



राजस्थान स्थायी पूर्ण दिव्यांग सरकारी कर्मचारियों के आश्रितों की अनुकम्पात्मक नियुक्ति नियम, 2023

(दिनांक 31.07.2023 तक संशोधित)

राजस्थान सरकार
कार्मिक (क-2) विभाग
(सेवा नियम अद्यतन प्रकोष्ठ)
शासन सचिवालय, जयपुर

[<https://dop.rajasthan.gov.in>]

**GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL
(A-Gr. II)**

F. 5 (1) DOP/A-II/2022

Jaipur, dated: 26.04.2023

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules regulating the recruitment of the dependents of Permanent Total Disabled Government Servants on compassionate grounds, namely:-

The Rajasthan Compassionate Appointment of Dependents of Permanent Total Disabled Government Servants Rules, 2023

1. Short title and commencement.- (1) These rules may be called the Rajasthan Compassionate Appointment of Dependents of Permanent Total Disabled Government Servants Rules, 2023.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- In these rules unless the context otherwise requires,-

- (a) "**Appointing Authority**" means the Appointing Authority as defined in the concerned service rules;
- (b) "**Permanent Total Disabled Government Servant**" means a person who was employed in connection with the affairs of the State including a member of All India Services of Rajasthan State Cadre and who has suffered permanent total disability due to an accident while on duty and who was holding a permanent or temporary post after appointment on regular basis including a probationer trainee;
- (c) "**Dependent**" means,-
 - (i) spouse;
 - (ii) son including son legally adopted by the permanent total disabled Government servant before his/her permanent total disability;
 - (iii) daughter including daughter legally adopted by the permanent total disabled Government servant before his/her permanent total disability; and
 - (iv) mother or father or unmarried brother or unmarried sister in case of unmarried permanent total disabled Government servant, who was wholly dependent on the permanent total disabled Government servant at the time of his/her disability;
- (d) "**Government**" means the Government of Rajasthan;

- (e) "**Head of the Department/Office**" means the Head of the Department/ Office in which the total disabled Government servant was serving at the time of his/her disabilities;
- (f) "**Permanent Total Disability**" means a Government servant who has suffered permanent total disablement solely and directly due to an accident while on duty of the nature specified in the table given below:-

Table

S.No.	Description of Injury
1	2
1.	Loss of both hands or amputation at higher sites
2.	Loss of a hand and a foot
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential
5.	Very severe facial disfigurement
6.	Absolute deafness
7.	Mental infirmity which permanently incapacitates him for the service.
8.	Occupational accidents to workers viz. in Sewerage, Sanitization, Mining, and Electricity.

NOTE: Assessment of 'permanent total disablement' would be in accordance with the Manual for Doctors to Evaluate Permanent Physical Impairment (DGHS-WHO-AHMS New Delhi 1981) and certified by a Medical Board consisting of Head of Department of Orthopedics, Head of Department of Physical Medicine & Rehabilitation and Head of Department of Forensic Science of a Government Medical College in Rajasthan and an expert of concerned disability; and

- (g) "**State**" means the State of Rajasthan.

3. Interpretation.- Unless the context otherwise requires, the Rajasthan General clauses Act, 1995 (Act No. 8 of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

4. Scope.- These rules shall govern the appointment on compassionate grounds of dependent of permanent total disabled Government servant who has suffered permanent total disability as per clause (f) of rule 2 and who takes retirement on invalid pension under rule 35 of the Rajasthan Civil Services (Pension) Rules, 1996 and his/her dependent shall have no right to a particular post.

5. Appointment subject to certain conditions.- (1) When a Government servant who has suffered permanent total disability due to an accident while on duty and is declared permanently unfit for Government service by the Medical Board as per note below clause (f) of rule 2 and takes retirement on invalid pension under rule 35 of the Rajasthan Civil Services (Pension) Rules, 1996, one of his/her dependents may be considered for appointment in Government service. The appointment under these rules shall be given if,-

- (i) permanent total disabled employee has not attained the age of 55 years on the date of suffering permanent total disability;
- (ii) permanent total disabled employee applies for retirement on invalid pension under rule 35 of the Rajasthan Civil Services (Pension) Rules, 1996 within one year of his/her permanent total disability;

(2) Employment under these rules shall not be admissible in case where the spouse or at least one of the sons, daughters, adopted son/adopted daughter of the such permanent total disabled Government servant is already employed on regular basis under the Central Government or any State Government, Statutory Board, Organisation or Corporation owned or controlled wholly or partially by the Central Government or any State Government at the time of such disability of the Government servant or at the time of appointment of the dependent:

Provided that a married daughter who is not dependent on the permanent total disabled government servant and she is already employed on regular basis under the Central Government or any State Government, Statutory Board, Organization or Corporation owned or controlled wholly or partially by the Central Government or any State Government at the time of permanent total disability of the Government servant or at the time of appointment of the dependent shall not be an embargo for compassionate appointment of any other dependent of the permanent total disabled government servant. However, when a permanent total disabled government servant have only daughters who are married and one of them is already employed on regular basis under the Central Government or any State Government, Statutory Board, Organization or Corporation owned or controlled wholly or partially by the Central Government or any State Government, then other married daughters shall not be eligible for appointment.

Provided further that in case of permanent total disability of unmarried government servant employment shall not be admissible where the mother, father, brother or unmarried sister of such permanent total disabled Government servant is already employed on regular basis under the Central Government or any State Government, Statutory Board, Organisation or Corporation owned or controlled wholly or partially by the Central Government or any State Government at the time of such disability of the Government servant or at the time of appointment of the dependent.

Provided also that the provisions of this sub-rule shall not apply where the wife of such permanent total disabled employee seeks employment for herself.

(3) Appointment under these rules shall be given on the condition that the person appointed on compassionate ground shall properly maintain the family members who are dependent on the permanent total disabled Government servant including permanent total disabled Government servant and furnish an undertaking in writing that he/she shall maintain properly the family members and permanent total disabled Government servant. If subsequently, at any time, it is proved that such dependent family members including permanent total disability Government servant who retired on invalid pension are being neglected or are not being maintained properly by him, the appointment may be terminated by the Appointing Authority after providing an opportunity to the compassionate appointee by way of issue of show cause notice asking him to explain why his/her services should not be terminated.

6. Selection of posts.- (1) The dependent may be considered for appointment to a post upto level in pay matrix L-9 and meant for being filled up by direct recruitment in the Subordinate Service, Ministerial Service or Class IV Service, as the case may be, according to his/her educational qualification and fulfillment of other service conditions irrespective of the rank and status of the permanent total disabled Government servant.

(2) Once an appointment has been made on any post under these rules, the benefit intended under these rules shall be deemed to have been availed and the case shall not be re-opened for appointment to any other post under any circumstances.

7. Qualifications.- (1) The dependent should possess the qualifications prescribed for the post under the concerned service rules at the time of his/her appointment.

(2) While being considered for appointment to Class IV service, the requirement of educational qualification for the post shall be dispensed with.

(3) Before a dependent is appointed, the Appointing Authority shall satisfy itself that he/she is otherwise eligible for appointment in Government service looking to his/her character and physical fitness and fulfilment of other general conditions prescribed in the concerned service rules.

8. Age.- The dependent should be within the age limit prescribed for the post under the concerned service rules at the time of appointment:

Provided that,-

- (i) the upper age limit for wife of the permanent total disabled government servant shall be 55 years.
- (ii) the crucial date for calculating age shall be the date of receipt of application for appointment. The time spent in arranging a suitable post shall not disqualify the dependent in case he/she becomes overage during that period.

9. Procedural requirement etc..- The procedural requirement for selection such as,-

- (i) computer qualification shall not be insisted upon at the time of appointment. The dependents shall however have to acquire any of the computer qualification, as prescribed in the relevant service rules within the period of probation, failing which his/her probation shall be deemed to be extended, unless the appointing authority terminates his/her services finding the performance wholly unsatisfactory;

(ii) training or departmental examination or typing on computer shall not be insisted upon at the time of appointment. The dependents shall however, be required to clear such training or departmental examination or typing test on computer in any one language, either in English or in Hindi, within a period of three years, unless the period is relaxed by the Department of Personnel, for entitlement of confirmation, failing which his/her appointment shall be liable to be terminated. No annual grade increments will be allowed until he/she acquires such qualification. On acquiring such qualification, annual grade increments shall be allowed notionally from the date of completion of probation period but no arrears shall be paid:

Provided that the wife of the permanent total disabled government servant appointed under the provisions of these rules shall be exempted from having computer qualification and passing the typing test on computer.

Provided further that the dependent having disabilities appointed under the provisions of these rules shall be exempted from passing the typing test on computer.

10. Procedure.- (1) On the permanent total disability of a Government servant the spouse shall apply for appointment for self or for any other dependent.

(2) Where the permanent total disabled Government servant does not have a spouse, the application shall be made by one of the dependents of the permanent total disabled Government servant and other dependents shall have to give their consent for his/her candidature:

Provided that if more than one of the dependents seek employment, the Head of Department shall select one, keeping in view the overall interest and welfare of the entire family, particularly the minor members.

(3) Such application shall be made to the Head of the Office/Department in form appended to these rules, within a period of 90 days from the date of retirement of the Government servant on invalid pension under rule 35 of the Rajasthan Civil Services (Pension) rules, 1996 owing to the permanent total disability. The applicant shall submit an affidavit in support of monthly income from all sources of all the family members mentioned in clause 7 of part-1 of the application form:

Provided that in an exceptional case where the State Government in the Department of Personnel is satisfied that the operation of provisions of this sub-rule causes financial hardship to the family of the permanent total disabled Government servant and considers it necessary or expedient to relax the provisions of this sub-rule in a particular case, it may relax the provision of this sub-rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

(4) In cases of All India Services of Rajasthan State Cadre, Rajasthan Administrative Service, Rajasthan Accounts Service, Rajasthan Legal State and Subordinate Service and the Rajasthan Economics and Statistical Service etc. where officers are posted in different departments of Government, the application shall be made to the Administrative Department controlling that service through the Head of Department/Head of Office where the permanent total disabled Government servant was posted at the time of his/her permanent total disability.

(5) It shall be the responsibility of the Head of the Department/Head of the Office, as the case may be, to give appointment to the dependents as far as possible in his own department.

(6) In case suitable post is not vacant but some post in lower scale is available immediately, such lower post may be offered to the applicant on first come first serve basis and the applicant shall have the option either to wait for the post applied for or to accept the lower available post. In case the applicant accepts the lower available post, he/she shall lose his/her claim for higher post applied for and his/her claim will not be kept on waiting list:

Provided that if there is no vacant post available in the department in which the permanent total disabled Government servant is working then the matter shall be referred to Department of Personnel immediately duly supported by cogent reasons and Department of Personnel shall provide appointment in some other department.

(7) In cases of permanent total disability of members of the services having State cadre like All India Services, Rajasthan Administrative Service, Rajasthan Secretariat Service, controlled by Department of Personnel, the application shall be sent to the Secretary, Department of Personnel and it shall be the responsibility of Department of Personnel to arrange for a suitable post.

11. Over-riding effect.- The provisions of these rules and any order issued there under shall have overriding effect notwithstanding anything to the contrary contained in any rules, regulations or orders for time being in force.

12. Nodal Department.- The Department of Personnel will function as the nodal department for purpose of administering these rules and it may make any general or special order as it may consider necessary or expedient for proper implementation of these rules.

13. Removal of doubts.- If any doubts arises relating to the application, interpretation and scope of these rules, it shall be referred to the Government in the Department of Personnel whose decision thereon shall be final.

14. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of these rules, the State Government may issue any general or special order as it may consider necessary or expedient for removing such difficulty.

APPLICATION FORM

Part-1

1. Name of Permanent Total Disabled :
Government Servant
2. Date and Place of accident resulting into :
disability of Permanent Total Disabled
Government Servant (Enclose Disability
Certificate)
3. Name of the Department in which the :
personnel was posted at the time of
disability
4. Designation and Pay at the time of :
disability
5. Date of first appointment in Government :
Service
6. Type of Appointment :
(Permanent/Temporary)
7. Particulars of Family Members of :
Permanent Total Disabled Government
Servant

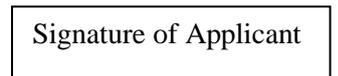
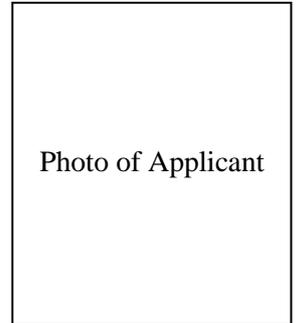
S.No.	Name	Relation with Permanent Total Disabled Government Servant	Date of Birth and Age	Educational Qualifications	Married/ Unmarried	Monthly Income
1	2	3	4	5	6	7

Enclose: Affidavit as specified in sub-rule (3) of rule 10 of the Rajasthan Compassionate Appointment of Dependents of Permanent Total Disabled Government Servants Rules, 2023.

Part-2

Particulars of the dependent who wants to seek for appointment in the Government Service

- 1. Name:
- 2. Age and Date of birth:
- 3. Educational Qualifications:
- 4. Relation with Permanent Total Disabled Government Servant:
- 5. Applied post and pay level:



Part-3

(If the applicant is not the spouse, then the consent of the spouse/other dependents)

I have read the information mentioned in part 1 and 2 of the application. I /other dependents give consent to give the job to the applicant. The affidavit (self/other dependents) in support to such consent is enclosed herewith.

Witness: 1.
2.....

Signature of Spouse
/other dependents

Part-4
Certificate of Head of Department

It is certified that –

- (1) Application has been received in the Department on datewhich is entered at diary no. dated
- (2) The information given in the application form is correct as per the service record of the Permanent Total Disabled Employee. According to the rules, the applicant is eligible for the applied post.....

Signature of Head of Department
(With Official Seal)

Part-5
Certificate of Head of Department

(If the application form is to be sent to other department)

It is certified that-

- (1) The applicant is eligible for appointment to the applied post but this postis not available in the Department. Therefore the application form of Sh./Smt.is forwarded herewith.
- (2) After the Permanent total disability of the employee, no dependent has been given appointment in his/her place till date.

Signature of Head of Department
(With Official Seal)

Certificate of the applicant

I certify that the facts mentioned by me in part 1 and 2 of the application form are correct to the best of my knowledge. If any facts are found to be false in future, my services may be terminated.

Witness: 1.....

2.....

Signature of Applicant

Place :

Date :.....

By order and in the name of the Governor,

(Ram Niwas Mehta)
Joint Secretary to the Government