

GOVERNMENT OF KARNATAKA

**KARNATAKA CIVIL SERVICES
(APPOINTMENT ON COMPASSIONATE GROUNDS)
RULES, 1996**

(AS ON 31.05.2021)

**DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS
(SERVICE RULES)**

**KARNATAKA CIVIL SERVICES (APPOINTMENT ON
COMPASSIONATE GROUNDS) RULES, 1996.**

DPAR 100 SCA 95, Dated: 12th September 1996

AMENDMENTS

- 1. DPAR 11 SCA 97, Dated: 31.03.1999
GTD 01.04.1999**
- 2. DPAR 19 SCA 99, Dated : 24.11.2000
GTD 28.11.2000**
- 3. DPAR 11 SCA 2001, Dated, 28.05.2002
GTD 29.05.2002**
- 4. DPAR 118 SCA 2009, Dated: 28.06.2010
GTD 03.07.2010**
- 5. DPAR 12 SCA 2010, Dated: 27.07.2010
GTD 29.07.2010**
- 6. DPAR 55 SCA 2012, Dated : 11.07.2012
GTD 12.07.2012**
- 7. DPAR 78 SCA 2011, Dated: 13.10.2011
GTD 14.10.2011 (Omitted)**
- 8. DPAR 46 SCA 2012, Dated: 07.08.2014
GTD 04.09.2014 (Omitted)**
- 9. DPAR 26 SCA 2018, Dated: 09.04.2021
GTD 09.04.2021**

GOVERNMENT OF KARNATAKA

**The Karnataka Civil Services
(Appointment on Compassionate Grounds) Rules, 1996
(As on 31.05.2021)**

**NOTIFICATION NO. DPAR 100 SCA 95,
Dated 12th September 1996.**

Whereas the draft of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules 1996 was published as required by clause (a) of sub section (2) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No. DPAR 100 SCA 95, dated 23rd March, 1996 in Part IV section 2c(i) of the Karnataka Gazette Extra-ordinary dated 23rd March 1996 inviting Objections and suggestions from all persons likely to be affected thereby within thirty days from the date of the publication of the draft in the Official Gazette.

Whereas, the said Gazette was made available to the public on 23rd March 1996.

And whereas the objections and suggestions received have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by sub section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka hereby makes the following rules, namely:-

Rules

1. Title and Commencement:-

(1) These rules may be called the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996.

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

(3) Notwithstanding anything contained in the Karnataka Civil Services (General Recruitment) Rules, 1977 and rules of recruitment specially made in respect of any service or post are deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990). These rules shall apply in respect of appointment of the dependent of a deceased Government Servant on Compassionate Grounds.

2. Definitions:-

(1) In these rules, unless the context otherwise requires:-

¹[(a) “dependent of a deceased Government Servant” means a member of the family of the deceased Government Servant who was living with and dependent on the deceased Government Servant and who fulfils the conditions specified in the explanation to sub-rule (1) of rule 4.]¹

¹[(b) “family” for the purpose of these rules,-

(i) in the case of the deceased male married Government Servant, his widow, son and daughter (unmarried/married/divorced/widowed) who were dependent upon him and were living with him;

(ii) in the case of the deceased female married Government Servant her son, daughter (unmarried/married/divorced/widowed) and widower who were dependent upon her and were living with her;

(iii) in the case of the deceased male unmarried Government Servant, his brother or sister who were dependent upon him and were living with him;

(iv) in the case of the deceased female unmarried Government Servant, her brother or sister who were dependent upon her and were living with her; and

(v) in the case of the deceased married Government Servant whose spouse is also no more and who has minor children, the certified guardian of the minor children who is living with them and takes care of the minor children as per the provisions of relevant law.]¹

(2) Words and expressions used but not defined shall have the same meaning assigned to them in the Karnataka Civil Services (General Recruitment) Rules, 1977.

1. Substituted by Notification No. DPAR 26 SCA 2018, Dated: 09.04.2021

3. Eligibility for appointment:-

(1) Appointment on compassionate grounds under these rules shall not be claimed as a matter of right and shall not be given as a matter of course.

(2) Appointment under these rules shall be restricted to the dependent of a deceased Government Servant in the following order of preference, namely:-

¹[(i) in the case of the deceased male married Government Servant, -

(a) the widow; and

(b) son or daughter who is chosen by the widow of the deceased Government Servant, if the widow is not eligible or for any valid reason she is not willing to accept the appointment”.

who were dependent on him and were living with him.

Note: In case spouse is pre-deceased then preference shall be given in the order of age of children.

“(ia) in the case of the deceased male unmarried Government Servant, his brother or sister, who is chosen by father and mother or in case of difference in their opinion, chosen by mother, who were dependent upon him and were living with him”.

Note: In case parents are pre-deceased then preference shall be given in the order of age of brother/sister.

“(ii) in the case of the deceased female married Government Servant ;

(a) son or daughter who is chosen by the widower of the deceased Government Servant; and

(b) widower; if the son or daughter are not eligible or for any valid reason they are not willing to accept the appointment”.

who were dependent on her and were living with her.

Note: In case spouse is pre-deceased then preference shall be given in the order of age of children.]¹

¹[(iia) in the case of the deceased female unmarried Government Servant, her brother or sister, who is chosen by father and mother or in case of difference in their opinion, chosen by mother, who were dependent upon her and were living with her.]

Note: In case parents are pre-deceased then preference shall be given in the order of age of brother/sister.]¹

²[(iii) in the case of deceased married Government Servant whose spouse is also no more and who has minor children, certified guardian of the minor children who is living with them and takes care of the minor children as per the provisions of relevant law.]²

(3) ³[xxxxx]³ Omitted

¹[(4) A person against whom at the time of making application a criminal case is under investigation or trial, on the charge of having committed murder of the deceased government Servant or for abetting the commission of such offence shall not be eligible for appointment under these rules.]

3A. ³[xxxxx]³ Omitted

4. Conditions of Appointment:-

Appointment on compassionate grounds under these rules shall be subject to the following conditions, namely:-

(1) The family of the deceased Government Servant should be in a financial crisis or destitution.

Explanation.- (a) Family of a deceased Government Servant shall be considered to be in financial crisis or destitution if the recurring monthly income of the family from all sources is less than the total emoluments including Dearness Allowance, House Rent Allowance and City Compensatory Allowance admissible at Bangalore on the average of the minimum and the maximum of the scale of pay of the post of the First Division Assistant, as on the date of making application for compassionate appointment. For calculating such monthly income, the income from family pension, lumpsum pensionary benefits and interest earned thereon shall be excluded.

1.Substituted vide Notification No. DPAR 26 SCA 2018, Dated: 09.04.2021

2. Inserted vide Notification No. DPAR 26 SCA 2018, Dated: 09.04.2021

3.Omitted vide notification No. DPAR 26 SCA 2018, Dated: 09.04.2021.

(b) Recurring monthly income from all sources other than family pension, lumpsum pensionary benefits and the interest earned thereon, of the family for the purpose of this rule shall be computed by the Head of the Office or the Head of the Department or the appointing authority;

(i) on the basis of the last annual property return filed by the deceased Government Servant and if, for any reason, it is not available, on the basis of a certificate of income issued by a Revenue Officer not below the rank of Tahsildar; and

(ii) in case any member of the family of the deceased Government Servant is employed in any State or Central Government Service or a public or private sector undertaking or a private establishment, on the basis of a certificate issued by his employer and in case such member is self employed on the basis of certificate issued by a revenue officer not below the rank of Tahsildar.

¹[Provided that, nothing in sub-rule (1), shall apply to Government Servants belonging to Group-C and D]¹

(2) Person seeking appointment shall be within the age limit specified for the post in the relevant rules of recruitment specially made in respect of any service or post read with sub rule (3) of rule 6 of the Karnataka Civil Services (General Recruitment) Rules, 1977 and where it is not so specified such person shall be within the age limits specified in the Karnataka Civil Services (General Recruitment) Rules, 1977.

¹[Provided that, the age specified above shall not apply to widow or widower of the deceased Government servant, who seeks appointment under these rules. The age limit for these dependents shall not exceed fifty five years at the time of submitting application.]¹

(3) Person seeking appointment should possess the minimum qualification specified for the post in the relevant rules of recruitment specially made in respect of any service or post.

¹[Provided that nothing in this sub rule and sub rule (5) of rule 5 of the Karnataka Civil Services (General Recruitment) Rules, 1977 in so far as it relates to educational qualification, shall apply to appointment under these rules to any Group 'D' Post.]¹

²[(4) Appointment shall be confined to any post in Group "C" or Group "D" depending upon the qualification specified for the post but excluding the posts carrying the pay scales higher than the scale of pay of the post of Assistant in the Karnataka Government Secretariat as may be revised from time to time and any other post in either of the groups as may be specified by the Government from time to time".]²

(5) Appointment shall be made only against a direct recruitment vacancy.

³[(xxxxxxxxxxxx).]³

(6) Appointment shall be made in the department in which the deceased Government Servant was working;

Provided that if no vacancy is available in that department subject to any general order that may be issued by the Government appointment may be made in any other department of the Government where the vacancy is available.

1. Substituted vide Notification No. DPAR 11 SCA 97, Dated: 31.03.1999

2. Substituted vide Notification No. DPAR 19 SCA 99, Dated: 24.11.2000

3. Omitted vide Notification No. DPAR 11 SCA 97, Dated: 31.03.1999

¹[5. Application for appointment:-

Every dependent of a deceased Government Servant, seeking appointment under these rules shall make an application within one year from the date of death of the Government Servant, in such form, as may be notified by the Government, from time to time, to the Head of the Department under whom the deceased Government Servant was working.

Provided that, in case of a minor he must have attained the age of eighteen years within two years from the date of death of the Government servant and he must make an application within two years thereafter.]

6. Appointment by the Competent Authority:-

(1) On receipt of the application under rule 5, the Head of the Department, if satisfied that the applicant fulfills all the conditions specified under these rules, shall appoint, where he is the appointing authority, and if not direct the appropriate appointing authority to issue the order of appointment.

(2) The appointment under sub-rule (1) shall be made as far as possible within a period of three months from the date of receipt of the application under rule 5.

(3) Consultation with the Finance Department shall not be necessary for appointment under these rules.

(4) Appointment once made under these rules shall be final and no fresh appointment to a different post or higher post under these rules shall be permissible.

(5) The appointment under these rules shall not be made in the case of the dependent of a deceased person who at the time of death was on re-employment or was employed as Local Candidate, Stipendiary Graduate or Daily Wage Worker or employed in any work charged establishment or on casual employment. ¹[or whole time or part-time employees paid out of contingencies.]

1. Substituted vide Notification No. DPAR 26 SCA 2018, Dated: 09.04.2021

¹[Provided that applications pending on the date of commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Second Amendment) Rules, 2010 shall be disposed in accordance with the provisions as existed before the commencement of this said amendment rules.]¹

²[(6) No candidate shall be appointed to a Group “C” post under these rules unless he passes the Kannada Language Test prescribed under the Karnataka Civil Services (Recruitment) (Kannada Language Test) Rules, 1984 except those who are exempted under the said rules.]²

⁴[(7) The appointment under these rules shall be made in accordance with the provisions that are prevailing on the date of application.]⁴

7. Seniority:-

The Seniority of the persons appointed under these rules shall be determined from the date of their reporting to duty.

8. Application of other rules:-

All other rules regulating the conditions of service of Government Servants which are made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in so far as they are not inconsistent with the provisions of these rules shall be applicable to the persons appointed under these rules.

9. Transitional Provision:-

(1) All applications for appointment on compassionate ground made prior to the twentieth October, 1994 and the applications made on or after that date but before the date of commencement of these rules and which are pending on the date of commencement of these rules shall be ²[deemed to have been made within the period specified in rule 5 and shall be considered for appointment subject to other provisions of these rules.]²

1. Inserted by Notification No. DPAR 12 SCA 2010 Dated: 27.07.2010 GTD 29.07.2010

2. Inserted by Notification No. DPAR 118 SCA 2009 Dated 28.06.2010 GTD 03.07.2010

3. Substituted by Notification No. DPAR 11 SCA 97 Dated 31.03.1999

4. Inserted by Notification No. DPAR 26 SCA 2018, Dated: 09.04.2021

¹[(1A) where any application made under sub rule (1) is rejected on the ground that it is not made within the period specified in rule 5, it shall be reconsidered for appointment subject to other provisions of these rules.]

²[(2) Where an application could not be made for any reason between the twentieth day of October 1994 and the date of the commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1998, by a dependent of the deceased Government Servant who died after the twentieth day of October, 1989, the dependent of such deceased Government Servant may make an application within a period of one year from the date of such commencement and such application shall be deemed to have been made within the period specified in rule 5 and shall be considered for appointment subject to other provisions of these rules:

Provided that this sub rule shall not be applicable in the case of a widower.]

³[Provided further that the widowed daughter of the deceased Government Servant may make an application within one year from the date of commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Second Amendment) Rules, 2000 and such application shall be deemed to have been made within the period specified in rule 5 and shall be considered for appointment subject to the other provisions of these rules.]

⁴[(3) All applications for appointment on compassionate grounds made between the thirteenth day of September 1996 and the date of Commencement of the Karnataka Civil Services (Appointment on Compassionate Grounds) (Third Amendment) Rules, 2002 by the dependents of the Government Servants who died on or after twentieth October 1989 (other than the applications made by such dependents after the first day of April, 1999 and till the date of such commencement in contravention of the first proviso to rule 5) which are-

(i) rejected on the ground that they were not made within the period specified in rule 5, or

(ii) pending on such date of commencement, shall be deemed to have been made within the period specified under rule 5 and shall be reconsidered or as the case may be considered for appointment subject to other provisions of these rules.]

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1. Inserted by Notification No. DPAR 11 SCA 97 Dated 31.03.1999
 2. Substituted by Notification NO. DPAR 11 SCA 97 Dated 31.03.1999
 3. Inserted by Notification No. DPAR 19 SCA 99 Dated 24.11.2000
 4. Inserted by Notification No. DPAR 11 SCA 2001 Dated 28.05.2002

By Order and in the name of the
Governor of Karnataka

(M.VENKATARAMAIAH)
Under Secretary to Government -1
Department of Personnel and
Administrative Reforms
(Service Rules)