

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT (II)
DELHI SECRETARIAT: 5TH LEVEL: A-WING: I.P. ESTATE: NEW DELHI
(<http://services.delhigovt.nic.in>)

22/1/c

No.F.16/(99)/2013/S-II/ 3052

Dated: 16/8/13

To

All the Head of Departments,
Govt. of NCT of Delhi,
Delhi/New Dehi.

H/W/B/10624
22/08/13

Sub.: **Appointment on compassionate grounds – regarding.**

Sir/Madam,

This department functions as nodal agency for considering case for appointment on compassionate grounds, pertaining to regular departments under Govt. of NCT of Delhi and has been following the instructions issued by the DOPT, Govt. of India, from time to time, in this regard.

As per DOPT OM dated 05/05/2003 the maximum time a person's name can be kept under consideration for offering compassionate appointment will be three years, subject to the condition that the prescribed committee has reviewed and certified the penurious condition of the applicant at the end of first and second year. After three years, if compassionate appointment is not possible to be offered to the applicant, his case will be finally closed and will not be considered again.

Subsequently, in view of Hon'ble High Court of Allahabad judgment dated 07/05/2010 in Civil Misc. Writ Petition No. 13102 of 2010, the DOPT, Govt. of India, vide OM dated 26/07/2012 withdrawn OM dated 05/05/2003. As per instructions contained in the said OM "...The cases of compassionate appointment may be regulated in terms of instructions issued vide OM dated 09/10/98 as amended from time to time. The onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment..."

In the light of instructions contained in OM dated 05/05/2003, this department has already closed a large number of cases till date as compassionate appointment could not be offered to these applicants, despite being considered thrice by the Screening Committee Constituted for the purpose.

Some of the applicants whose cases have been closed in accordance with OM dated 05/05/03 sought redressal from the Hon'ble Court. The Hon'ble High Court in Writ Petition (Civil) No. 7754/2012 titled Ashok Kumar Vs Govt. of NCT of Delhi, in the light of OM dated 26/07/2012, has directed to consider the case of the applicant (whose case has been closed after considering the same thrice) disregarding the provision contained in OM dated 05/05/2003.

The matter was placed before the Screening Committee constituted for the purpose. The Screening Committee considered OM dated 05/05/2003 and 26/07/2012 and Scheme for Compassionate Appointment and observed that as per provisions of OM dated 26/07/2012 onus of examining the penurious condition of the dependent family rests with the authority making compassionate appointment. The Committee was of the view that present status of the dependents needs to be ascertained to examine the cases in its right perspective.

To be
circulated

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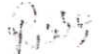
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In view of the above, it is requested that, information (in the proforma enclosed) in respect of cases which have been forwarded by the departments for appointment on compassionate grounds and has since been closed after being considered thrice in accordance with OM dated 05/05/2003, may be provided to this department at the earliest, so that the same could be placed before the Screening Committee constituted for the purpose for their consideration and recommendations. It may also be ensured that this circular is brought to the notice of all concerned. A copy of the circular as well as proforma is also available at the website of Services Department.

This issues with the prior approval of the Competent Authority.

Yours faithfully,

Encl: As above.


(RICH A)
JOINT SECRETARY (SERVICES)

No.F.16/(99)/2013/S-II/3051

Dated: 16 8-13

Copy forwarded for information and necessary action to:

1. The Superintendent, Coordination Branch, Services Department, Govt. of NCT of Delhi, 7th Level, B-Wing, Delhi Secretariat, Delhi, with the direction to upload the circular on the website of Services Department immediately.


(RICH A)
JOINT SECRETARY (SERVICES)

① R.m. - 22/8/13
② S. J. - 22/8/13