of preference. In many cases, proposals are made to invoke relaxation provision of the Rule on flimsy grounds. *In order to smoothen the process, the policy may be modified to give the family the option of unanimously selecting a member for consideration of appointment, within a period of three months from the demise of the Government servant. In case the written choice is not exercised in a unanimous manner by all the surviving family members, the existing order of preference will be followed by the appointing authority.*

5. The OCS (RA) Rules came into force w.e.f. 13.9. 1990. S & ME Department has sought for views of GAD on RA cases relating to death of the Government employee prior to publication of the above Rules (i.e pre-1990 cases). *The Committee may decide whether to consider the eligible pre-1990 cases pending with S& ME and other departments.*
6. A specific case of the S & ME Department is that RA benefit is extended to Grant in Aid(GIA) Schools but the same is limited to 'clear vacancy' in that particular school. This prohibits appointment under RAS to an eligible member since there is no vacancy in a particular school though there is vacancy in a nearby school. *The provision of RA Scheme may be allowed taking the education circle/ district as a unit.*
7. In many cases, applications for appointment are submitted after a long period of 20-25 years of death of the government servant and delay condonation is requested. *Appropriate time limit may be fixed for submission of application form by the eligible family member of the deceased government servant. It is suggested that for receipt of R.A. application, the time limit of a maximum of three months from the date of demise of the government servant may be prescribed. A maximum period of two months may be prescribed for issue of distress certificate by the concerned Collector. In case the R.A. application could not be cleared within one year from the date of receipt of the application by the appointing authority, the reasons must be recorded in writing and the cash assistance shall be paid.*
8. A great deal of subjectivity is occurring at present due to the provisions for condonation of delay and due to the provision to seek clarification from GA Department. For example, a case has recently been received in which the deceased government servant has reportedly taken a 34 year old man as his adopted son, just four days before his death.. *It is proposed that both these provisions may be deleted from the Rules.*
9. H & UD Department have suggested that a three member committee ( appointing authority, sponsoring authority and local revenue authority) may be formed to verify the financial condition of the applicant. *The applicant under RA Scheme to Gr C posts need to appear before a committee for a test apart from having the basic qualification required for the post so that better persons can be selected against suggested limit of 5% of vacancies under RA scheme.*
10. Instructions have been issued to all Departments, all RDCs and all Collectors to clear all pending RA cases by end of September, 2015
11. Any other matter with permission of the Chair may be discussed.

Committee to continue.