

**SCHEME FOR COMPASSIONATE APPOINTMENT OR PAYMENT OF LUMP SUM
EX-GRATIA AMOUNT IN LIEU OF COMPASSIONATE APPOINTMENT**

1 NAME OF THE SCHEME:

The Scheme is called as “SCHEME FOR COMPASSIONATE APPOINTMENT OR PAYMENT OF LUMP SUM EX-GRATIA AMOUNT IN LIEU OF COMPASSIONATE APPOINTMENT” effective from 05/08/2014.

2. COVERAGE

- 2.1 To a dependent family member of a permanent employee of our Bank 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 (i.e. General Manager, Human Resources Wing) for the purpose.}
 - c) has been missing and has left over service of more than two years.
- 2.2 For the purpose of the Scheme, “employee” would mean and include only an employee appointed on a regular basis against permanent vacancy, 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.

3. DEPENDENT FAMILY MEMBER:

- 3.1 The term dependent family member means
- 3.1.1 Spouse; or
 - 3.1.2 Wholly dependent son (including **married son** and legally adopted son); or
 - 3.1.3 Wholly dependent daughter (including legally adopted daughter); or
 - 3.1.4 Wholly dependent brother or sister in the case of unmarried employee

4. AUTHORITY COMPETENT TO MAKE COMPASSIONATE APPOINTMENT:

- 4.1 Managing Director & Chief Executive Officer (MD & CEO)
- 4.2 Executive Director holding charge of MD & CEO
- 4.3 Board of Directors in special types of cases.
- 4.4 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., bank 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 i.e. MD & CEO.

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5. POSTS TO WHICH APPOINTMENTS CAN BE MADE

The appointment under the scheme shall be made in the **Clerical** and **Sub-staff** cadre only.

6. ELIGIBILITY

6.1 The family is indigent and deserves immediate assistance for relief from financial destitution; and

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

7. EXEMPTIONS

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

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

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

8. RELAXATIONS

8.1 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).

8.2 A person who does not fulfill the essential educational qualification as per the recruitment rules of the bank can be appointed if the Competent Authority is satisfied that the concerned person may come upto the suitability of the post offered, by imparting adequate training in due course, as these appointments are made on compassionate grounds.

9. TIME LIMIT FOR CONSIDERING APPLICATIONS

9.1 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.

9.2 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

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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.

10. DETERMINATION/AVAILABILITY OF VACANCIES

- 10.1 Appointment on compassionate grounds should be made only on regular basis and that too, only if regular vacancies meant for that purpose are available.
- 10.2 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.
- 10.3 Widow appointed on compassionate ground upon re-marriage will be allowed to continue in service, even after re-marriage.

11. WHERE THERE IS AN EARNING MEMBER

- 11.1 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 whether 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.
- 11.2 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 grounds is not circumvented and misused by putting forward the ground that the member of the family already employed is not supporting the family.

12. MISSING EMPLOYEE

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

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- 12.1** A request to grant the benefit of compassionate appointment can be considered only after a lapse of two 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) competent authority feels that the case is genuine;
- 12.2** 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 organization or suspected to have gone abroad.
- 12.3** 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 fulfillment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme;
- 12.4** While considering such a request the results of the Police investigation should also be taken into account; and
- 12.5** A decision on any such request for compassionate appointment shall be taken only at the level of the MD & CEO of the Bank.
- 13. PROCEDURE:**
- 13.1**
- a) The prescribed proforma may be used by the bank for ascertaining necessary information and processing the cases of compassionate appointment.
 - b) The official from the Branch/ concerned section shall endeavor to 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. A letter in this regard as per the prescribed format shall be handed over by them to the dependent family against the acknowledgement.
 - c) An application for appointment on compassionate ground shall 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 i.e. Deputy General Manager, Human Resources Wing (Chairman) and one Executive each from Recovery, Legal and Fraud Prevention Wing and General Administration Wing. Assistant General Manager / Divisional Manager, Human Resources Wing, shall be the convener.

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The Committee shall meet as and when required to consider and examine the requests received under the scheme.

The applicant may also be granted personal hearing by the Committee, if felt necessary, for better appreciation of facts of the case. In such cases, the applicant shall bear the costs i.e. travelling etc.

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(s), the case may be referred to the higher authority for a decision. However, wherever Board of Directors is the Competent Authority, decision of the Board of Directors is final.

- 13.2** The Bank can have both the options i.e. Compassionate Appointment or payment of Lumpsum Ex-gratia amount. However, any of these two options can be used only when the other conditions of compassionate appointment are met. In such case, the quantum of Ex-gratia shall be as under:-

QUANTUM OF EXGRATIA:

The ex-gratia amount shall be calculated @ 60% of the last drawn gross salary (net of taxes) for each month of remaining service of the employee (i.e. up to the age of superannuation in terms of extant service rules / conditions) at the time of his / her exit subject to the cadre-wise ceiling of "Maximum Amount", mentioned as below, will be payable.

The cadre-wise ceiling on Ex-gratia amount payable will be as follows:

CATEGORY	MAXIMUM AMOUNT
Officers	Rs.8.00 Lakhs
Clerical Staff	Rs.7.00 Lakhs
Subordinate Staff	Rs.6.00 Lakhs

14. UNDERTAKING FOR MAINTENANCE OF THE FAMILY OF THE DECEASED EMPLOYEE:

The person appointed on compassionate grounds under the Scheme, shall give a undertaking in form of an affidavit in writing duly attested by notary public/Class I Gazetted Officer in a prescribed format 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.

15. 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 -

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- 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.

16. SENIORITY

A person appointed on compassionate grounds 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 grounds.

17. 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 there for.

In order to check its misuse, the power of termination of service for non-compliance of the conditions in the offer of Compassionate Appointment vests only with the MD & CEO of the Bank.

18. APPEAL PROCESS FOR CASES DECLINED/REJECTED BY THE COMPETENT AUTHORITY FOR APPOINTMENT ON COMPASSIONATE GROUNDS/PAYMENT OF LUMP SUM EX-GRATIA IN LIEU OF COMPASSIONATE APPOINTMENT

18.1 Eligibility:

Application declined/rejected under 'The Scheme for Compassionate Appointment / Payment of Lumpsum Ex-Gratia submitted by spouse or any other dependent family member.

18.2 Timeline:

a. For new cases:

Appeal to be preferred within 6 months from the date of communication of rejection of the application to the applicant under the Scheme.

b. For old cases:

Since this provision for Appeal is introduced for the first time, all those applications rejected 9 months prior to the date of issuance of this communication, such of those appeals to be made within a period of 6 months from the date of issuance of this Internal Communication. This appeal process

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shall be treated as a one time measure. No appeal shall be entertained after expiry of 6 months from the date of issuance of this communication.

18.3 GM-Level Scrutiny Committee:

The following GM-Level Scrutiny Committee is constituted to revisit the appeals received for Compassionate Appointment/Lumpsum Ex-gratia from the dependents of the deceased Ex-employee.

S.No.	GM-Level Scrutiny Committee	Designation
1.	CGM/GM, HR Wing	Chairman
2.	CGM/GM, RL&FP Wing	Member
3.	CGM/GM, Operations Wing	Member
4.	DM, HR Wing	Convener

The committee shall re-examine such applications with extant guidelines for Compassionate Appointment / Payment of Lumpsum Ex-gratia. These representations will be taken into consideration only if they meet either of the following criteria:

- i. Certain material information having a bearing on the decision of the Competent Authority is ignored due to oversight.
- ii. Any additional facts / circumstances which the applicant failed to mention in the application and which may have a bearing on the decision of the Competent Authority.

The committee shall convene at periodical intervals and scrutinize the applications and to take a call whether to accept the application or reject the application as per the above guidelines.

In the event of any such appeal fulfilling the conditions as detailed above and found eligible, such accepted application for appeal shall be placed before the Sub-Committee of the Board on Human Resources through MD & CEO. The Sub-Committee of the Board on Human Resources shall peruse all the details and decide as to permit or reject the appeal.

18.4 Effective date:

The scheme shall be effective from the date of issuance of this circular.

19. GENERAL RULES

1. Appointment made on grounds of compassion shall 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.

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2. 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.
3. 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 grounds, 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.
4. Compassionate appointment shall 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.
5. Compassionate appointment will have precedence over absorption of surplus employees and regularization of temporary employees.
6. The definition of dependent as defined under Bipartite Settlement/ Joint Note from time to time shall be applicable while ascertaining the dependency of family members.
7. An application is to be submitted in the prescribed format in writing along with documents in clause 8,9,10 & 11 and duly signed by all the legal heirs of the deceased employee / eligible dependents of employee retired on medical grounds before reaching the age 55 years/ missing employee, proposing the name of the eligible dependent of the employee who is to be offered appointment on compassionate grounds.
8. Proof of death of the ex-employee, along with certified copies of documents showing relationship of the applicants with the deceased employee.
9. In case the applicant(s) is/ are minor in case no natural guardian is available as per law, order of the Court appointed guardian who is authorized to submit application on behalf of such minor/s shall be submitted.
10. Copies of proof of age, certificates confirming the educational qualifications, mark list, recent pass port size photograph and testimonials of such eligible dependent candidate.
11. Copies of photo identity card of all the legal heirs.
12. The Branch-in-charge/ Section/ Officer-in-charge as the case may be where the deceased employee was last working shall verify the documents with the original and certification to that extent shall be super-scribed on the copies of documents.
13. The HRM Section, Circle Office shall examine the same and ensure that the application/ documents submitted by the dependent family is as per prescribed format and contains all the required details. If not the dependent family shall be duly informed in writing for submitting the details within 30 days duly informing that if the details are not received the request for compassionate appointment would be lodged and Bank will not be sending any reminder in this regard. The HRM Section, Circle Office, shall acknowledge the request for compassionate appointment received by them.

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14. The HRM Section, Circle Office shall forward the papers so received, along with their views to Personnel Management Section, Human Resources Wing, Head Office within a month of receipt of papers at their end.
15. If the appointment on Compassionate Grounds is permitted, the posting will be considered anywhere in the State as per the requirement of the Bank duly keeping in mind the preference indicated by the applicant. However, no representation from the Compassionate Appointee will be entertained for any change of placement/ posting once intimated.
16. The Compassionate Appointee shall be treated to have joined the service of the Bank only from the date he/ she actually reports to the branch/ office as indicated in the appointment order.
17. In case the Compassionate Appointee does not join the branch/ office on or before the date indicated in the appointment order, unless otherwise specifically permitted by the Bank in writing he / she shall not be permitted to join the duties and the appointment order issued to him/ her shall stand automatically cancelled and no further appointment shall be considered under the scheme thereafter.
18. The scheme shall be subject to the Government guidelines issued from time to time.
19. To claim any benefit available to SCs/ STs, the Compassionate Appointee shall immediately after appointment produce the Caste Certificate issued by the competent authority as per the prescribed format/ Government guidelines.
20. The applicant-dependent who apply under the Scheme cannot claim appointment to a particular post as a matter of right. The Bank will be examining the suitability of the candidate to either of the posts.
21. The suitability of the candidate shall be examined by a team consisting of one Executive and HRM Manager of the concerned Circle/ SAS/ HOSA to either of the posts.
22. This scheme is applicable w.e.f. 05/08/2014, and the cases where the death occurred on or after 05/08/2014 shall only be covered under this scheme of Compassionate Appointment.
23. Pending Applications as on 04/08/2014 or the applications submitted on or after 05/08/2014 w.r.t. death / or other eligible circumstances occurred on or before 04/08/2014 for ex-gratia / compassionate appointment as the case may be shall be continued to be examined in terms of HO Circular No 35/2005 dated 14/02/2005 & 262/2007 dated 24/09/2007.
24. In case of death caused on account of resisting dacoits / robbers in case of bank robberies or on account of terrorist attacks, the dependents of the deceased employee will continue to be governed as per the provisions of Circular No.243/2013 dated 30.05.2013.
25. Once the request and subsequent appeal with or without substitution of dependent of ex-employee for Compassionate Appointment/Payment of Lumpsum Ex-gratia amount in lieu of Compassionate Appointment is rejected by the Competent Authority and rejection in writing is informed to the dependent family/applicant no further request/appeal even with a request for appointment/Ex-gratia to a substituted dependent shall be considered and the same shall be lodged.

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26. The cases for ex-gratia which have already been disposed / settled as per earlier scheme shall not be reopened.

27. The MD & CEO or in his absence the Executive Director holding charge, shall have powers for giving any clarification, interpretation, modification, revising the modalities, of the scheme, for the effective and proper implementation of the Scheme.

28. ADDITIONAL DOCUMENTS REQUIRED IN CASE OF MISSING EMPLOYEE:

All the legal heirs of such employee who has gone missing shall report the fact of missing as per prescribed format with following documents:

- Certified Copy of Complaint and First Information Report lodged with the Police.
- Certified Copy of Final Report submitted by the Police confirming that employee is not traceable.
- Indemnity bond/ Affidavit as per prescribed format in Annexure IV on appropriate stamp paper as per law.
- Affidavit of two prominent local persons as per the prescribed format in Annexure VI.

29. ADDITIONAL PROCEDURE TO BE ADOPTED WHERE AN EMPLOYEE APPLIES FOR RETIREMENT/ RESIGNATION ON MEDICAL GROUNDS DUE TO INCAPACITATION BEFORE REACHING THE AGE OF 55 YEARS:

- ❖ It shall be noted that mere disability does not mean incapacitation. The incapacitation of the employee shall be to such an extent that he/ she is permanently unfit to perform any duty even if alternative post/ position/ posting is considered.
- ❖ The employee who intends to retire/ resign on medical grounds may submit application to HRM Section at the concerned Circle through the Branch/ Office where the employee is presently working as per the format required by the Bank specifically mentioning the nature of illness/ sickness, name of the treating doctor, details of hospitalization, reimbursement claimed etc.
- ❖ In cases where the employee is not able to submit the application for retirement/ resignation on his/ her own due to total incapacity and if the same is certified by the treating Doctor, the application for retirement/ resignation on his/ her behalf can be submitted jointly by all the legal heirs of such employee.
- ❖ If the Medical Board in a Government Medical College or Government District Head Quarter Hospitals or Panel of Doctors nominated by the General Manager, Human Resources Wing, as the case may be, certify that the employee is incapacitated and not fit to continue the service, the request for resignation/ voluntary retirement of such employee shall be placed to the Competent Authority as per Service Regulations/ Pension Regulations to decide the application as per norms.
- ❖ However, it shall be made clear to the employee that mere resignation/ voluntary retirement on account of incapacitation will not be a case for considering the request for compassionate appointment under the scheme.

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- ❖ The request for appointment on compassionate grounds shall be examined only after relief of the employee on resignation/ voluntary retirement on account of becoming permanently and totally incapacitated while in harness.

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