

Chapter 3 a

Indian Banks' Association

HR & INDUSTRIAL RELATIONS
No. CIRHR&IR/2014
August, 11. 2014

Chief Executives of all Public Sector Banks

Dear Sir/Madam,

Scheme of Compassionate Appointment on Compassionate Grounds in Public Sector Banks

Please refer to our Circular No. PD/CIR/76/532/1549 dated the 19th July, 2007 under cover of which a "Scheme for Appointments of dependents of deceased employees on Compassionate grounds in exceptional cases" and "Scheme for payment of Ex-gratia amount in lieu of appointment on Compassionate grounds" approved by the Government of India, Ministry of Finance were circulated to all Public Sector Banks.

2. Thereafter, IBA was in correspondence with Ministry of Finance, Department of Financial Services. In the course of such correspondence, Department of Financial Services had asked IBA to submit an agreed proposal after consulting unions/Associations. Accordingly, a joint proposal on broad parameters was submitted for approval of the Government. We have since received approval from the Government of India vide its letter D.O. F No. 18/2/2013-IR dated 7th August, 2014 for the revised "Compassionate Appointment Scheme in Public Sector Banks" as follows.

- (i) To open the Compassionate Appointment in PSBs on the lines of Central Government**
- (ii) Discontinuing the provision of ex-gratia in lieu of Compassionate Appointment in PSBs.**
- (iii) The Scheme shall be applicable from 5.8.2014.**

3. We enclose a copy of the Scheme for adoption in your Bank with approval of the Board of the Bank.

Yours faithfully,
Sd..
K. Unnikrishnan
Dy. Chief Executive

SCHEME FOR COMPASSIONATE APPOINTMENT IN PUBLIC SECTOR

(w.e.f. 5.8.2014 vide Ministry of Finance D.O.F.No.18/2/2013-IR dated 7.8.2014)

1. Coverage:

- 1.1. To a dependent family member of permanent employee of a Public Sector Bank(PSB) who -
 - a) dies while in service (including death by suicide)
 - b) is retired on medical grounds due to incapacitation before reaching the age of 55 years. (Incapacitation is to be certified by a duly appointed Medical Board in a Government Medical College/Government District Head Quarters Hospitals/Panel of Doctors nominated by the Bank for the purpose).
- 1.2. For the purpose of the Scheme, "employee" would mean and include only a confirmed regular employee who was serving full time or part-time on scale wages, at the time of death/retirement on medical grounds, before reaching age of 55 years and does not include any one engaged on contract/temporary/casual or any person who is paid on commission basis.

2. Dependent Family Member:

- 2.1. Spouse; or
- 2.2. Wholly dependent son(including legally adopted son); or
- 2.3. Wholly dependent daughter (including legally adopted daughter); or
- 2.4. Wholly dependent brother or sister in the case of unmarried employee

3. Authority Competent to Make Compassionate Appointment:

- 3.1 Chairman & Managing Director.
- 3.2. Executive Director holding current charge of Chairman & Managing Director.
- 3.3. Board of Directors in special types of cases.
- 3.4. While dealing with proposals for appointment on compassionate grounds in otherwise eligible cases, where disciplinary action was pending against the deceased employee/employee retired on medical grounds or if the deceased employee was involved in serious financial irregularities, embezzlement of funds, committing frauds, etc., banks will continue to abide by the guidelines issued by the Government of India, requiring consideration and decision in each case by the Board of the Bank/Authority appointed by the Board.

4. Posts to Which Appointments Can be Made:

- 4.1. The appointment shall be made in the **clerical** and **sub-staffcadre** only.

5. Eligibility:

- 5.1. The family is indigent and deserves immediate assistance for relief from financial destitution; and

5.2. Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

6. Exemptions:

6.1. Compassionate Appointment under the Scheme are exempted from observance of the following requirements:

6.1.1. Normal Recruitment Procedure i.e., without the agency of selection like IBPS/Employment Exchange, Recruitment Board of Bank, etc.

6.1.2. The ban orders on filling up of posts issued by Government of India or any controlling authority.

7. Relaxations:

7.1. Upper age limit could be relaxed wherever found to be necessary. The lower age limit should, however, in no case be relaxed below 18 years of age.

(Note-1: Age eligibility shall be determined with reference to the date of application and not the date of appointment;

Note-2: Authority competent to take a final decision for making compassionate appointment in a case shall be competent to grant relaxation of age limit also for making such appointment).

8. Time Limit For Considering Applications:

8.1. Application for employment under the Scheme from eligible dependent should normally be considered upto five years from the date of death or retirement on medical grounds and decision to be taken on merit in each case.

8.2. However, Bank can consider request for compassionate appointment even when the death or retirement on medical grounds of the employee took place long back, even five years ago. While considering such belated requests, it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the employee in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases would call for a great deal of circumspection. The decision to make appointment on compassionate grounds in such cases may, therefore, be taken only at the Board level.

9. Determination/Availability Of Vacancies:

9.1. Appointment on compassionate grounds should be made only on regular basis and that too, only if regular vacancies meant for that purpose are available.

9.2. Compassionate appointment can be made upto a maximum of 5% of vacancies falling under direct recruitment quota in clerical cadre or vacancies identified in the sub-staff category. The Bank may hold back 5% of vacancies in the aforesaid categories to be filled by appointment on compassionate grounds. A person selected for appointment on compassionate grounds should be adjusted in the recruitment roster against appropriate category, viz., SC/ST/OBC/General Category, depending upon the category to which he/she belongs.

9.3. Widow appointed on compassionate ground upon re-marriage will be allowed to continue in service, even after re-marriage.

10. Where There Is An Earning Member:

10.1. In deserving cases, even when there is already an earning member in the family, a dependent family member may be considered for compassionate appointment with the prior approval of the competent authority of the bank who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified, having regard to the number of dependents, assets and liabilities left by the employee, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the employee and whether he should not be a source of support to other members of the family.

10.2. In cases where any member of the family of the deceased or medically retired employee is already in employment and is not supporting the other members of the family of the deceased employee, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the deceased employee so that, the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the member of the family already employed is not supporting the family.

11. Missing Employee:

Cases of missing employees are also covered under the scheme for compassionate appointment subject to the following conditions:-

11.1. A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the Employee has been missing, 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;

11.2. This benefit will not be applicable to the case of an Employee:-

- (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 organisation or suspected to have gone abroad.

11.3. Compassionate appointment in the case of a missing employee also would not be a matter of right as in the case of others and it will be subject to fulfilment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme;

11.4. While considering such a request, the results of the Police investigation should also be taken into account; and

11.5. A decision on any such request for compassionate appointment should be taken only at the level of the Chairman & Managing Director of the Bank."

12. Procedure:

- a) The prescribed proforma may be used by the bank for ascertaining necessary information and processing the cases of compassionate appointment.

- b) The Officer from the Staff Welfare Department of the Bank should meet the members of the family of the employee in question immediately after his death to advise and assist to them in getting appointment on compassionate ground. The applicant should be called in person at the very first stage and advised in person about the requirements and formalities to be completed by him/her.
- c) An application for appointment on compassionate ground should be considered by the Committee of officers consisting of three officers; one Chairman and two members in the rank of Deputy General Manager/Assistant General Managers. The Officer from the staff welfare department may also be made one of the members of the Committee, depending upon his rank. The Committee may meet during the second week of every month to consider cases received during the previous month. The applicant may also be granted personal hearing by the committee, if necessary, for better appreciation of facts of the case. The recommendation of the committee should 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 higher authority for a decision.

13. Undertaking For Maintenance of the Family of the deceased:

The person appointed on compassionate grounds under the Scheme, should give an undertaking in writing (**as in Annexure**) that he/she will maintain properly the other family members who were dependent on the deceased employee in question, and in case it is proved subsequently (at any time) that the family members are being neglected or are not maintained properly by him/her, his or her appointment may be terminated forthwith. This clause should be incorporated as one of the conditions in the offer of appointment applicable only in the case of appointment on compassionate ground.

14. Request for Change in Post/Person:

When a person has been appointed on compassionate ground to a particular post, the set of circumstances, which led to such appointment should be deemed to have ceased to exist. Therefore –

- a) He/she should 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 should invariably be rejected.
- b) An appointment on compassionate ground cannot be transferred to any other person and any request for the same on consideration of compassion should invariably be rejected.

15. Seniority:

A person appointed on compassionate ground in a particular year may be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion, etc. in that year, irrespective of the date of joining of the candidate on compassionate ground.

16. Termination of Service:

The compassionate appointment can be terminated on the ground of non-compliance of any condition stated in the offer of appointment after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him/her to explain why his/her services should not be terminated for non-compliance of the condition(s) in the offer of appointment and it is not necessary to follow the procedure prescribed in the Disciplinary Action and Procedure thereof.

In order to check its misuse, the power of termination of service for non-compliance of the conditions in the offer of compassionate appointment should vest only with the CMD of the Bank.

17. General:

- i) Appointment made on grounds of compassion should be done in such a way that persons appointed to the post do have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration.
- ii) It is not the intention to restrict employment of a family member of the deceased or medically retired sub-staff employee to an erstwhile sub-staff post only. As such, a family member of such erstwhile sub-staff employee can be appointed to a clerical post for which he/she is educationally qualified, provided a vacancy in clerical post exists for this purpose.
- iii) An application for compassionate appointment should, however, not be rejected merely on the ground that the family of the employee has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family etc.
- iv) Compassionate appointment should be made available to the person concerned if there is a vacancy meant for compassionate appointment and he or she is found eligible and suitable under the scheme.
- v) Requests for compassionate appointment consequent on death or retirement on medical grounds of erstwhile sub-staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.
- vi) Compassionate appointment will have precedence over absorption of surplus employees and regularization of temporary employees.

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ANNEXURE

**PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF BANK
EMPLOYEE DYING WHILE IN SERVICE/RETIRED ON MEDICAL GROUNDS**

PART- A

- I. (a) Name of the employee _____
(Deceased/retired on medical grounds)
- (b) Designation _____
- (c) Date of birth of the deceased/retired employee _____
- (d) Date of death/retirement on medical grounds _____
- (e) Total length of Service rendered. _____
- (f) Whether permanent or temporary _____
- (h) Whether belonging to SC/ST/OBC. _____
- II. (a) Name of the candidate for appointment. _____
- (b) His / Her relationship with the deceased/retired employee _____
- (c) Date of birth _____
- (d) Educational Qualifications. _____
- (e) Whether any other dependent family member has
been appointed on compassionate grounds _____
- III. Particulars of total assets left including amount of _____
- (a) Family Pension _____
- (b) Gratuity _____
- (c) Provident Fund Balance _____
- (d) Life Insurance Policies _____
(including Postal Life Insurance)
- (e) Moveable and Immovable properties and
annual income earned there from by the family _____
- (f) Insurance _____
- (g) Encashment of leave _____
- (h) Any other assets. _____
- Total _____
- IV. Brief particular of liabilities, if any _____
- V. Particulars of all dependent family members of the deceased employee
(if some are employed, their income _____ and whether they are living together or separately)

S. No.	Name(s)	Relationship with deceased/ retired employee	Age	Address	Employed or not (if employed, particulars of employment and emoluments)
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					
5.					

VI.

DECLARATION/UNDERTAKING

- I hereby declare that the facts given by me above are, to the best of my knowledge, correct. If any of the facts herein mentioned are found to be incorrect or false at a future date, my services may be terminated.
- I hereby also declare that I shall maintain properly the other family members who were dependent on the deceased employee mentioned against 1(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 : _____

Shri/Smt/Kum _____ is known to me and the facts mentioned by him/her are correct and verified by me.

Date: _____ Signature of witness*
Name : _____
Address: _____

* *either any employee in the Senior level of Bank or Gazetted rank official from State/Central Govt..*

**PART-B
(TO BE FILLED IN BY OFFICE IN WHICH EMPLOYMENT IS PROPOSED)**

I. (a) Name of the candidate for Appointment _____
(b) His/Her relationship with the deceased/retired employee _____
(c) Age (date of birth), educational qualifications _____
and experience, if any _____

(d) Post for which employment is proposed _____

(e) Whether there is vacancy in that post within the ceiling of 5% prescribed under the scheme of compassionate appointment. _____

(f) Whether the candidate fulfils the requirements of the Recruitment Rules for the post. _____

(g) Apart from waiver of recruitment procedure what other relaxation are to be given _____

II. Whether the facts mentioned in Part-A have been verified by the office and if so, indicate the records _____

III. Personal recommendation of the Competent Authority _____
(With his signature and office stamp/seal)

