

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.

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

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