

**TAMILNADU GENERATION & DISTRIBUTION CORPORATION LTD.
(Abstract)**

Establishment – Employment Assistance on compassionate grounds to the deceased employee's legal heir - Adoption of certain guidelines of G.O. (Ms) No.18 Labour and Employment dated.23.01.2020 - Orders - Issued.

(Administrative Branch)

(Per.) FB TANGEDCO Proceedings No.11

Dated: 11 June 2020.

Vaikasi 29- Saarvari Aandu,
Thiruvalluvar Aandu 2051.

READ:

1. BP.Ms.(Ch) No. 411 (AB) dated 22.07.1983.
2. B.P. Ms. (Ch.) No.409 dated.28.06.1984.
3. Per. B.P. (FB) No.13 (Adm.Br.) dated.26.05.1992.
4. Per. B.P. (Ch) No.330 (Adm.Br.) dated.02.11.1993.
5. Per. B.P. Ms. (FB) No.46 (Adm. Br.) dated.13.10.1995.
6. வாரிய ஆணை (நிலை) எண்.131. (நிகி) நாள்.19.06.1998.
7. Per. BP. (FB) No.227 (Adm. Br.) dated.17.10.1998.
8. Per. (B.P.) (FB) No.25 (AB) dated.09.10.2001.
9. சுற்றறிக்கை எண்.038525/587/ஜி8/ஜி82/ 2001-2, நாள்.24.05.2001.
10. (Per.) B.P. (FB) No.25 (AB) dated.21.06.2007.
11. (Per.) BP (FB) No.27 (Adm. Br.) dated.18.08.2008.
12. வாரிய ஆணை (நிலை) எண்.13, (நிகி) நாள்.08.08.2011.
13. (Per.) FB TANGEDCO Proceedings No.4 (AB) dated.27.07.2015.
14. நிலை (முழு வாரியம்) தமிழ்நாடு மின் உற்பத்தி மற்றும் பகிர்மான கழக செயல்முறை ஆணை எண்.12 (நிகி) நாள்.09.11.2017.
15. (Per.) F.B. TANGEDCO Proceedings No.4 (AB) dated.12.07.2019 (Assessor Only).
16. (Per.) FB TANGEDCO Proceedings No. 31 (SB) dated: 07.08.2019.
17. The Hon'ble High Court of Madras (Madurai Bench) WP (MD) Nos:4129, 7045, 16624 and 20786 of 2014 and MP (MD) No:1 of 2014 and WP (MD) Nos: 19455 and 19530 of 2018, Judgement dated.24.09.2018.
18. G.O.(Ms) No. 18. Labour and Employment (Q1) Department dated: 23.01.2020.
19. Item No.4 of the Minutes of the 93rd Board Meeting of TANGEDCO held on 20.05.2020.

PROCEEDINGS:

The scheme of compassionate ground appointment was introduced by the Erstwhile TNEB, now TANGEDCO, TANTRANSCO and TNEB Ltd, for providing employment assistance to the dependent of the deceased employees based on the various Government Orders issued by the Government from time to time. Following are the Salient features of the scheme,

- Employment is being provided by relaxing the normal procedure of recruitment to the legal heirs of the TANGEDCO / TANTRANSCO employees who die in harness leaving his family in indigent circumstances.
- It is a welfare measure of the Government to help the legal heirs of the deceased employees appreciating their service rendered by them for the TANGEDCO / TANTRANSCO.
- Compassionate Ground appointment cannot be claimed as a matter of right. It is a scheme devised by the Erstwhile TNEB, now TANGEDCO / TANTRANSCO/TNEB Ltd to help the needy legal heirs whose lives are at distress after the employee die in harness.

2) Since the introduction of the scheme, several guidelines / instructions have been issued from time to time. The orders mainly relate to the modalities to be adopted in respect of several factors like the age of the applicant, time limit for applying, education and other qualification of the applicant, persons eligible for applying, procedure to be followed by TANGEDCO/ TANTRANSCO/TNEB Ltd.

3) The Honb'le Madurai Bench of Madras High Court in WP (MD) Nos:4129, 7045, 16624 and 20786 of 2014 and MP (MD) No:1 of 2014 and WP (MD) Nos: 19455 and 19530 of 2018, passed order on 24.09.2018 directing the Government to form uniform guidelines regarding the mode of selection/ appointment to the dependent of the deceased Employee on compassionate grounds. The TANGEDCO being one of the respondent, requested the Labour and Employment Department to regulate and to issue guidelines. Based on above orders and various similar orders of the Hon'ble High Court of Madras, the Government has issued comprehensive guidelines for compassionate appointment in its G.O 18th read above.

4) After careful consideration, the TANGEDCO has decided to adopt the new guidelines of the Government. Accordingly, the TANGEDCO hereby issues the following comprehensive guidelines in supersession of all the earlier orders issued in the references 1 to 14 read above.

01. PERSONS WHOSE LEGAL HEIRS ARE ELIGIBLE FOR CONSIDERATION UNDER COMPASSIONATE GROUND APPOINTMENT

- (i) TANGEDCO / TANTRANSCO Employees who die in harness.
- (ii) TANGEDCO / TANTRANSCO Employees who retire on Medical invalidation (Within the age of 53).
- (iii) The Legal heir or dependents of missing TANGEDCO / TANTRANSCO Employees may be considered when a competent court declares that the missing TANGEDCO / TANTRANSCO employee is dead in view of the provisions of sections 107 and 108 of the Indian Evidence Act 1872.
- (iv) TANGEDCO / TANTRANSCO Employees who die under suspension and yet to reach the age of superannuation.

02. PERSONS WHOSE LEGAL HEIRS ARE NOT ELIGIBLE FOR CONSIDERATION UNDER COMPASSIONATE GROUND APPOINTMENT.

- (i) Persons who are retained in service under Fundamental Rule 56(1) (c) after the date of superannuation.
- (ii) Persons who are under Temporary appointments, consolidated pay, daily wages, contract appointments and whose services are not regularized including part time conservancy workers.
- (iii) Persons who do not come under regular time scale of pay.

03 LEGAL HEIRS / NEAR RELATIVES OF THE DECEASED GOVERNMENT SERVANT / PERSON WHO ARE ELIGIBLE FOR COMPASSIONATE GROUND APPOINTMENT

- (i) Son/Unmarried Daughter /Wife/ Husband/ Legally adopted son /legally Unmarried adopted daughter / widowed daughter /divorced daughter/ deserted daughter of the deceased TANGEDCO/TANTRANSCO Employees.
- (ii) Married daughter of the deceased TANGEDCO/ TANTRANSCO Employee who is otherwise eligible.
- (iii) If any person, in the deceased TANGEDCO/ TANTRANSCO Employee's family was employed even before the death of the TANGEDCO Employees but was living separately without extending any help to the family, then the case of other eligible dependant will be considered.
- (iv) If any dependant/dependants of deceased TANGEDCO/ TANTRANSCO Employee is/are employed in Military Service, one of the other dependents is eligible for appointment under compassionate ground.
- (v) Father/Mother and unmarried brothers and unmarried sisters of the unmarried deceased TANGEDCO/ TANTRANSCO Employees.

- (vi) If any member of the deceased TANGEDCO / TANTRANSCO Employee's family is working on Temporary/Part time basis such as noon-meal organizer and Helpers, and those who work on daily wages, the other dependents of the family may be considered for providing appointment.

04. Nomination

Compassionate ground appointment should be given to the wife/husband of the deceased TANGEDCO / TANTRANSCO Employee or only to the person nominated by the wife/husband of the deceased TANGEDCO / TANTRANSCO Employee subject to eligibility.

05. TIME LIMIT TO PREFER THE APPLICATION

The application for the compassionate ground appointment may be submitted within 3 years from the date of death of the TANGEDCO / TANTRANSCO Employees.

06. AGE LIMIT FOR THOSE ELIGIBLE UNDER COMPASSIONATE GROUND APPOINTMENT

- (i) The minimum age is 18 years at the time of submitting application for compassionate ground appointment.
- (ii) The maximum age limit for the spouse/father/mother is 50 years on the date of death of the TANGEDCO / TANTRANSCO Employee.
- (iii) The maximum age limit for the son or daughter of the deceased TANGEDCO / TANTRANSCO Employee and unmarried brother/ unmarried sister of the unmarried deceased TANGEDCO / TANTRANSCO Employee is 40 years at the time of applying.

07. POSTS THAT CAN BE FILLED UP UNDER COMPASSIONATE GROUND APPOINTMENT.

Compassionate ground appointments shall be made to the posts in "**Class III & IV Groups**" only.

08. FAMILY TO BE IN INDIGENT CIRCUMSTANCES TO BE ELIGIBLE UNDER COMPASSIONATE GROUND APPOINTMENT.

- (i) The appointing authorities shall examine the financial condition of the family of the deceased TANGEDCO / TANTRANSCO Employee and offer job to an eligible member of the family only after satisfying themselves that, but for the provision of employment, the family will not be able to meet the crisis.
- (ii) A family having annual income of less than Rupees 2 lakhs only will be treated to be in indigent circumstances.
- (iii) The family pension of the deceased TANGEDCO / TANTRANSCO Employee and the immovable property like living house of the employee need not be taken into account while assessing the income of the family. However income received from the movable/immovable properties in the name of the TANGEDCO / TANTRANSCO Employee's family members should be taken into account. Certificate is to be issued by the jurisdiction Tahsildar.
- (iv) In the case of the deceased TANGEDCO / TANTRANSCO Employees who belong to other State but worked in TANGEDCO / TANTRANSCO, they should obtain the requisite certificate from the Tahsildar of his place of residence in Tamil Nadu and also from the Revenue Divisional Officer or Deputy Collector of his native State.

- (v) **The compassionate ground appointment will not be considered:-**
- a) In case any person of the deceased TANGEDCO / TANTRANSCO Employee's family is in regular employment in Government/ Private Enterprises.
 - b) The wife of the deceased TANGEDCO / TANTRANSCO Employee who applied for appointment for herself is remarried.
(The above conditions are to be verified by obtaining certificate from the respective Tahsildar and by appointing an enquiry officer in the rank of Assistant Executive Engineer or above.)

09. ALTERNATIVE APPLICATION

If the applicant (legal heir of deceased TANGEDCO / TANTRANSCO Employee) died after applying for compassionate ground appointment, an alternative application may be accepted from the another legal heir of the deceased TANGEDCO / TANTRANSCO Employee, subject to conditions prescribed for compassionate ground appointment.

10. RESERVATION:-

Rule of reservation is not applicable to compassionate ground appointment.

11. UNDERTAKING

- (i) If son or daughter is being given compassionate ground appointment, undertaking should be taken from them that they will support the mother/ father as the case may be.
- (ii) If married daughter is being given compassionate ground appointment, undertaking to be taken that she will financially support the family of the deceased TANGEDCO / TANTRANSCO Employee.

12. PROCEDURE FOR PROCESSING APPLICATIONS

- (i) Dependant of a deceased TANGEDCO / TANTRANSCO Employee should apply for appointment on compassionate grounds only to that Office, where the TANGEDCO / TANTRANSCO Employee was in service at the time of his death.
- (ii) The Head of the Office should then verify the facts in the petition like the date of death, the indigent circumstances of the family, the eligibility of the applicant for employment on compassionate grounds with reference to his educational qualifications, etc.
- (iii) After verification, the Head of the Office should, submit the application within a month from the date of receipt of application along with his report to the Head of the Department indicating also whether any vacancy exists in his office for providing employment to the applicant.
- (iv) If any relaxation is necessary, in deserving cases, the same may be sent to the office of Chief Engineer/ Personnel with proper justification.
- (v) Appointment on compassionate grounds shall be made only against the actual vacancies and no supernumerary posts shall be created.

13. REGULARIZATION:-

All the Head of the Departments should take speedy action to regularize the services of the candidates appointed on compassionate grounds as per the rules within one year.

14. GENERAL.

- (i) The appointing authorities are responsible for satisfying themselves about the indigent circumstances of the family of the deceased TANGEDCO / TANTRANSCO Employee before appointment is offered.
- (ii) The candidates seeking employment under the scheme should possess all the prescribed qualifications for the posts concerned.
- (iii) The concession under the scheme will not be granted to more than one dependant in the family of the deceased TANGEDCO / TANTRANSCO Employee.
- (iv) The applicants for appointment on compassionate grounds should also send a declaration at the end of the application form in the format prescribed which should be countersigned by the appointing authority/ head of Office.
- (v) The post of the sweeper may not be given since many such works are done by the part time conservancy workers and appointing legal heirs in the post will lead to claims from existing part-time conservancy workers for permanent time scale, when the work volume is only two hours per day.
- (vi) However, instead of providing appointment as Sweeper for the dependent of the deceased TANGEDCO / TANTRANSCO Employee who do not possess the minimum Qualification (i.e.) 8th Standard but who have educational Qualification of IV Standard and above, may be appointed in any of the new post to be created. The scale of pay of the new post may be fixed at entry/starting level.

5) All the Chief Engineers/ Superintending Engineers are hereby directed to follow these instructions / guidelines for providing employment assistance on compassionate grounds.

(BY ORDER OF THE BOARD OF TANGEDCO)

D.RAVICHANDRAN
CHIEF ENGINEER/PERSONNEL

To

All Chief Engineers
All Superintending Engineers.

Copy to

The Chairman Cum Managing Director 's Table
The Joint Managing Director's Table
The Director General of Police/Vigilance
All Directors
The Secretary/BOSB/Chennai
The Deputy Chief Engineer/Adm. Branch/Chennai-2
The Chief Internal Audit Officer/Audit Branch/Chennai-2
The Senior Personnel Officer/Rectt./ Adm.Branch/Chennai-2
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Sd/-XXX/Dated.11.06.2020
SUPERINTENDENT