

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Subordinate Services - Compassionate appointment of son/daughter/spouse of Government Employee who retire from service on Medical Grounds - Orders - Issued.

GENERAL ADMINISTRATION (SER.A) DEPARTMENT

G.O.Ms.No.504

Dated 30.07.1980
Read the following:

1. G.O.Ms.No.687, G.A. (Ser.A) Dept., dated 03.10.1977.
2. From General Administration (Ser.Wel) Department U.O.Note.No.53/Ser.-Wel/80-8, dated 18th March, 1980.
3. Government of India, Ministry of Home Affairs Department of Personnel and Administrative Reforms Memo.No.14014/1/77-Estt.(D) Dated 25th Nobember, 1978.

* * *

ORDER:

The Government have issued orders in G.O. cited for appointment of son/daughter/spouse of a Government servant who dies in harness, subject to certain conditions specified therein, as a social security measure taking into account the need for immediate assistance to the family on the passing away of the Government servant in harness.

2. The Andhra Pradesh Non-Gazetted Officers Association has represented that the Minister of Home Affairs Government of India have extended the benefit of compassionate appointment to the son/daughter/near relative of Government servant retired on medical grounds in exceptional cases where the family is indigent and in great distress. The Association has requested that the benefit of compassionate appointment allowed by Government of India may be extended to the spouse/son/daughter of a Government servant who retired on medical grounds in the State Government also.

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3. The Government have carefully examined the matter and direct that the scheme of compassionate appointment introduced in G.O. cited be extended to the spouse/daughter/son of a Government servant who retired on medical invalidation under Article 441 of Andhra Pradesh Pension Code (Vol.I) subject to the following conditions:-

1. This concession of compassionate appointment shall be allowed only in exceptional cases where the appointing authority is satisfied that the condition of the family is indigent and in great distress.
2. The candidate eligible for appointment under this measure shall be the spouse of the Government servant or any one of the dependent children of the employee who is retired on medical grounds.
3. The eligible person shall be appointed to the post of Lower Division Clerk or equivalent post or any other lower post.
4. Application for appointment from such persons shall be entertained within a period of one year from the date of retirement of Government servant.
5. All appointments made in the light of the concessions envisaged in this G.O. to categories of posts to which the candidates are eligible shall be temporary to start with. However the services of the persons will be regularised in the categories of posts whose pay is equal or less than that of Lower Division Clerk.
6. The temporary appointment of a spouse or child can be considered for regular appointment without subjecting them to the normal process of recruitment as provided in the relevant recruitment rules provided such family members of the retired Government servant satisfy other conditions of recruitment prescribed in the rules such as age and educational qualification.

However;

- (a) a formal notification of vacancy may be made to the Employment Exchange;
- (b) after filling up the vacancy, the appointing authority will furnish all relevant particulars of the candidate to the Employment Exchange;
- (c) such appointments should be made under intimation to the Director of Employment and Training excepting in case of High Court.

4. The clarification issued in Memo.No.618/Ser.-A/78-11, dated 17th December 1979 shall also apply to the case of appointment under this G.O. to the extent necessary, to the context of these orders.

5. The Government further direct that the regular appointments made under this G.O. shall be kept outside the purview of the Andhra Pradesh Public Service Commission. Necessary Amendments to the Andhra Pradesh Public Service Commission Regulations shall be issued separately.

**S.R.RAMAMURTHI,
CHIEF SECRETARY TO GOVERNMENT.**

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Service -Subordinate Services - Compassionate Appointment of Son / Daughter/Spouse of the Government Employees who Retire on Medical Invalidation scheme Dispensed with - Orders - Issued

GENERAL ADMINISTRATION (SER-A) DEPARTMENT

G.O.Ms.No.202

Dated:27-04-2002

Read the following:-

1. G.O.Ms.No.504, G.A. (Ser-A) Deptt., dt. 30-07-1980
2. G.O.Ms.No.309, G.A. (Ser-A) Deptt., dt. 04-07-1985
3. G.O.Ms.No.214, G.A. (Ser-A) Deptt., dt. 09-06-1998.

ORDER:

Whereas in the G.Os, first, second and third read above Government issued orders for appointment of a son/daughter/spouse of the Government Employees who retire from service on Medical Invalidation under article 441 of the Andhra Pradesh Pension Code (Volume-I) subject to certain conditions specified therein, including a restriction that this benefit would be applicable to only those Government Employees who retire on medical invalidation (five) years before the employees attain the age of Superannuation.

2. And whereas the High Court of Andhra Pradesh in W.P.No.13489/2000 and batch, in its judgement dated 12-10-2001, held that the scheme of compassionate appointment to dependents of Government employees who retire on medical invalidation is unconstitutional and violative of Article 16 of Constitution of India.

3. And whereas, after careful examination of this Judgement of the High Court of Andhra Pradesh, the Government have decided to dispense with the scheme of Compassionate appointment to dependents of Government Employees who retire on Medical Invalidation as the same is violative of the Article 16 of constitution of India.

4. Accordingly, the orders issued in the G.Os. first, second and third read above are hereby cancelled. Consequently, the orders / instructions issued from time to time on the scheme of compassionate appointment to dependents of Government Employees who retire on Medical Invalidation, shall be deemed to have been cancelled.

(BY ORER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**P.V. RAO,
Chief Secretary to Government**

To
The All Departments of Secretariat.
The All Heads of Departments.
All District Collectors.
All District Judges.
All Chief Executive Officers, Zilla Praja Parishad, Andhara Pradesh.
The Principals of All Medical Colleges in Andhra Pradesh.
All the Superintendents of Government General Hospital,
Visakhapatnam/Kakinada/Guntur/Warangal/Tirupati/Kurool/Osmania General
Hospital, Andhra Pradesh, Hyderabad/Gandhi General Hospital, Secunderabad.
All District Co-ordinators of Hospitals/District Head Quarters Hospitals.
Copy to:
The Health Medical & Family Welfare Department.
The Finance Department.
The General Administration (Cabinet) Department.

Download from www.tsemployees.com

The Law (e) Department

The Director of Medical Education, Andhra Pradesh, Hyderabad.

SF/SC

(FORWARDED BY ORDER)

SECTION OFFICER

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**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Subordinate Services – Revival of the scheme of compassionate appointments to the dependents of Government employees who retire on medical invalidation, as per the judgment of Supreme Court of India in Civil Appeal No.4210/2003 dated 12.08.2008 filed by V.Sivamurthy and others - Orders – Issued.

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GENERAL ADMINISTRATION (SER.G) DEPARTMENT

G.O.Ms.No. 661

**Dated:23 -10-2008.
Read the following:-**

- 1) G.O.Ms.No.504, G.A.(Ser.A) Department, Dated 30.7.1980.
- 2) G.O.Ms.No.309, G.A.(Ser.A) Department, Dated 4.7.1985.
- 3) G.O.Ms.No.214, G.A.(Ser.A) Department, Dated 9.6.1998
- 4) Govt.Memo. No.36299/Ser.A/99-1, G.A.(Ser.A) Department, Dated 25.6.1999.
- 5) Judgment Dated 12.10.2001 in W.P.No.13489/2000 and batch of Hon'ble High Court of Andhra Pradesh.
- 6) G.O.Ms.No.202, G.A.(Ser.A) Department, Dated 27.4.2002.
- 7) G.O.Ms.No.203, G.A.(Ser.A) Department, Dated 27.4.2002.
- 8) G.O.Ms.No.305, G.A.(Ser.A) Department, Dated 17.7.2002.
- 9) G.O.Ms.No.44, G.A. (Ser.A) Department, Dated 17.2.2003.
- 10) G.O.Ms.No.251, G.A.(Ser.G) Department, Dated 28.8.2004.
- 11) G.O.Ms.No.100, G.A.(Ser.G) Department, Dated 3.3.2005.
- 12) Suo-moto contempt of Hon'ble High Court Dated 12.10.2001.
- 13) G.O.Ms.No.246, G.A.(Ser.G) Department, Dated 30.5.2006.
- 14) G.O.Ms.No.124,P.R.&R.D.(Mdl.II) Department, Dated 2.4.2008.
- 15) The judgment of Hon'ble Supreme Court of India in Civil Appeal No.4210/2003 filed by V.Sivamurthy with CA Nos.4208-4209, 4213, 4226 of 2003, Dated 12.08.2008.

* * *

ORDER :-

In the reference first read above, the Scheme of compassionate appointments to the dependents of Government employees who retired on medical invalidation was introduced in the State. The appointments under the scheme were to the post of Junior Assistant or to a post whose pay scale is equal to or less than to that of Junior Assistant.

2. In the reference second read above, the benefit of compassionate appointments was confined to the cases where Government servants retire on medical grounds five years before attaining the age of superannuation irrespective of the age of superannuation prescribed for the posts and services.

3. In the reference third read above, orders were issued prescribing suitable safeguards and procedures duly constituting the Medical Teams, District Level Committee of Officers and State Level Committee of Officers to prevent any misuse of the scheme of compassionate appointments to the dependents of Government employees who retire on Medical invalidation.

4. In the reference fourth read above, it was clarified that the benefit of compassionate appointment will be applicable only to those Government employees who retire on Medical Invalidation five years before they attain the age of superannuation. Therefore, the required period of five years of left over service is to be reckoned from the date of issue of orders of retirement on Medical invalidation. It is further clarified that in cases where the Government employees who do not have five years of service before they attain the age of superannuation at the time of considering such cases by the State Level Committee or District Level Committees, the respective Committees, after scrutiny of Medical Invalidation Certificates in those cases, may recommend only for retirement of such Government employees on medical invalidation as per the certificate issued by the Medical Board.

5. The Full Bench of the Hon'ble High Court of Andhra Pradesh in its common Judgment dated 12.10.2001 in W.P.No.13489/2000 held that the appointment on compassionate grounds on Medical Invalidation does not satisfy the requirement of Article 16 of the Constitution of India and any policy decision taken by the State is unconstitutional.

(Contd.....p.2)

6. In the references sixth to eighth read above, orders were issued dispensing with the scheme of compassionate appointment in Medical Invalidation cases. The issue was examined by the Cabinet Sub-Committee on service matters based on several representations, keeping in view of the hardship pleaded by the Government employees who retired on medical invalidation, the Cabinet Sub-Committee on service matters in its meeting held on 23.01.2003 made certain recommendations to consider appointment to the post of Panchayat Secretary on contract basis with a basic pay of Rs.2870/- + H.R.A. + D.A. to the dependents of Government employees who retired on medical invalidation before issue of G.O.Ms.No.202, G.A.(Ser.A) Department, dated 27.4.2002.

7. In the reference 9th read above, the cases of dependents of Government employees who retired on medical invalidation and whose cases could not be considered by 27.4.2002 were considered for appointment on contract basis to the post of Executive Officer, Special Category-V (Panchayat Secretary) under Rule 9 of A.P. State and Subordinate Service Rules, 1996.

8. In the reference 10th read above, orders were issued to consider the dependents of Government employees who retired from service on medical invalidation before 27.4.2002, for appointment to the post of Panchayat Secretary on contract basis, taking into consideration the date of issue of medical invalidation certificate for reckoning the left over service of 5 years from the date of issue of medical invalidation certificate.

9. In the G.O. 11th read above, orders were issued that the dependents of Government employees who retired on medical invalidation before 27.4.2002 and who possess the academic qualification below 10th class only shall be considered for appointment to any of the posts in A.P. Last Grade service on contract basis and on fixed pay of Rs.2600/- p.m.

10. In the G.O. 13th read above, orders issued in G.O.Ms.No.44, G.A.(Ser.A) Department, dated 17.2.2003 and G.O.Ms.No.100, G.A.(Ser.G) Department, dated 3.3.2005 were withdrawn.

11. Aggrieved by the above orders, certain Panchayat Secretaries have approached Hon'ble APAT and APAT rejected the request of the applicants. Further, the applicants approached Hon'ble High Court and the Hon'ble High Court in its interim order dated 19.12.2007 in W.P.M.P.No.18401/2007 in W.P.No.14637/2007 and batch cases have directed the respondents to consider the cases of petitioner for appointment as Panchayat Secretaries/ V.R.Os / J.As and made it clear that such appointments shall be purely on "contract basis", as they were originally appointed and continuing.

12. In the reference 14th read above, the 1198 terminated Panchayat Secretaries were appointed on contract basis based on the interim orders of Hon'ble High Court dated 19.12.2007 in W.P.M.P. No.18401/2007 in W.P.No.14637/2007 and batch cases.

13. The Hon'ble Supreme Court of India, in V.Siva Murthy V/s State of Andhra Pradesh in (Civil appeal No 4210 of 2003 with CA.Nos.4208-4209, 4213, 4226 of 2003, Dated 12.08.2008) upheld the scheme of compassionate appointment to the dependents of Government employees who retired on Medical invalidation and held among others, as follows:

"We therefore, allow these appeals, set aside the judgment of the High Court (dated 12.10.2001). We also set aside the orders of the Tribunal though on different grounds. We uphold the validity of the compassionate appointment scheme (contained in G.O.Ms.No.504, G.A.(Ser.A) Department, dated 30.7.1980, G.O.Ms.No.309, G.A.(Ser.A) Department, dated 4.7.1985 and G.O.Ms.No.214, G.A. (Ser.A) Department, dated 9.6.1998, as clarified in Govt. Memo.No.36299/Ser.A/99 dated 25.6.1999) providing that the period of five years of left over service should be reckoned from the date of issue of the order of retirement on medical invalidation and not from the date of application for retirement on medical invalidation.

As the scheme was withdrawn by Govt. Memo. Dated 27.4.2002, to give effect to the impugned decision of the High Court, the state Government is at liberty to revive the scheme with or without modifications".

(Contd.....p.3)

14. After careful consideration, Government issue the following orders on reviving the scheme of compassionate appointments on medical invalidation of Government employee.

1. This concession of compassionate appointment shall be allowed only in exceptional cases where the appointing authority is satisfied that the condition of the family is indigent and in great distress and when there is no other earning member in the family. The word "family" consists of the members as defined in sub-rule 12(b) of Rule 50 of A.P. Revised Pension Rules, 1980.
2. The candidate eligible for appointment under this measure shall be the spouse of the Government servant or any one of the dependent children of the employee who retired on medical grounds.
3. The eligible person shall be appointed to the post of Junior Assistant or equivalent post or any other lower post.
4. Applications for appointment from such persons shall be entertained within a period of one year from the date of retirement of Government servant on medical invalidation.
5. The compassionate appointments shall be treated as direct recruitment and temporary appointments to start with.
6. The candidates to be appointed on compassionate grounds under these scheme shall possess the age and other qualifications as per rules in force.
7. The temporary appointment of a spouse or child can be considered for regular appointment without subjecting them to the normal process of recruitment. However;
 - a) A formal notification of vacancy shall be made to the Employment Exchange.
 - b) After filling up the vacancy, the appointing authority will furnish all relevant particulars of the candidate to the Employment Exchange.
 - c) Such appointments should be made under intimation to the Director of Employment and Training excepting in case of High Court.

15. The appointments on compassionate grounds under this scheme shall be in the same unit of appointment. While making these appointments the provisions contained in the Andhra Pradesh Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) order, 1975 (Presidential Order on SPF) shall be applicable. The benefit of compassionate appointment on medical grounds shall be confined to the cases, where Government servants retired on medical ground, shall have left over service of 5 years before attaining the age of superannuation irrespective of the age of superannuation prescribed for the posts and services. The required period of 5 years of left over service is to be reckoned from the date of issue of orders of retirement on medical invalidation.

16. The appointing authority on receipt of the application from the Government employee for retirement on Medical Invalidation, shall refer the case to the Medical Board.

(i) At District level, a team of Doctors shall furnish the medical report to a District Level Committee of officers. Accordingly, Government hereby constitute the medical team (Medical Boards) as follows:-

(a) Where there are teaching hospitals, other than Ranga Reddy and Hyderabad Urban Districts, the medical team (Medical Board) shall consist of the Superintendent of the Govt. General Hospital and two doctors of the cadre of Civil Surgeon, nominated by the Superintendent of Government General

(Contd.....p.4)

Hospital, among them one should be a specialist in the disease/illness with which the employee is suffering and seeking Medical Invalidation and in case of a lady employee seeking a Medical Invalidation, of the two civil surgeons, one should be a lady civil surgeon.

(b) In the case of Ranga Reddy and Hyderabad Urban Districts, the Medical Boards already existing in Osmania General Hospital and Gandhi General Hospital shall constitute the team of Doctors (Medical Board) respectively.

© In all other districts, the District Co-ordinator of the District Head Quarters Hospitals of Andhra Pradesh Vidya Vidhana Parishad and two Civil Surgeons nominated by the District Co-ordinator, of whom one shall be from the speciality of the disease with which the employee is suffering from, shall constitute the medical team. In case, it is a woman employee seeking Medical Invalidation, of the two civil surgeons, one should be lady Civil Surgeon. Also where the District Head Quarter Hospital of Andhra Pradesh Vidya Vidhana Parishad does not have necessary expertise to decide the matter for want of the concerned specialist doctor, it may refer the case to the nearest teaching hospital for obtaining their opinion before making their recommendations.

(d) As and when a Government employee seeks and applies for retirement on medical grounds, the concerned appointing authority shall refer the case to the team of doctors (Medical Board) mentioned above.

(e) The Medical Board shall give its report based on the detailed clinical examination and relevant investigations in a Govt. Hospital/Govt. Institutions like NIMS, SVIMS etc.

(f) The benefit of compassionate appointment shall be extended in case where a Government servant totally cease to be employable and become a burden on his family i.e., when a Government servant is totally incapacitated on account of serious illness / accident.

(g) Accordingly, the disease for which medical invalidation shall be allowed may be any one of the following:-

1. Paralysis
 - (i) All 4 limbs
 - (ii) One side upper limb and lower limb
 - (iii) Both lower limbs
2. End stage Renal diseases
3. End stage Liver diseases
4. Cancer with metastasis stage or secondaries
5. Dementia – Mental Disorder
6. Severe Parkinson disease
7. Loss of limbs (hands or legs) in case of drivers.

(ii) The appointing authority under whom the employee seeking medical invalidation is working, shall, after receipt of the Medical Boards recommendations refer the matter to a District Level Committee of officers for scrutiny and its recommendations. Government hereby constitute the District Level Committee of the officers with the following :-

- | | | |
|---|------|-------------------|
| 1. District Collector | | Chairman. |
| 2. The District Medical & Health Officer | | Member. |
| 3. The District Head of the Department in which the employee is seeking retirement on Medical Invalidation. | | Member/ Convener. |

The District Level Committee shall consider the Medical Invalidation report given by the Medical Board constituted in para 16 (i) above and scrutinize the proposal for compassionate appointment on Medical Invalidation strictly in accordance with the guidelines and conditions stipulated in the existing instructions on the scheme. The committee is also competent to seek at its discretion personal presence of the employee seeking retirement on medical invalidation before considering the proposal.

(iii) For scrutiny and for making recommendations in respect of cases of Government employees of Heads of Departments/Secretariat Departments, a State Level Committee of officers is hereby constituted with the following :-

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|--|-----|-------------------|
| 1. Special Chief Secretary / Principal Secretary to Government Nominated by the Government | ... | Chairman. |
| 2. Principal Secretary / Secretary to Govt., Health Medical & Family Welfare Dept. | ... | Member. |
| 3. Principal Secretary / Secretary to Govt., of the Department in which the employee is seeking retirement on Medical Invalidation | ... | Member. |
| 4. Principal Secretary / Secretary to Govt., Finance Department. | ... | Member. |
| 5. Principal Secretary / Secretary to Govt., G.A. (Ser.) Department. | ... | Member. |
| 6. Secretary to Govt., Law Department. | ... | Member. |
| 7. Director of Medical Education | ... | Member. |
| 8. Dy.Secretary / Jt.Secretary / Addl. Secretary to Government, HM&FW Dept. | ... | Member/ Convener. |

The State Level Committee shall consider the medical invalidation report given by the Medical Board constituted in para 16 (i) above and scrutinize the proposal for compassionate appointment on Medical Invalidation strictly in accordance with the guidelines and conditions stipulated in the existing instructions on the scheme.

(iv) The District Collectors who are heading the District Level Committees shall send the recommendations of the District Level Committees to the concerned District Head of the Department.

(v) In cases of Government employees of Heads of Departments / Secretariat Departments, the proposals shall be placed before the State Level Committee of officers directly through H.M. & F.W. Department in Secretariat based on the recommendations of the Medical Board.

(vi) In respect of employees working in the Heads of Departments / Secretariat Departments, the Convener of State Level Committee of officers shall send the recommendation of the State Level Committee in each case to the concerned Prl.Secretary / Secretary to Government of the Secretariat Department or to the Heads of Departments concerned for issue of appropriate orders.

(vii) Only where the State Level Committees of officers makes a clear recommendation for retirement on medical invalidation, the concerned Department of Secretariat, Head of the Department shall issue necessary orders permitting the Government employees to retire on grounds of medical invalidation and to appoint the dependents, such Government employees who are permitted to retire on medical invalidation as per the other existing instructions on the scheme. Such compassionate appointments will be confined only to the Department in which retirement of the employee on medical invalidation was ordered. In case of Departments of Secretariat, it is Single Unit except Law and Finance Departments.

17. The compassionate appointments on medical invalidation shall be limited to 5% of Direct Recruitment vacancies in a unit of appointment.

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18. All such cases where appointments under medical invalidation grounds were made, must be reported in detail by the District Head of the Department along with copies of the orders justifying the appointment orders under medical invalidation to the concerned Administrative Department in Secretariat.

19. All the Departments of Secretariat, all the Heads of Departments, all the District Collectors and all the appointing authorities shall follow the above instructions scrupulously without any deviation.

20. Necessary amendments to the Article 442 of Andhra Pradesh Pension Code shall be issued separately by Finance (Pension) Department.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.RAMAKANTH REDDY,
CHIEF SECRETARY TO GOVERNMENT.

To

All Departments of Secretariat.

All Heads of Departments.

All District Collectors in the State.

All District Judges in the State.

All Chief Executive Officers, Zilla Parishads in the State.

All Principals of Medical Colleges in Andhra Pradesh.

All Superintendents of Government General Hospitals.

All Dist.Coordinators of Hospitals, Dist.Head Quarters Hospitals.

The Finance (Pension) Department.

The Law (LSP) Department.

The HM & FW Department.

The G.A. (Cabinet/IC) Department.

Copy to:-

Prl.Secretary to Government, HM&FW Department.

Prl.Secretary to Government, Finance Department.

Secretary to Government, Law Department.

P.S. to Chief Secretary to Government.

P.S. to Prl.Secretary to Chief Minister.

The Director Medical Education, AP Hyderabad.

The Accountant General, A.P. Hyderabad.

The Secretary, APPSC, Hyderabad.

The Advocate General, High Court of A.P., Hyderabad.

The Govt.Pleader for Services, High Court of A.P., Hyderabad.

The Govt. Pleader for Services, A.P. Administrative Tribunal, Hyderabad.

SF / SC.

// Forwarded :: By Order //

SECTION OFFICER.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Establishment- Municipal Administration & Urban Development Department - Compassionate appointments to the dependents of municipal employees - Scheme revived- Extension to the municipal employees working in all Urban Local Bodies- Orders issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (G1) DEPARTMENT

G.O.Ms.No 179

Dated:23.04.2010.

Read the following:-

- 1.G.O.Ms.No.214, Genl. Admn (Ser.A) Dept., dt.28.1.1999
- 2.O.Rt.No.76, MA&UD (L3) Dept, dt.27.1.1999
- 3.G.O.Ms.No.246,Genl. Admn (Ser.G)Dept., dt.30.5.2006.
- 4.GoMs.No.661,Genl. Admn (Ser.G) Dept., dt.23.10.2008.
- 5.From the Commissioner & Director of Municipal Administration, Hyd Lr.No.2270/2009/J3, dt.31.3.2009.

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ORDER:

In the reference 2nd read above, orders were issued extending the benefit of compassionate appointments ordered in the reference 1st read above to the dependents of the employees working in all the Municipalities and Municipal Corporations also (including teaching staff in Municipalities and Municipal Corporations with effect from 09.06.1998 ie. from the date of issue of G.O. Rt No.214, General Administration Department, dt.09.06.1998, subject to fulfillment of certain conditions laid down therein. Subsequently, based on the orders of Hon'ble A.P. High Court, the benefit has been withdrawn vide reference 3rd read above. On the orders of the Hon'ble Supreme Court in Civil Appeal No.4210 of 2003 with CA Nos.4208-09, 4213, 4226 of 2003 dt.12.8.2008, orders have been issued reviving the scheme to Govt. employees. On the representations of certain dependents of employees of Khammam District to extend the benefit, the Commissioner and Director of Municipal Administration, who was consulted in the matter has requested the Government to extend the scheme of benefit of compassionate appointment on medical invalidation provided vide G.O. Ms. No. 661, General Administration Department, dt.23.10.2008 to the employees working in Urban Local bodies also in the State keeping the District Head Quarters Municipal Commissioner as Member/Convener in the District Level Committee of Officers.

2. Government, after careful examination of the matter decided to extend the orders issued in G.O. Ms.No.661, General Administration Department, dt.23.10.2008 to the employees working in all Urban Local Bodies (Municipalities and Corporations including Greater Hyderabad Municipal Corporation).

3. Accordingly, Government hereby extend the scheme of compassionate appointment on medical invalidation ordered in G.O. Ms. No.661, General Administration (Ser.G) Department, dt.23.10.2008 to the employees working in all Municipalities/ Corporations including Greater Hyderabad Municipal Corporation in the State and to constitute

P.T.O.

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the Committee with the following members, for scrutiny and recommendation.

| | | |
|---|----|---------------------|
| 1 The District Collector | .. | Chairman |
| 2 The District Medical & Health Officer | .. | Member |
| 3. Concerned Municipal Commissioner | .. | Member/ Convener |

4. The Commissioner and Director of Municipal Administration / Commissioner, Greater Hyderabad Municipal Corporation shall take further necessary action in the matter.

5. This order issues with the concurrence of GAD vide their U.O. No.38962/Ser.G/090-1,dt.4.12.2009 and concurrence of Finance Department vide their U.O.No.34126/646/A1/PC.III/09, dt.26.3.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PUSHPA SUBRAHMANYAM,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner and Director of Municipal Administration,
A.P., Hyderabad.
The Commissioner, Greater Hyderabad Municipal Corporation,
Hyderabad.

Copy to :
The Accountant General (A&E), A.P., Hyderabad.
The Pay and Accounts Officer, A.P., Hyderabad.
All District Collectors in the State.
All District Treasury Officers in the State.
All District Medical & Health Officers in the State
P.S. to Prl. Secretary to Chief Minister
P.S. to Minister for Municipal Administration, Hyderabad.
PS to Prl. Secretary, MA&UD(MA).Hyderabad.
P.S to Prl. Secretary, MA&UD(UD),Hyderabad.
All Circulating Officers in MA&YD Department.
All Sections in MA&UD Department
The Finance (PC.III) Department
The General Administration (Ser.G) Department.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Subordinate Services - Scheme of Compassionate Appointment to the dependents of Government employees who retired from service on medical invalidation on or before 27.04.2002 - Specifically Tailored Scheme for Compassionate Appointment - Evolved - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (MDL.II) DEPARTMENT

G.O.Ms.No.56

Dated:02-3-2012

Read the following:

1. G.O.Ms.No.504, G.A.(Ser.A) Dept., dt:30-7-1980
2. G.O.Ms.No.309, G.A.(Ser.A) Dept., dt:04-7-1985
3. G.O.Ms.No.214, G.A.(Ser.A) Dept., dt:09-6-1998
4. Govt. Memo.No.36299/Ser.A/99-1, GA(Ser.A) Dept., dt:25-6-1999.
5. Judgment of Hon'ble High Court of A.P. dt:12-10-2001 in W.P.No.13489/2000 and batch cases
6. G.O.Ms.No.202, G. A. (Ser.A) Department, Dated: 27-04-2002
7. G.O.Ms. No. 44, G.A.(Ser.A) Dept., dated:17-02-2003.
8. G.O.Ms.No.144, PR&RD(Mdl.II) Dept., Dt.1.5.2003.
9. G.O.Ms.No.198, G.A.(Ser.A) Dept., dt:04-7-2003.
10. G.O.Ms.No.234, PR&RD (Mdl.II) Dept., dt:26-7-2003.
11. G.O.Ms.No.229, G.A. (Ser.A) Dept., dt:02-8-2003.
12. G.O.Ms.No.246, G.A. (Ser.G) Dept., dt.30-5-2006.
13. Interim orders of Hon'ble High Court dt.19-12-2007, in WPMP No.18401/2007 in W.P.No.14637/2007 & Batch cases.
14. G.O.Ms.No.124, PR&RD(Mdl.II) Dept. dt.02.04.2008.
15. The Judgment of the Hon'ble Supreme Court of India dt:12.8.2008 in Civil Appeal No.4210/2003 in Siva Murthy Vs State of A.P. case.
16. G.O.Ms.No.661, GA (Ser.G) Dept., dt:23-10-2008.
17. G.O.Ms.No.84, PR&RD (Mdl.II) Dept., dt:24.2.2010.
18. Judgment of the Hon'ble High Court dt.26.07. 2010. in WP No.11957/2007 and batch cases.

Order:

In the reference 1st read above, Government have extended the scheme of compassionate appointment introduced in G.O.Ms.No.687, General Administration (Ser.A) Department, dt:3-10-1977 to the spouse / daughter / son of Government Servants who retired on Medical Invalidation. In the reference 2nd read above, the benefit of compassionate appointment was confined to the cases where Government Servants who retired on medical grounds 5 years before attaining the age of superannuation irrespective of the age of superannuation prescribed for the post and services.

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2. In the reference 3rd read above, orders were issued prescribing suitable safeguards and procedures duly constituting the medical teams, District Level Committees of officers and State Level Committees of officers to prevent any misuse of the scheme of compassionate appointments to the dependents of Government employees who retired on medical invalidation. In reference 4th read above, it was clarified that the required period of 5 years of left over service is to be reckoned from the date of issue of orders of retirement on medical invalidation.

3. In the reference 5th read above, the full bench of the Hon'ble High Court of Andhra Pradesh in its common judgement dated:12.10.2001 in W.P. No. 13489/2000 and batch cases has held that the appointment on compassionate ground on medical invalidation does not satisfy the requirement of Article 16 of the Constitution of India and any policy decision taken by the State is unconstitutional.

4. In the reference 6th read above, orders were issued dispensing with the scheme of compassionate appointment to the dependents of Government employees who retired on medical invalidation consequent to the Judgement dt.12.10.2001 in W.P.No.13489/2000.

5. In the reference 7th read above, orders were issued to consider the cases of dependents of Government Employees who retired on medical invalidation and whose cases could not be considered by 27-04-2002, be considered for appointment on contract basis to the post of Executive Officer, Special Category V (Panchayat Secretary) under Rule 9 of the Andhra Pradesh State and Subordinate Service Rules, 1996. In the reference 8th read above, necessary terms and conditions were prescribed for the contract appointments to the dependants of Government Employees who retired on medical invalidation before 27-4-2002. In references 9th to 11th read above orders were issued prescribing 10th class educational qualification instead of intermediate and for not to observing the communal roaster in making the appointments.

6. In the reference 12th read above, Government have withdrawn the orders issued in G.O.Ms.No.44, General Administration(Ser.A) Department dt.17.2.2003 and G.O.Ms.No.100, General Administration (Ser.G) Department dt.3-3-2005 as the Hon'ble High Court of Andhra Pradesh has taken up Suo Motu Contempt case for issuing the above said orders providing for appointments on grounds of compassion to all the dependents of the former employees of the State who retired on the ground of medical invalidation is contrary to the Full Bench decision of Hon'ble Andhra Pradesh High Court in W.P.Nos. 13489 of 2000 and batch, dated:12-10-2001.

7. In pursuance of the orders issued in 12th read above and based on the instructions issued in Government Memo.No.16892/Mdl.II/A2/2006, dt.11.9.2006 read with Memo. No.2202/CPR&RE/B1/2003, dt.13.9.2006 of Commissioner Panchayat Raj & Rural Employment, Hyderabad the District Collectors in the State have terminated all the Panchayat Secretaries appointed under medical invalidation Scheme during September-November, 2006. Aggrieved by the above said orders, certain Panchayat Secretaries

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have filed O.A.Nos.2150/2006 and batch cases before the Andhra Pradesh Administrative Tribunal praying to continue them as Panchayat Secretaries and the Andhra Pradesh Administrative Tribunal in its final Judgement dt.3-1-2007 has rejected the request of the applicants.

8. Aggrieved by the orders of the Andhra Pradesh Administrative Tribunal dt.3-1-2007, number of W.Ps were filed in the Hon'ble High Court by certain terminated Panchayat Secretaries and the Hon'ble High Court in its common interim order dated.19-12-2007 in W.P.M.P.No.18401/2007 in W.P.No.14637/2007 and batch cases has directed the respondents to consider the cases of the petitioners for appointment as Panchayat Secretaries/ Village Revenue Officers/ Junior Assistants and made it clear that such appointments shall purely be on "Contract basis", as they were originally appointed and continuing.

9. In the reference 14th read above, orders were issued permitting all the District Collectors in the State to appoint 1198 terminated Panchayat Secretaries on Contract Basis.

10. In the reference 15th read above, the Hon'ble Supreme Court of India in V. Siva Murthy Vs State of Andhra Pradesh case has set aside the judgement of the High Court in W.P.No.13489/2000 dt.12.10.2001 and upheld the validity of the scheme of compassionate appointment providing that the period of five years of left over service should be reckoned from the date of issue of the order of retirement on medical invalidation and not from the date of application for retirement on medical invalidation. As the scheme was withdrawn by G.O.Ms.No.202, General Administration (Ser.A) Department dt.27.4.2002 to give effect to the impugned decision of the High Court, the State Government is at liberty to revive the scheme with or without modifications.

11. In pursuance of the orders the Apex Court, Government have revived the scheme of Compassionate Appointment to the dependents of Government servants who retired on medical invalidation in the reference 16th read above.

12. As the position stood thus, the Hon'ble High Court in its final judgement in the reference 17th read above has disposed of the WPs with a liberty to the petitioners to represent to the Government for evolving a specifically tailored scheme of compassionate appointment /regular appointment/ regularization of their contract appointments, in case the petitioners are advised that their cases cannot be accommodated within the scheme of Compassionate Appointments spelt out in G.O.Ms.No.661, General Administration (Ser.G) Department dt.23.10. 2008.

13. Accordingly, the Contract Panchayat Secretaries have requested the Government for regularization of their services in the category of Panchayat Secretary from the date of their initial appointments with all consequential benefits in tune with the G.O.Ms.No.661, General Administration (Ser.G) Department dt:23-10-2008.

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14. In the reference 17th read above, the Andhra Pradesh Panchayat Raj Subordinate Service Rules were issued for the post of Panchayat Secretary wherein a provision has been made for direct recruitment to the post of Panchayat Secretary Grade.IV with Degree as educational qualification.

15. In the meeting of Group of Ministers on the demands of JAC of Employees held on 18.01.2011, it was felt that the Panchayat Raj & Rural Development Department will examine and work out how many cases are covered with the scheme revived in G.O.661, General Administration (Ser.G) Department dt.23.10.2010. Government have entered into an agreement with the JAC of Employees on 23.01.2011 wherein it was agreed that the medical invalidation scheme for 1198 Panchayat Secretaries working would be worked out within one month as per Court Orders.

16. The Commissioner, Panchayat Raj & Rural Employment in her letter. No.2208/CPR&RE/B1/2003, dt:07-02-2011 have stated that only (8) Panchayat Secretaries out of 1198 Panchayat Secretaries are eligible as per G.O.Ms.No.661, General Administration (Ser.G.) Department dt.23.10.2008.

17. Keeping in view of the judgement of the Hon'ble High Court dt.27.7.2010 in WP.Nos.11957,11967, 14637/2007 and 1594/2008 and after careful consideration of the representations of the Panchayat Secretaries, Government felt it necessary to evolve a specifically tailored scheme of compassionate appointment to consider compassionate appointment/regular appointment to the dependents of Government Servants working as Panchayat Secretaries as one time settlement as they were not covered under the provisions of Scheme of Compassionate Appointment revived in G.O.Ms.No.661, General Administration (Ser.G) Department dt.23.10.2010.

18. Accordingly, Government hereby formulate a specifically tailor made scheme of Compassionate Appointments to 1108 dependents of Government servants who retired on medical invalidation and working as Panchayat Secretaries for appointment as Panchayat Secretary Grade.IV on regular basis as one time settlement in relaxation of age and qualification subject to condition that the candidates who does not possess Intermediate qualification they should acquire the qualification of Intermediate or its equivalent within five years, failing which they will draw the only minimum of time scale with the following guidelines. The appointment shall have only prospective effect. The district -wise breakup of 1108 Panchayat Secretaries is annexed to this order.

- i) The candidates eligible for appointment under this measure shall be the spouse of the Government servant or any one of the dependent children of the employee who retired on medical grounds.
- ii) The eligible person shall be appointed to the post of Panchayat Secretary Grade. IV only.

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- iii) The compassionate appointments shall be made against direct recruitment.
- iv) The appointment of Panchayat Secretary shall be applicable to the candidates who are appointed on medical invalidation under compassionate grounds and working as Panchayat Secretaries as on today.
- v) The dependent of the Government Servants shall be considered for regular appointment to the post of Panchayat Secretary Grade IV without subjecting them to the normal process of recruitment. However;
 - a) A formal notification of vacancy shall be made to the Employment Exchange.
 - b) After filling up the vacancy, the appointing authority will furnish all relevant particulars of the candidate to the Employment Exchange.
 - c) Such appointments should be made under intimation to the Director of Employment and Training.
- vi) The rule of reservation shall be followed strictly while making appointments as Panchayat Secretaries as per 22 & 22(A) of Andhra Pradesh State and Subordinate Services Rules, 1996.
- vii) While making this appointment, the provisions contained in the Andhra Pradesh Public Employment (Organisation of local cadres under regulation of Direct recruitment) Order, 1975(Presidential order on SPF) shall be followed.
- viii) All such cases where the dependents are appointed as Panchayat Secretaries on Medical Invalidation grounds must be reported in detailed by the District Collector to the HOD / Government.
- ix) This Scheme shall be applicable to only to the dependents of Government servants who retired on medical invalidation and working as Panchayat Secretaries.

19. All District Collectors and appointing authorities shall follow the above instructions scrupulously without any deviation.

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20. The Commissioner, Panchayat Raj & Rural Employment shall take necessary further action accordingly.

21. This orders issues with the concurrence of Finance (PC.III) Department vide their U.O.No.3786/62/A1/PC-III/2012,dt:22-2-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL,
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.

All the District Collectors in the State.

All the Chief Executive Officers Zilla Parishads in the State.

All the District Panchayat Officers in the State.

The Finance (Pen) Department.

The Law (A) Department

The General Administration (Ser.G) Department.

Copy to:

The Accountant General Andhra Pradesh, Hyderabad.

The District Treasuries and Accounts , Hyderabad.

All the District Treasury Officers in the State.

The P.S. to Special Secretary to C.M.

The P.S. to Chief Secretary to Government.

The OSD., to M(PR&RWS)

The P.S. to Principal Secretary (PR)

The G.P. for Service.II , High Court AP., Hyderabad.

The G.P. for PR, APAT., Hyderabad.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE

(Annexure to G.O.Ms.No.56, PR&RD.(MDL.II) DEPT., Dt:2-3-2012.

| SI. No. | Name of the District | No of Panchayat Secretaries |
|----------------|-----------------------------|------------------------------------|
| 1 | SRIKAKULAM | 8 |
| 2 | VIZIANAGARAM | 19 |
| 3 | VISAKHAPATNAM | 31 |
| 4 | EAST GODAVARI | 11 |
| 5 | WEST GODAVARI | 23 |
| 6 | KRISHNA | 37 |
| 7 | GUNTUR | 117 |
| 8 | PRAKASAM | 68 |
| 9 | NELLORE | 45 |
| 10 | CHITTOOR | 50 |
| 11 | KADAPA | 53 |
| 12 | ANANTAPUR | 32 |
| 13 | KURNOOL | 30 |
| 14 | MAHABUBNAGAR | 90 |
| 15 | RANGA REDDY | 33 |
| 16 | MEDAK | 23 |
| 17 | NIZAMABAD | 31 |
| 18 | ADILABAD | 83 |
| 19 | KARIMNAGAR | 132 |
| 20 | WARANGAL | 70 |
| 21 | KHAMMAM | 26 |
| 22 | NALGONDA | 96 |
| | Grand Total | 1108 |

C.R. BISWAL,
PRL. SECRETARY TO GOVERNMENT(PR).

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Scheme of Compassionate Appointments to the dependents of Government employees who retire on medical invalidation revived in G.O.Ms.No.661, General Administration (Ser.G) Department, dated 23.10.2008 - Certain Amendment - Orders - Issued.

GENERAL ADMINISTRATION (SER.G) DEPARTMENT

G.O.Ms.No.182

Dated:22-05-2014.
Read the following:-

- 1) G.O.Ms.No.504, G.A.(Ser.A) Department, dated 30.7.1980.
- 2) G.O.Ms.No.309, G.A.(Ser.A) Department, dated 4.7.1985.
- 3) G.O.Ms.No.214, G.A.(Ser.A) Department, dated 9.6.1998
- 4) Govt.Memo. No.36299/Ser.A/99-1, G.A.(Ser.A) Department, dated. 25.6.1999.
- 5) Judgment dated 12.10.2001 in W.P.No.13489/2000 and batch of Hon'ble High Court of Andhra Pradesh.
- 6) G.O.Ms.No.202, G.A.(Ser.A) Department, dated 27.4.2002.
- 7) G.O.Ms.No.203, G.A.(Ser.A) Department, dated 27.4.2002.
- 8) G.O.Ms.No.305, G.A.(Ser.A) Department, dated 17.7.2002.
- 9) G.O.Ms.No.44, G.A.(Ser.A) Department, dated 17.2.2003.
- 10) G.O.Ms.No.251, G.A.(Ser.G) Department, dated 28.8.2004.
- 11) G.O.Ms.No.100, G.A.(Ser.G) Department, dated 3.3.2005.
- 12) Suo-moto contempt of Hon'ble High Court, dated 12.10.2001.
- 13) G.O.Ms.No.246, G.A.(Ser.G) Department, dated 30.5.2006.
- 14) G.O.Ms.No.124, P.R.&R.D.(Mdl.II) Department, dated 2.4.2008.
- 15) The judgment of Hon'ble Supreme Court of India in Civil Appeal No.4210/2003 filed by V.Sivamurthy with CA Nos.4208-4209, 4213, 4226 of 2003, dated 12.08.2008.
- 16) G.O.Ms.No.661, G.A.(Ser.G) Department, dated 23.10.2008.
- 17) G.O.Rt.No.3401, G.A.(GPM&AR) Department, dated 23.07.2012.

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ORDER

In the reference 16th read above, the Scheme of compassionate appointment to the dependents of Government employees who retire on medical invalidation has been revived as per the judgment of Supreme Court of India in the Appeal No.4210/2003, dated 12.08.2008, filed by Siva Murthy and others. In Para 15 of the said G.O. it was stipulated that the benefit of compassionate appointment on medical ground shall be confined to the cases where the Government servant retired on medical grounds shall have left over service of 5 years before attaining the age of superannuation irrespective of the age of superannuation prescribed for the posts and services. The required period of 5 years of left over service is to be reckoned from the date of issue of orders of retirement on medical invalidation.

2. It has been observed that while processing the cases for providing compassionate appointment under the above scheme, number of cases are being referred to General Administration (Ser.G) Department for relaxation of the condition that the Government servant shall have five (5) years of left over service before the age of superannuation prescribed for the post and services, on the ground of delay occurred in cases at various stages of the scheme.

3. The Standing Committee of Officers constituted in the reference 17th read above, in its meeting held on 25.01.2014, in case of compassionate appointment of Sri G.Ashok Reddy, S/o Sri G.Venkat Reddy, Forest Section Officer, and in case of Sri S.Baljeeth Singh, Dy EE, RWS & S who retired on medical grounds for relaxation of minimum left over service in terms of G.O.Ms.No.661, GA(Ser.G) Department, dated 23.10.2008, has observed that, the entire cases relating to medical invalidation need to be studied carefully so that the date of submission of the

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application for medical invalidation should cover the reasonable time taken to process the case before the Medical Boards so as to avoid the charge or complaint of administrative delay.

4. Government after careful consideration of the matter, hereby orders that the required period of 5 years of left over service, appearing in para 15 of G.O.Ms.No.661, General Administration (Ser.G)Department, dated 23.10.2008, which is to be reckoned from the date of issue of order of retirement on medical invalidation, **shall** now be reckoned from the date, on which medical board approves the request of medical invalidation provided that the District Level Committee / State Level Committee approves the recommendation of medical board. However it is reiterated that all other conditions stated in G.O.Ms.No.661,General Administration (Ser.G)Department, dated 23.10.2008, remains unaltered.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.K.MOHANTY
CHIEF SECRETARY TO GOVERNMENT

To

All Departments of Secretariat.
All Heads of Departments.
All District Collectors in the State.
All District Judges in the State.
All Chief Executive Officers, Zilla Parishads in the State.
All Principals of Medical Colleges in Andhra Pradesh.
All Superintendents of Government General Hospitals.
All Dist.Coordinators of Hospitals, Dist.Head Quarters Hospitals.
The Finance (Pension) Department.
The Law (LSP) Department.
The HM & FW Department.
The G.A. (Cabinet/IC) Department.

Copy to:-

Prl.Secretary to Government, HM&FW Department.
Prl.Secretary to Government, Finance Department.
Secretary to Government, Law Department.
P.S. to Chief Secretary to Government.
P.S. to Prl.Secretary to Chief Minister.
The Director Medical Education, AP Hyderabad.
The Accountant General, A.P. Hyderabad.
The Secretary, APPSC, Hyderabad.
The Advocate General, High Court of A.P., Hyderabad.
The Govt.Pleader for Services, High Court of A.P., Hyderabad.
The Govt. Pleader for Services, A.P. Administrative Tribunal, Hyderabad.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER

