

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed

as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT GENERAL ADMINISTRATION
DEPARTMENT, J&K

Notification

Srinagar, the 6th September, 2022.

SO-429. In exercise of the powers conferred by Article 309 of the Constitution of India, the Lieutenant Governor is pleased to make the following Scheme, namely :

1. **Short title and commencement.** (I) This Scheme may be called the Jammu and Kashmir Rehabilitation Assistance Scheme, 2022.

(II) The Scheme shall be deemed to have come into force from the 6th day of September, 2022.

4. **Posts to which such appointments can be made.**—Multi Tasking Staff or equivalent or lowest Non-Gazetted cadre posts in the Department.

5. Eligibility :

A. For Compassionate Appointments :

- a. Applicant should be the dependent family member of the deceased Government employee ;
- b. Applicant should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules ;
- c. Applicant who is a Graduate or having higher qualification, can also be considered for appointment against a lowest non-gazetted post/Multi Tasking Staff post notwithstanding the bar on higher qualification prescribed in the extant rules ;
- d. Applicant shall be assessed with regard to the Relative Merit Points Assessment Scheme (RMPAS) on a 100 point scale and will be required to meet the standards laid down for compassionate appointment with regard to RMPAS :

Provided that if the applicant fulfils the eligibility criteria prescribed in this Scheme for compassionate appointment into the Government service and is considered for compassionate appointment under this Scheme, he or she will have option to refuse the appointment and in case the applicant chooses to do so, he or she will be entitled to a monetary compensation of Rs. 5 lakh in lieu of appointment on compassionate grounds in the Government service.

B. For Monetary Compensation :

- (a) Applicant should be the dependant family member of the deceased Government employee ;
- (b) Applicant shall be assessed with regard to the Relative Merit Points Assessment Scheme on a 100 Point scale and

- b. Compassionate appointments shall be made in a centralized manner in General Administration Department. The applicants will submit their applications along with the prescribed documents electronically on a designated portal administered by General Administration Department and the latter will electronically process the applications with regard to the provisions laid down in this Scheme and up to a maximum of 5% of vacancies in a financial year falling under direct recruitment quota in Multi Tasking Staff and lowest Non-Gazetted cadre across all the departments. General Administration Department shall every year hold back up to 5% of vacancies in the aforesaid categories across all the departments to be filled by direct recruitment through J&K Services Selection Board or otherwise, so as to fill such vacancies by appointment on compassionate grounds.

- (c) The vacancies against which compassionate appointments can be considered under this Scheme shall be computed every year as on first January of the year in which compassionate appointments are to be made. The list of the vacancies along with their designations available for compassionate appointments during the year shall be put out in the public domain. The total vacancies so computed for a given year shall be earmarked for appointments to be made on compassionate grounds quarter-wise on pro rata basis. A merit list of the eligible applicants shall be prepared and put out in the public domain annually having regard to the criteria laid down in the RPMAS and the applicants having higher merit shall be considered for compassionate appointments in a given quarter against the posts earmarked for the said quarter. There may arise a situation where eligible applicants may exceed the posts available in a given quarter. In that situation, the list of the eligible applicants shall be carried forward to the next quarter and the applicants considered against the posts available in that quarter. This process will continue on a roll over basis from quarter to quarter in a year and the applicant shall be eligible to be considered for compassionate appointment up to and including the fifth year from the date of application

the receipt of the application/request and decision taken on merit in each case.

9. Application for Compassionate Appointment/Monetary Compensation.—The applicant shall submit the application for compassionate appointment/monetary compensation online under the Jammu and Kashmir Rehabilitation Assistance Scheme, 2022 on the designated portal. The departments shall not consider requests for compassionate appointment or grant of monetary compensation of/to the dependents of the deceased who may die in harness or as a result of militancy related action or due to enemy action on the Line of Control/ International Border within Jammu and Kashmir and is not involved in militancy related activities or retires on invalid pension, if the same is not made within one year of the death/retirement on invalid pension of the Government servant.

10. Where there is an earning member in the family.—

- (a) In deserving cases even where there is already an earning member in the family, a dependent family member may be considered for compassionate appointment/monetary compensation. Before approving such appointment/compensation, the Competent Authority shall satisfy itself that grant of compassionate appointment/monetary compensation is justified having regard to number of dependents, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he shall not be a source of support to other members of the family and take decision accordingly.
- (b) In cases where any member of the family of the deceased Government servant is already in employment and is not supporting the other members of the family of the Government servant, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the Government servant so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the member

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of the family already employed is not supporting the family.
In order to quantify the element of compassion in such cases in a more structured and rational manner the parameters containing 100 point weightage system (RMPAS) shall be adopted, which shall facilitate in deciding the cases in a transparent, unbiased and objective manner in future.

11. Missing Government servant.—Cases of missing Government servants shall also be covered under the Jammu and Kashmir Rehabilitation Assistance Scheme, 2022 subject to the following conditions :

- (a) A request to grant the benefit of compassionate appointment/ monetary compensation shall not be considered after a lapse of one year from the date from which the missing Government servant is pronounced/declared dead under the rules, provided that
 - i. an FIR to this effect has been lodged with the Police ;
 - ii. the missing person is not traceable ; and
 - iii. the competent authority feels that the case is genuine ;

This benefit will not be applicable to the case of a Government servant

- i. who had less than two years to retire on the date from which he has been missing ; or
 - ii. who is suspected to have committed fraud, or suspected to have joined any terrorist organization or suspected to have gone aboard.
- (b) Compassionate appointment in the case of a missing Government servant also would not be a matter of right as in the case of others and it will be subject to fulfillment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme ;
- (c) While considering such a request, the results of the Police investigation shall also be taken into account ; and

(d) A decision on any such request for compassionate appointment/monetary compensation shall be taken only at the level of the General Administration Department.

12. Procedure.—

- i. General Administration Department shall appoint a Welfare Officer in each Administrative Department. The Welfare Officer of such department where an employee has died or retired on invalid pension shall meet the members of the family of the Government servant in question immediately after his death to advice and assist them in getting appointment on compassionate grounds/monetary compensation. The applicant shall be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him.
- ii. The Welfare Officer in each department may be deputed to meet the family members of the deceased Government servant and apprise them of the terminal benefits available to the family. This may be at the earliest possible, preferably, within 30 days of death.
- iii. In case it is observed by the Welfare Officer that the condition of the family of the deceased Government servant is indigent, the family shall be apprised of the J&K Rehabilitation Assistance Scheme, 2022.
- iv. In such cases, the Welfare Officer shall assist the family member of the deceased Government servant in applying for appointment/monetary compensation on compassionate grounds. All assistance shall be extended to enable such a family member to fill the Application Form online for compassionate appointment/monetary compensation. The applicant shall be advised in person about the requirements and formalities to be completed by him. The applicant shall also be given detailed information of the posts to which they can apply.
- v. Keeping in view the administrative requirement in processing applications for compassionate appointment/

consisting of three officers-one chairman and two members-in the General Administration Department. The Committee shall be headed by an officer of the rank of Special Secretary/Director/Additional Secretary in the Department. The Welfare Officer in General Administration Department may also be made one of the members/chairman of the Committee depending on his rank. Recommendation of the Committee shall be placed before the Competent Authority for a decision.

- x. The Committee shall meet in the first week of the succeeding quarter to consider applications for compassionate appointments received in the previous quarter. In case a large number of applications are received in a quarter, the Committee shall be at liberty to meet as frequently as it may be necessary to consider the applications.
- xi. Prior to every meeting of the Committee, the applicants whose applications are being considered, shall be informed, through emails or other forms of communication (including digital modes of communication), of the number of vacancies in each grade for which they are being considered as also the date the Committee is due to meet to consider their applications. However, the Applicant(s) would not be required to have any personal interaction, either with the Department or the Committee and that the applicants may not be asked to be present during the meeting of the Committee.
- xii. Transparency and objectivity are the foremost aspects of scheme for compassionate appointment. A holistic assessment of the financial condition of the family has to be made taking into consideration factors like presence of earning member(s), size of family, age of children and the financial needs of family.
- xiii. Every valid application shall be assessed strictly on the basis of the Point Based Merit System enclosed as AnnexureóI.

- xix. Recommendation of the Committee shall be placed before the competent authority for a decision. If the competent authority disagrees with the Committee's recommendation, the case may be referred to the next higher authority for a decision.

- xx. Point based merit scheme imparts the necessary objectivity, homogeneity and transparency to the scheme for appointment/monetary compensation on compassionate grounds. Henceforth, it shall be followed strictly for assessing comparative merit of the applicants for compassionate appointment/monetary compensation.

13. Undertaking for maintenance of the family of the deceased employee.—A person appointed on compassionate grounds under the Scheme shall give an undertaking in writing (as in Clause VI of Part A of Annexure-II) that he/she will maintain properly the other family members who were dependent on the Government servant in question and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by him/her, his/her appointment may be terminated forthwith. Taking care of this situation, it shall be incorporated as one of the additional conditions in the appointment order applicable only in the case of appointment on compassionate grounds.

14. Request for change in post/person.—When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, shall be deemed to have ceased to exist. Therefore,ô

- a. he/she shall strive in his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassion shall invariably be rejected.

- b. an appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on consideration of compassion shall invariably be rejected.

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prior to the commencement of this Scheme and all such cases shall be dealt with in accordance with the provisions of these rules viz. Jammu and Kashmir (Compassionate Appointments) Rules, 1994, as amended from time to time.

By order of the Lieutenant Governor.

(Sd.) DR. PIYUSH SINGLA, IAS,
Secretary to the Government.

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16,00,001- 18,00,000	6,75,001-7,50,000	06
18,00,001- 20,00,000	7,50,001-8,25,000	05
20,00,001- 22,00,000	8,25,001-9,00,000	04
22,00,001- 24,00,000	9,00,001-9,75,000	03
24,00,001- 26,00,000	9,75,001-10,50,000	02
26,00,001 & above	10,50,001 & above	01

iii. Annual income of earning members of the family and income from property :

(10 Points)

Sl. No.	Annual Income	Points
1.	Nil to 1,00,000	10
2.	1,00,001 to 3,00,000	08
3.	3,00,001 to 5,00,000	06
4.	5,00,001 to 7,00,000	04
5.	7,00,001 to 9,00,000	02
6.	Above 9,00,000	00

iv. Immovable Property :

(10 Points)

Sl. No.	Proposed Slab	Points
1.	Nil	10
2.	Up to 200 Sq. ft.	08
3.	201 to 400 Sq. ft.	06
4.	401 to 700 Sq. ft.	04
5.	701 to 1000 Sq. ft.	02
6.	1101 or more Sq. ft.	00

**v. Leftover Service of the deceased Government employee :
 (15 Points)**

Leftover service of deceased	Points	Leftover service of deceased	Points	Leftover service of deceased	Points
Up to 2 Years	01	Up to 12 Years	06	Up to 22 Years	11
Up to 4 Years	02	Up to 14 Years	07	Up to 24 Years	12
Up to 6 Years	03	Up to 16 Years	08	Up to 26 Years	13
Up to 8 Years	04	Up to 18 Years	09	Up to 28 Years	14
Up to 10 Years	05	Up to 20 Years	10	Up to 30 Years	15

**vi. Number of unmarried daughters :
 (10 Points)**

Sl. No.	No. of Unmarried daughters	Points
1.	01	05
2.	02 & above	10

**vii. Number of dependent minor children :
 (05 Points)**

Sl. No.	No. of minor dependent children	Points
1.	01	03
2.	02 & above	05

**viii. If wife of the deceased Govt. official has applied for compassionate appointment/monetary compensation for herself.
 (10 Points)**

**ix. If one or more person(s) amongst the dependent family members is disable.
 (10 Points)**

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2. I hereby also declare that I shall maintain properly the other family members who were dependent on the Government servant mentioned against I (a) of Part-A of this form and in case. It is proved at any time that the said family members are being neglected or not being properly maintained by me, my appointment may be terminated.

Date :

Signature of the Candidate

Name_____

Address_____

PART-B

**(TO BE FILLED IN BY OFFICE IN WHICH
EMPLOYMENT/MONETARY COMPENSATION IS
PROPOSED)**

- a. Name of the candidate _____
- b. His/Her relationship with the Govt. servant_____
- c. Age (Date of Birth), educational qualifications and experience, if any _____
- d. Post against which employment proposed _____
- e. Whether there is vacancy within the ceiling of 5% prescribed under the scheme of compassionate appointment_____
- f. Whether the relevant Recruitment Rules provide for direct recruitment_____
- g. Whether the candidate fulfils requirements of the Recruitment Rules for the post_____
- h. Apart from SSB procedure what other relaxation(s) are to be given_____
- i. Whether the facts mentioned in Part-A have been verified by the office and if so, indicate the records_____
- j. If the Government servant died/retired on invalid pension more than 5 years back, why the case was not sponsored earlier_____

k. Personal recommendation of the Head of the Department/Office
(with his signature and office stamp/seal_____

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PART-C
RELATIVE MERIT POINTS ASSESSMENT ON A 100 POINT-SCALE FOR COMPASSIONATE APPOINTMENT/ MONETARY COMPENSATION

Sl. No.	Parameters	Point allotted to the parameters	Points scored by the candidate
o o	o o o o o o o o o o o o o o o o	o o o o o o o o	o o o o o o o o
1.	Family Pension (Excluding DR and Allowance)	20	
2.	Terminal benefits i. e. lump sum amount received by the family on death of Govt. servant (i. e DCR Gratuity, GPF/lump sum amount under NPS, CGEGIS, Leave Encashment etc.	10	
3.	Annual income of earning members and income from property	10	
4.	Immovable property	10	
5.	Leftover service of the deceased Government Employee	15	
6.	Number of unmarried daughters	10	
7.	Number of dependent minor children	05	
8.	If wife of the deceased Govt. official has applied for compassionate appointment/monetary compensation for herself	10	
9.	If one or more person(s) amongst the dependent family members is disable (with % of disability)	10	
Total		100	

