

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 dependent on such Government servant at the time of death]

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 cannot 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.
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 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 September 1999.

(8) The assistance shall not be available to the families of Government servants who died¹[**] 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

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