ABSTRACT

Rules – Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023 – Notified.

LABOUR WELFARE AND SKILL DEVELOPMENT (Q1) DEPARTMENT

G.O.(Ms.) No.33

Dated: 08.03.2023
சுபகிருது வருடம், மாசி 24
திருவள்ளுவர் ஆண்டு-2054

Read:

G.O. (Ms) No.18. Labour and Employment Department, dated 23.01.2020.

ORDER:

In the Government Order read above, the Government have examined the whole issue of compassionate ground appointment in detail and issued comprehensive guidelines.

2. Based on the 110 Announcement of Hon'ble Chief Minister of Tamil Nadu on the floor of the Tamil Nadu Legislative Assembly on 07.09.2021, the Government after careful examination, decided to issue the rules viz., Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023, to provide compassionate ground appointment to the legal heirs of the deceased / medically invalidated Government servants.

3. Accordingly, the appended notification will be published in the Tamil Nadu Government Gazette Extraordinary.

4. The Director, Tamil Development and Information (Translation) Department, Secretariat, Chennai–600 009 is requested to send the Tamil translation of the Notification to the Works Manager, Government Central Press, Chennai–600 079 for publication in the Tamil Nadu Government Gazette.

5. The Works Manager, Government Central Press, Chennai–600 079 is requested to send 1,000 copies of the Notification to the Labour Welfare and Skill Development Department, Secretariat, Chennai–600 009.

(BY ORDER OF THE GOVERNOR)

Md. NASIMUDDIN,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

To

The Works Manager, Government Central Press, Chennai–600 079. (2 copies)
(for publication of the notification in the Tamil Nadu Government Gazette Extraordinary)

[P.T.O.]

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The Secretary to Government, Tamil Development and Information (Translation) Department, Chennai–600 009 (2 copies).
The Law Department, Chennai-600 009.
All Secretaries to Government, Secretariat, Chennai–600 009.
The Secretary to Government, Revenue and Disaster Management Department, Secretariat, Chennai–600 009. (for issue of necessary instruction with reference to ceiling of annual income for determining indigent circumstances).
All Departments of Secretariat, Chennai–600 009.
The Secretary, Tamil Nadu Legislative Assembly Secretariat, Chennai–600 009.
All Heads of Department.
All Collectors / District Judges / District Magistrates (Judicial)
The Registrar, High Court, Chennai–600 104.
The Accountant General, Chennai–600 018.
The Commissioner of Treasuries and Accounts, Chennai–600 035.
The Secretary, Tamil Nadu Public Service Commission, Chennai-600 003.
The Pay & Accounts Officer (North), Chennai–600 079.
The Pay & Accounts Officer (South), Chennai–600 035.
The Pay & Accounts Officer (East,) Chennai–600 005.
The Pay & Accounts Officer, Secretariat, Chennai–600 009.
All Treasury Officers.
The Human Resources Management (G) Department, Chennai–600 009.

Copy to:

The Chief Minister's Office, Chennai–600 009.
The Special Personal Assistant to Hon'ble Minister for Labour Welfare and Skill Development Department, Chennai–600 009.
The Senior Personal Assistants to All Ministers, Secretariat, Chennai–600 009.
The Principal Private Secretary to Chief Secretary to Government, Chennai–600 009.
The Senior Private Secretary to Secretary to Government, Labour Welfare and Skill Development Department, Chennai–600 009.
The Law (LW&SD-Sty.) Department, Chennai–600 009.
All Officers / All Sections in Labour Welfare and Skill Development Department, Chennai–600 009.
Stock File/Spare Copy/Clean Copy to file.

//FORWARDED BY ORDER//

8/3/23
SECTION OFFICER

8/3/2023

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APPENDIX.

NOTIFICATION.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu hereby makes the following rules, namely:-

1. **Short title.—** These rules may be called the Tamil Nadu Civil Services (Appointment on Compassionate Grounds) Rules, 2023.

2. **Definitions.—** (1) In these rules, unless the context otherwise requires,—

(a) **"district"** means a Revenue district;

(b) **"Form"** means a Form appended to these rules;

(c) **"Government"** means the State Government;

(d) **"Government servant"** means a person who has been appointed to any service or post in connection with the affairs of the State and includes a probationer, an approved probationer and a full member of a service:

Provided that the following persons shall not be considered as a Government servant for the purpose of these rules, namely:-

(i) a person who is retained in service under clause (c) of sub-rule (1) of rule 56 of the Fundamental Rules;

(ii) a person who is on extension of service or re-employment;

(iii) a person who is appointed on casual, ad-hoc or contract basis on consolidated pay or daily wages;

(iv) a person who is not placed under regular time scale of pay; and

(v) a person who is appointed to any post on special time scale of pay.

Explanation.— A Government servant whose services are placed at the disposal of a company, corporation, organization, local authority, another State Government or the Union Government shall, for the purpose of these rules, be deemed to be a Government servant, notwithstanding that his salary is drawn from sources other than the Consolidated Fund of the State;

(e) **"Head of the Department"** means the principal officer of the department who is directly subordinate to the Government, whether or not he has been declared to be the head of the department for the purpose of these rules;

(f) **"family"** means, —

(i) in the case of a deceased or medically invalidated married Government servant, his legally wedded spouse, son, daughter including adopted son or daughter, who were dependant on the Government servant at the time of his death or medical invalidation;

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(ii) in the case of a deceased unmarried Government servant, his father, mother, brother or sister;

(iii) in the case of a medically invalidated unmarried Government servant, his brother or sister;

(iv) in the case of a deceased or medically invalidated widowed or divorced Government servant, his son, daughter including adopted son or daughter, who were dependant on the Government servant at the time of his death or medical invalidation;

(v) in the case of a deceased widowed or divorced Government servant, having no children or having minor children who could not qualify for appointment under these rules, his father or mother:

Provided that, if the father and mother had crossed the maximum age limit specified in sub-rule(1) of rule 6, brother or sister of the Government servant, as may be nominated by the father and mother;

(vi) in the case of a medically invalidated widowed or divorced Government servant having no children or having minor children who could not qualify for appointment under these rules, his brother or sister as may be nominated by the father or mother.

(g) **"medically invalidated"** means, a Government servant ordered to be retired from service with not less than five years of left over service, on medical invalidation in the public interest under Fundamental Rule 56(2) read with rule 24(b) of rules for "Leave procedure in the case of Government servants", made under Fundamental Rule 74 and 'medical invalidation' shall be construed accordingly.

(2) Words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016).

3. Eligibility for appointment.— (1) The members of the family of the following categories of Government servants are eligible for appointment on compassionate grounds, namely:-

(a) Government servants including those who are under suspension who died in harness;

(b) Government servants, who retired on medical invalidation, with not less than five years of left over service; and

(c) Missing Government servants, who are declared to be dead with effect from a date anterior to the date of their superannuation, by a competent Court under sections 107 or 108 of the Indian Evidence Act, 1872 (Central Act I of 1872).

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(2) The following members of the family of a deceased or medically invalidated Government servant, in the order of priority given hereunder, are eligible for appointment on compassionate grounds, namely: —

(a) Legally wedded spouse:

Provided that where there are more than one legally wedded spouse as permitted by the personal law, one among them, based on the No Objection Certificate given by the other spouses;

(b) Son or daughter of the deceased or medically invalidated Government servant, including adopted son or daughter;

(c) Parents of the deceased or unmarried Government servant or divorced or widowed Government servant, whose children could not be provided appointment due to health condition or having no children or having minor children;

(d) Brother or sister of the deceased or medically invalidated unmarried Government servant or divorced or widowed Government servant, whose children could not be provided appointment due to health condition or having no children or minor children.

(3) The eligibility of the family of a deceased or medically invalidated Government servant, for appointment on compassionate grounds, are subject to the following conditions, namely:-

(a) The family must be in indigent circumstance.

(b) No member of the family shall be in regular employment in Government or any private enterprise:

Provided that where a member of the family is in regular employment and is living separately without providing any monetary assistance to the family before the death or retirement on medical invalidation of the Government servant, shall not make the family ineligible:

Provided further that employment of a member of the family in military service shall not make the family ineligible.

(c) For the purpose of clauses (a) and (b), and Integrated Certificate in Form-II shall be obtained from the Tahsildar, where the Government servant lastly resided or resides, as the case may be:

Provided that in the case of a Government servant, who was or is a native of other State, the certificate shall also be obtained from the Revenue Divisional Officer or the Deputy Collector concerned of his native State.

Explanation.— For the purpose of this rule, “a family is in indigent circumstance” means, a family having an income of not more than rupees three lakh per annum from all sources:

Provided that the family pension of the deceased Government servant or the pension of the medically invalidated Government servant, as the case may be, shall be excluded.

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(4) For removal of doubts, it is hereby clarified that, —

(a) employment on casual, adhoc or contracts basis, on daily wages or consolidated pay, of any member of the family of a deceased or medically invalidated Government servant, is not a bar for the family to apply for appointment under these rules;

(b) remarriage of the spouse of the deceased Government servant, who had applied for appointment under these rules, before being provided with an appointment, shall not make the spouse ineligible for the appointment.

4. Nomination.— (1) In case, the spouse of a deceased or medically invalidated Government servant could not apply for appointment, due to health condition, appointment may be provided to a son or daughter, as may be nominated by the spouse, subject to eligibility under rule 3.

(2) Where a parent of a deceased unmarried Government servant could not apply for appointment due to health condition, appointment may be provided to a brother or sister of the deceased Government servant as may be nominated by the parent, subject to eligibility under rule 3.

(3) Where a deceased, divorced or widowed Government servant, has no children or minor children or such deceased Government servant's child could not be provided appointment due to health condition and the parents of the deceased Government servant also could not apply for appointment due to health condition, appointment may be provided to a brother or sister of the deceased Government servant, as may be nominated by the parent, subject to eligibility under rule 3.

5. Time limit to make application.— Every application for appointment under these rules shall be made within a period of three years from the date of death of the Government servant or from the date of retirement on medical invalidation or from the date of receipt of court order declaring the missing Government servant as dead, under sections 107 or 108 of the Indian Evidence Act, 1872 (Central Act I of 1872).

6. Age limit.— (1) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, on the date of application for appointment,-

(a) the spouse of the deceased or medically invalidated Government servant or the parent of the deceased Government servant, must not have completed fifty years of age; and

(b) the son, daughter, brother or sister of the deceased or medically invalidated Government servant must not have completed forty years of age.

(2) Notwithstanding anything contained in these rules governing the post for which appointment on compassionate grounds is to be made, there shall be no minimum age limit for the applicant on the date of application for appointment:

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Provided that appointment shall not be provided unless the applicant completes eighteen years of age.

7. Educational qualification.— An applicant for appointment under these rules, must possess the educational qualification prescribed for the post applied for, including adequate knowledge in Tamil, on the date of application.

8. Application for appointment.— (1) The eligible member of the family of the deceased or medically invalidated Government servant may make an application for appointment under these rules in Form–I through online in the designated web portal or website of the department or in writing addressed to the Head of office in which the Government servant, was working at the time of his death or retired on medical invalidation, as the case may be.

(2) The following certificates shall be enclosed along with the application, namely:-

(a) Death Certificate of the Government servant or order of retirement on medical invalidation, as the case may be.

(b) Legal heirship certificate in the case of a deceased Government servant.

(c) Integrated Certificate in Form-II.

(d) Certificate of the birth of the applicant.

(e) Certificates of educational qualification of the applicant.

(f) Registered deed of adoption in the case of an adopted son or daughter.

(g) Certificate of undertaking,-

(i) in the case of a son or daughter of the deceased or medically invalidated Government servant, that he shall, on appointment, maintain his siblings and his parents;

(ii) in the case of a brother or sister of the deceased or medically invalidated Government servant, that he shall, on appointment, maintain his parents and the children of the deceased or medically invalidated Government servant, as the case may be.

(3) The post applied for, as mentioned in Form-I, shall not be permitted to be altered subsequently, for any reason whatsoever.

9. Alternative application.— An applicant, within a period of one year from the date of making the application for appointment under these rules, on the ground of his ill health or for any other reason, on his request in writing, may be permitted by the appointing authority to nominate any other member of the family to make an alternative application, subject to eligibility in the order of priority specified in sub-rule (2) of rule 3:

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Provided that, no such alternative application shall be permitted to be made more than once:

Provided further that, no such application shall be permitted to be made after the appointment of the original applicant.

(2) In the case of death of an applicant before being provided with an appointment under these rules, the other eligible member of the family, as per the order of priority specified in sub-rule (2) of rule 3, may make an alternative application for the appointment.

10. Posts filled up under appointment.—Appointment shall be confined to posts in Group "C" or Group "D" depending upon the educational qualification of the applicant on the date of application.

Explanation.— For the purpose of these rules, Group "C" or Group "D" posts would mean the posts which are classified as such in Schedule-XIII to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016).

11. Rule of reservation.— The rule of reservation provided in section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) shall not apply to appointments made under these rules.

12. Ceiling on appointment.— (1) The total number of persons appointed on compassionate grounds in a Department, at any point of time, shall not exceed five percent of the total sanctioned strength, whether permanent or temporary, of all the categories of posts included in Group 'C' in that Department.

(2) There shall be no such ceiling in respect of Group "D" posts.

13. Order of priority in appointment.—

Appointment on compassionate grounds shall be made from among the eligible applicants, in the order of the date of death of the Government servant or the date of death as declared by the Court under sections 107 or 108 of the Indian Evidence Act, 1872 (Central Act I of 1872) or the date of retirement on medical invalidation, as the case may be.

14. Procedure for processing of applications.— (1) The head of the office where the deceased Government servant was working at the time of his death shall immediately report the death of a Government servant to the Head of the Department and shall furnish the required particulars to the Head of the Department within one month.

(2) As soon as may be, but in any case not later than thirty days from the date of death of the Government servant, the head of office shall inform the provision of the scheme for appointment on compassionate grounds to the family of the deceased Government servant in writing under proper acknowledgment.

(3) On receipt of application for appointment, if any, from any member of the family of the deceased or medically invalidated Government servant under sub-rule (1) of rule 8, the Head of Office shall examine as to whether the applicant

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fulfills all the requirements for appointment under these rules, and if so, forward the same to the Head of the Department along with his report, also indicating the vacancy position for such appointment within a period of one month from the date of receipt of the application.

(4) In case the applicant does not fulfil the requirements for appointment under these rules, the Head of Office shall pass an order of rejection within a period of one month from the date of receipt of the application and communicate the same to the applicant.

(5) The applicant, if aggrieved by the order of rejection under sub-rule (4), may prefer an appeal to the Head of the Department within a period of two months from the date of receipt of the order:

Provided that in respect of an order of rejection passed by the Head of the Department, an appeal shall lie to the Secretary to Government of the Department concerned of the Secretariat.

(6) On receipt of the application from the Head of office under sub-rule (3), the Head of the Department shall ensure that the applicant fulfills all the requirements for appointment under these rules and issue an order of appointment, appointing him in any of the vacancy in the office in which the deceased or medically invalidated Government servant was working at the time of his death or in any other office under his administrative control, within fifteen days from the date of receipt of the report from the Head of Office:

Provided that, if no vacancy is available or vacancy is not likely to occur within a period of three months, the Head of Department shall forward the application along with the report of the Head of Office to the Collector of the district in which the deceased or medically invalidated Government servant last worked.

(7) In case the spouse of the deceased Government servant, who had applied for appointment under these rules, gets remarried, the appointing authority shall issue an order of appointment only after obtaining an undertaking from the spouse that he shall maintain the children and the parents of the deceased.

(8) The Collector of each district shall maintain a Register indicating the number of applications received and are pending under these rules in the order of seniority. The Collector shall send a Quarterly report in this regard to the Government in Labour Welfare and Skill Development Department before the 15th of the month following the end of the quarter.

(9) Only after obtaining a Certificate of non-availability of candidate in the Register maintained by the District Collector concerned, the Head of Department shall provide vacancies in Group “C” or Group “D” posts, to be filled up by the Tamil Nadu Public Service Commission or the Directorate of Employment and Training.

(10) The Departments of Government in the Secretariat, the Heads of the Departments and the District Collectors shall maintain a separate online web page in their respective website, showing the details of the applications, separately for appointment to Group “C” and Group “D” posts, received under these rules, in the format prescribed in Form-III. The pendency details shall be updated on the first day of every month.

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(11) Appointment under these rules shall not be granted to more than one member of the family.

(12) Appointment under these rules shall be made only against the actual vacancies and no supernumerary posts shall be created therefor.

15. Special provisions for Secretariat departments.— (1) In the departments of Secretariat, when an applicant is qualified for appointment to any of the posts in Group 'C' and there is no vacancy in such posts, —

(a) he may be appointed to a lower post in Group "D" in the Tamil Nadu Secretariat, subject to his willingness and on giving an undertaking that he shall not make a claim for appointment to a Group 'C' post, later on; or

(b) the application may be forwarded to the Collector of Chennai district, for appointment to a suitable post in Group 'C' available in other departments.

(2) In the departments of Secretariat, appointment under these rules,-

(a) to the posts of Assistant, Typist and Personal Clerk, shall be made by the Human Resources Management Department. The department concerned shall process the application in accordance with these rules and remit the case to the Human Resources Management Department along with its recommendation for issue of appointment order; and

(b) to the posts of Office Assistant and Record Clerk shall be made by the department concerned.

16. Regularization of appointments.— Each appointing authority shall regularize the services of the person appointed under these rules within a period of one year from the date of his joining service, subject to eligibility.

17. Power to relax.— Where the Government is of the opinion that it is necessary or expedient so to do, it may by order, for reason to be recorded in writing, relax any of the provisions of these rules with respect to any person where the operation of these rules causes any hardship:

Provided that educational qualification prescribed for appointment to any post shall not be relaxed.

18. Interpretation.— If any question arises as to the interpretation of these rules, it shall be referred to the Government and the decision of the Government thereon shall be final.

19. Saving.— Nothing contained in these rules shall adversely affect any person, who has made an application for appointment on compassionate grounds or who has been appointed to any post on compassionate grounds, on the date of coming into force of these rules.

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FORM–I.
(see rule 8(1))

Application Form for appointment on compassionate grounds.

1.	Name of the applicant.	
2.	Date of birth. (Birth certificate to be attached).	
3.	Age (as on the date of application).	
4.	Date of application.	
5.	Educational qualification (as on the date of application) (Certificates to be attached).	
6.	Whether the applicant possess adequate knowledge in Tamil?	
7.	Residential address.	
8.	Relationship to the deceased / medically invalidated Government servant. (If adopted, adoption certificate to be attached).	
9.	Marital status.	
10.	Name of the post applied for (Group C or Group D to be mentioned).	
11.	Name of the deceased / medically invalidated Government servant.	
12.	Date of death / medical invalidation / Date of death declared by the competent Court order.	
13.	Designation, place and the office at which the deceased or medically invalidated Government servant was working at the time of death or medically invalidated.	
14.	Date of retirement (Had he continued in service but for his death).	
15.	Age at the time of death of the deceased Government servant.	
16.	Length of service as on the date of death or medically invalidated Government servant.	

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17.	Age at the time of retirement (in the case of medical invalidation).	
18.	Whether any charge is pending against the deceased/medically invalidated Government servant.	
19.	Details of family members. (name, age, relationship, marital status, occupation to be mentioned).	
20.	Details of income from all sources of the family (including income from pension received by the other dependents, movable / immovable property) (Certificate from the authority concerned to be attached).	
21.	Whether any other dependant member of the deceased / medically invalidated Government servant is in regular employment in Government / Private enterprise.	
22.	Whether No Objection Certificate obtained from other dependants (if, applicable).	
23.	Any other information which the applicant desires to give.	

Declaration

I…….do hereby declare that the particulars given above are true to the best of my knowledge and belief. I also agree to the appointment secured by me on compassionate grounds under these rules being terminated without notice and assigning any reason therefor in the event of finding any misrepresentation or suppression of material fact on my part.

Place: Signature of the Applicant.

Date: Counter Signed.

Head of Office.

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FORM – II
[see rule 8(2)(c)]

Integrated Certificate for Compassionate Ground Appointment

1. Thiru/Tmt/Selvi…… who was working as ……..…… in the office of the …..…….. died on …….. while in service.

2. His/Her permanent residential address is ……..……... He/She last resided at…….

3. The details of the legal heirs of the deceased Government servant are as follows:-

Sl. No.	Name.	Age.	Relationship.	Marital status.	Educational qualification.	Employment details (State Govt./PSU/Central Govt./Private etc.)	Employer details.	Monthly salary. (Rs.)	Annual income. (Rs.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

(i) The deceased Government Servant has no other husband/wife.

(ii) Legal heir/legal heirs of the deceased Government servant was employed even before the date of death of the Government servant and is/are living separately supporting/not supporting the family.

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4. The details of Immovable properties possessed by the deceased Government servant..... and his/her legal heirs are as follows:-

Sl. No.	Name.	Age.	Aadhaar Number	Immovable Properties, Land and Buildings including Residential Houses (Description in respect of each property has to be given separately).					Annual Income derived including Rental income. (Rs.)
(1)	(2)	(3)	(4)	(5)					(6)
				District.	Revenue village.	Survey number.	Extent.	(In case of Land) Total Guideline value (Rs.) (In case of Building including residential house its present value) (Rs.)	
1.	Name of the deceased Government Servant								
2.	Legal heir – 1								
3.	Legal heir – 2 etc.								

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5. The details of movable properties held in the name of the deceased Government servant and his/her legal heirs are as follows:-

Sl. No.	Name	Property Details	Present Value (Rs.)	Annual Income derived from such property (Rs.)
(1)	(2)	(3)	(4)	(5)
1.	Name of the deceased Government servant			
2.	Legal heir – 1			
3.	Legal heir – 2 etc.			

6. The family of the deceased Government servant is receiving a family pension of Rs…….. per mensum. The annual value of the family pension is Rs…….. The annual Income of all the legal heirs of the deceased Government servant from all the sources is Rs……. (excluding Family Pension)

7. After the death of the Government servant, the family of the deceased Government servant is in / not in indigent situation.

8. I …….. Tahsildar …….. Taluk …….. District has verified all the documents produced before me and that after a detailed enquiry, issued this Integrated Certificate to Thiru/Tmt/Selvi……(Name of the applicant who is seeking appointment under compassionate grounds).

   This Certificate is issued to the individual, for the purpose of seeking appointment on compassionate grounds.

Tahsildar.

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FORM - III
(See sub-rule (10) of rule 14)

PART-A

List of applications for appointment on compassionate grounds to Group-C Posts.

Position as on the 1st day of.....

Serial No.	Name of the deceased / medically invalidated Government servant.	Date of death / medical invalidation / declaration of death by the Court.	Name of the applicant and relationship, seeking appointment.	Date of application and age.	Present stage.
(1)	(2)	(3)	(4)	(5)	(6)

PART-B

List of applications for appointment on compassionate grounds to Group-D Posts.

Position as on the 1st day of.....

Serial No.	Name of the deceased/ medically invalidated Government servant.	Date of death / medical invalidation / declaration of death by the Court.	Name of the applicant and relationship, seeking appointment.	Date of application and age.	Present stage.
(1)	(2)	(3)	(4)	(5)	(6)

Md. NASIMUDDIN,
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT.

//True copy//

Section Officer.

8/3/2023

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