



GOVERNMENT OF ORISSA

***ORISSA CIVIL SERVICES
(COMPASSIONATE GRANT)
RULES, 1964***

FINANCE DEPARTMENT

GOVERNMENT OF ORISSA FINANCE DEPARTMENT

NOTIFICATION

The 3rd February 1964

No.2986-Codes-107/63-F. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following Rules, namely :-

1. (1) These rules may be called the Orissa Civil Services (Compassionate Grant) Rules, 1964.

(2) They shall come into force at once.

(3) These rules shall apply to all State Government servants including the work-charged, job-contract and contingency-paid employees other than daily-rated employees.

Explanation :-For the removal of doubts, it is hereby declared that these rules shall not apply to persons to whom the workmen's compensation Act, 1923 (Act 8 of 1923), applies and the members of the All India Services.

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

(a) 'accident' means-

(i) a sudden and unavoidable mishap; or

(ii) a mishap due to an act of devotion to duty in an emergency;

(b) 'Family' in relation to a deceased Government servant includes-

(i) wife or husband;

(ii) sons;

(iii) unmarried and widowed daughters, including step children and adopted children;

(iv) brothers below the age of 18 years including step brothers and unmarried and widowed sisters including step sisters;

(v) father;

(vi) mother; and

(vii) children of a pre-deceased son, who are actually dependent on the deceased Government servant.

'Form' means form to these rules;

'Government' means the Government of Orissa;

'Injury' means bodily injury resulting from violence or accident;

'violence' means the act of a person, who inflicts an injury on a Government servant-

- (i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties, or
- (ii) because of anything done or attempted to be done by such Government servant or by any other Government servant in the lawful discharge of his duty as such, or
- (iii) because of his official position

3. (1) The family of a Government servant shall be eligible to Compassionate Grant under these rules in the event of death of the Government servant while in service, subject to the following conditions, namely;-

- (i) the deceased must have been a meritorious Government servant and his death was caused or accelerated on account of special and unusual devotion to duty at the risk of his health, or
- (ii) the Government servant must have died by accident or violence while on duty.

(2) A Government servant who sustains an injury while on duty shall also be eligible to the Compassionate grant under these rules, subject to the production of a certificate from the Medical Authority to the effect that the injury has resulted in the permanent loss of an eye or limb or the injury is of a more serious nature.

Explanation-For the purpose of this rule, the expression "Medical Authority means the Medical Authority competent to certify a Government servant permanently incapacitated for further service under Government.

4. (1) In determining the quantum of the compassionate grant, the following factors shall be taken into account, namely:-

- (a) the financial condition of the applicant;
- (b) non-availability of adequate medical facilities at the place where a deceased or injured Government servant was working at the time of his death or injury;
- (c) the pension and/or gratuity to which an injured Government servant or the family of the deceased Government servant is entitled to; and
- (d) pension or gratuity sanctioned under rule 14 of the Orissa Civil Services (Extraordinary Pension) Rules.

(2) Subject to the provisions of sub-rule (1) cases of low-paid Government servants may, given special consideration while sanctioning the said grant.

5. (1) The amount of Compassionate grant shall not ordinarily exceed twelve months pay of a Government servant;

Provided that in extremely hard cases, a higher amount may be sanctioned, subject to the maximum of fifteen thousand rupees in respect of any individual deceased or injured Government servant.

(2) The Compassionate grant may be paid in lump sum at a time or in such annual instalments not exceeding six as may be determined by Government.

Explanation-For the purpose of this rule 'pay' means pay as defined in rule 33 of the Orissa Service Code, Volume 1 which a Government servant was drawing on the date of his death or injury.

DECISIONS OF GOVERNMENT OF ORISSA

(1) Revision of Compassionate Grant allowed to State Government Employees:-

1. The sanction of Compassionate Grant is governed by the "Orissa Civil Services (Compassionate Grant) Rules, 1964". In accordance with the provisions of the said rules, the family of a Government servant shall be eligible to get Compassionate Grant in the event of death a Government servant while on duty provided that the deceased must have meritorious record of service and his death must have been caused or accelerated on account of special devotion to duty at the risk of his health and life and the Government servant must have died by accident or violence while on duty. In case where a Government servant sustains an injury while on duty, he will also be eligible to the Compassionate Grant under the rules subject to production of a certificate from the Medical Authority to the effect that the injury has resulted in the permanent loss of an eye or limb or the injury is of a more serious nature. Rule 5(1) of the said Rules read with the subsequent amendment made in the Notification No.45050 dated 18.10.73, illustrates that the amount of Compassionate Grant shall not ordinarily exceed 12 months pay of the Government servant concerned. But in extreme hard cases, a higher amount subject to a maximum limit of Rs.15,000/- may be sanctioned to the Government servant/family of deceased Government servant as the case may be.

2. Some Administrative Departments keeping in view the special risk involved in the duty of some of their employees have issued orders with concurrence of Finance Department to provided (1) Compassionate Grant amounting to rs.50,000/-; (2) Special Family pension at the rate of the last pay drawn by the deceased personnel; and (3) employment to one son/daughter of the deceased Government employees. The following table indicates these Departments and the employees enjoying the above benefits :

Sl.No.	Name of the Departments.	Order No. and Date.	Employees to get benefits.
1.	G.A	Office Order No.1382, dt.05.03.88	O.A.S. (Super time) and O.A.S-I (Sr. Br.) Officers working as Executive Magistrate.
2.	F.F. & A.H.	Office Order No.5921, dt.18.02.86	Forest Staff.
3.	Revenue & Excise	Office Order No.61134, dt.16.10.85	O.A.S. Officers working as Executive Magistrate.
4.	Finance	Office Memorandum No.21193/F dt.24.05.88	Drivers.
5.	Home	Office Order No.28370, dt.07.06.95	Police personnel who die while on duty.

The above special concessions allowed to some specific employees have created discontentment among other sections of Government employees who are deprived of getting adequate compensations under the three decades old unrevised provisions of the O.C.S (Compassionate Grant) Rules, 1964. A High Level Committee constituted in terms of Home Department Office Order No.7970/ IPW., dated 13.2.96, have recommended that all cases of compassionate grant should be governed by the above said Rules, 1964 and the upper ceiling of the grant prescribed therein also be enhanced in extremely hard cases.

3. After careful consideration, the Government in supersession of all orders issued by the Departments of Government referred to in Para-2 above, have been pleased to decided that the compassionate grant shall be allowed at the following rates to the families of all deceased/injured Government servants who have rendered meritorious record of service and his/her death or injury must have been caused or accelerated on account of special devotion to duty at the risk of health and life:

Category of cases.		Rate of compassionate grant.
(a)	Death	
	If Govt. servant dies while on duty	Rs.1.50 lakhs.
(b)	Injured Govt. servant.	
(i)	Injury leading to permanent incapacitation, (loss of two legs or two eyes or one leg and one eye).	Rs.1.00 lakh.
(ii)	Loss of one leg or one eye.	Rs.0.50 lakh.
(iii)	Permanent total disablement.	Rs.1.00 Lakh.
(iv)	Permanent partial disablement.	Percentage of Rs.1.00 lakh as per disability suffered.

4. Special family pension shall be allowed to the eligible family members of the deceased Government servant at the rate of last pay drawn by the concerned deceased employee till the normal date of superannuation, had he remained alive.

5. The lump sum amount of compassionate grant shall be sanctioned by the Government in Finance Department with the orders of Chief Minister. But the Special Family pension shall be granted by the concerned Pension Sanctioning Authority of the deceased Government servant.

6. The application and the appropriate Form or Forms referred to in Orissa Civil Services (Compassionate Grant) Rules, 1964 shall be submitted to Finance Department through the Administrative Department within one year from the date of death or injury of the concerned Government servant.

7. Non-adherence to this circular will enjoin responsibility.

8. This order shall come into force with effect from the date of issue. Relevant provisions of the Orissa Civil Services (Compassionate Grant) Rules. 1964 and the O.C.S. (P) Rules, 1992 are deemed to have been modified to that extent specified in the

foregoing paragraphs. Forma amendments in terms of this order will be issued in due course.

[FD Resolution No Pen 51/2000 – 9764/F dated the 7th March 2001]

(2) Sanction of special incentive package to the police personnel of the State engaged on Naxalite duty:-

1. Sanction of compassionate grant is governed by the Orissa Civil Services (Compassionate Grant) Rules, 1964. At present under the said rule, the following benefits are admissible to the families of the State Government Servants/ the State Government servants when an employee dies/ sustains injury while on duty incurring special risks in the discharge of the same:

I. Compassionate grant

Category of cases

Rate of compassionate grant

(a) Death

If Government servant dies while on duty.

Rs. 50 lakhs

(b) Injured Government servant

i) Injury leading to permanent incapacitation, (Loss of two legs or two eyes or one leg and one eye).

Rs. 00 lakh

ii) Loss of one leg or one eye.

Rs. 0.50 lakh

iii) Permanent total disablement.

Rs. .00 lakh

iv) Permanent partial disablement.

Percentage of Rs.1.00 lakh as per disability suffered.

II. Special Family Pension

Special family pension is allowed to the eligible family members of the deceased Government servant at the rate of last pay drawn by the concerned deceased employee till the normal date of superannuation, had he remained alive.

2. It has come to the notice of the State Government that several Police Personnel have lost their lives in extremist violence in the Naxalite Areas. It is felt that present package of incentives is inadequate. The members of the Police Personnel on Naxalite duty have also demanded that they should be compensated at a higher rate than other the rate now admissible to State Government employees in case of death or injury as prescribed in Resolution No. Pen-51/2000-9764/F., dt.7.3.2001 of Finance Department.

3. After careful consideration of all aspects of the issue and with a view to boosting up the sagging moral of the Police Personnel, Government have been pleased to decide that the following special incentive package shall be allowed to the Police Personnel working in the Naxalite affected areas of the State.

(1) The compassionate grant shall be allowed at the following rates to the Police Personnel of the State who die or sustain injury on duty during extremist violence in Naxalite affected areas.

a)	<u>Death Case.</u>	Rate of compassionate grant
	i) Officers above the rank of Inspector.	Rs. 5.00 lakhs
	ii) Officers in the rank of Inspector and below.	Rs. 4.00 lakhs
b)	<u>Injured Police Personnel.</u>	
	i) Injury leading to permanent incapacitation (Loss of two legs or two eyes or one leg and one eye).	Rs. 1.50 lakhs
	ii) Loss of one leg or one eye.	Rs. .00 lakh
	iii) Permanent total disablement.	Rs. 2.00 lakhs
	iv) Permanent partial disablement.	Rs. 1.00 lakh
c)	Police Personnel in the Naxalite affected areas shall be given a special incentive of 15% of basic pay.	

(2) Special family pension shall be allowed to the eligible family members of the deceased Police Personnel at the rate of last pay drawn by him till the normal date of superannuation, had he/she remained alive. This benefit shall be admissible in lieu of the rehabilitation benefit depending upon the option exercised by the wife/eligible family members of the deceased Police Personnel.

4. The compassionate grant under this Resolution shall be sanctioned by the Government in Home Department on the recommendation of the Committee presided over by the Principal Secretary/ Secretary, Home Department and consisting of Director General of Police, I.G. of Police (Operation) and Financial Advisor, Home Department, after obtaining approval of the Chief Minister, Orissa.

5. An amount of Rs.2.00 lakhs, out of the compassionate grant paid to the family of a deceased Police Personnel engaged on Naxalite duty shall be reimbursed by the Government of India, Ministry of Home Affairs as per their D.O.Letter No.II-10015/25/96-IS.DI (A), dated 1.4.99.

6. The application and the appropriate forms referred to in Orissa Civil Services (Compassionate Grant) Rules, 1964 shall be submitted to Home Department through the Head of Office within one year from the date of death or injury of the concerned Police Personnel.

7 This order shall come into force from 01.10.2001 (the first October, 2001).

8. Relevant provisions of the Orissa Civil Services (Compassionate Grant) Rules, 1964 and the OCS (Pension) Rules, 1992 are deemed to have been modified to that extent specified in the foregoing paragraphs. Formal amendments in terms of this orders will be issued in the due course.

[FD Resolution No Pen 64/2001 – 53885/F dated the 2nd November 2001 and Corrigendum Memo No Pen 64/2001 – 5204/F dated the 2nd Feb, 2002]

6. (1) The injured Government servant himself and in the case of a deceased Government servant, the surviving member of his family in the order specified in clause (b) of Rule 2 shall within six months from the date of injury or death, as the case may be, furnish an application for compassionate grant to the Head of Office under whom the injured or deceased Government servant last served provided that when a Government servant who is/was himself a Head of office, the application shall be addressed to his next higher authority.

(2) On receipt of a formal application-

- (a) In the case of a deceased Government servant, the authority competent to sanction service pension shall furnish the required particulars in Form-I alongwith a descriptive roll of the deceased Government servant in Form-II in duplicate each.
- (b) In the case of an injured Government servant, the required particulars in Form-III shall be furnished by the authority to which the application has been made with an attested copy of the report of the Medical authority referred to the Rule 3.

7. The forms referred to in clauses (a) and (b) of sub-rule (2) of Rule 6 after being duly filled in shall be sent to the Finance Department, through proper channel and the following details shall be furnished along with such applications, namely:-

- (i) a report of the District Collector giving complete information regarding (a) the assets and liabilities of the deceased or injured Government servant, and (b) the family members actually dependent on the deceased or injured Government servant, their age and occupation, if any, and their present financial position;
- (ii) amount paid or payable to the family of the deceased or to the injured Government servant, as death-cum-retirement gratuity, provident fund, Life Insurance from bank and other deposits, family pension and from other sources, if any;

whether the deceased/injured officer was a meritorious Government servant and whether his death/injury was due to devotion to duty; recommendation of the Administrative Department.

8. The application and the appropriate Form or Forms referred to in Rule 6 containing the required particulars shall be submitted to the Finance Department within one year from the date of death or injury, as the case may be, of the Government servant.

✓ Provided that Government may entertain any such applicant after the expiry of the aforesaid period if Government are satisfied that such application could not be submitted within the aforesaid period for sufficient cause.

9. (1) All applications received shall subject to the provisions of these rules be considered by a Committee to be constituted for the purpose in the Finance Department which shall consist of the Chief Minister, the Minister, Finance; the Minister, Political & Services Department and the Chief Secretary.

Provided that during the period when proclamation made by the President under Article 356 of the Constitution in relation to the State is in force, the committee shall consist of the Governor, his Advisers, if any, the Chief Secretary and the Secretary to Government in the Finance Department.

(2) The Chief Minister or the Governor, as the case may be shall preside at all meetings of the committee.

(3) The Committee shall sit once in three months for consideration of the applications. The decision of the Committee shall be final and it shall be implemented by the Finance Department.

10. The rules regulating grants from the Compassionate Fund, published in the notification of Government of Orissa in the Finance Department No.1979-F., dated the 9th March 1938, are hereby repealed:

Provided that notwithstanding such repeal all applications pending on the date of commencement of these rules shall be disposed of in accordance with the provisions of the rules so repealed.

11. If any question arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

FORM I

*[See rule 6(2) (a)]*PARTICULARS FOR COMPASSIONATE GRANT TO THE FAMILY OF THE
DECEASED GOVERNMENT SERVANT

- 1 full name and address of applicant and his or her relationship to the deceased.
- 2 Description of the deceased-
 - (a) Name
 - (b) Rank
 - (c) Office in which employed
 - (d) Date of death
 - (e) Date of application for the grant
- 3 (a) Assets :
 - (i) The list, nature and value of movable and immovable properties left by the deceased and the person legally entitled to them.
 - (ii) Amount in the General Provident Fund or Contributory Provident Fund.
 - (iii) If the deceased insured his life. If so, the amount for which such insurance has been effected and also the person to whom the policy has been assigned.
 - (iv) Amount of Death-cum-Retirement Gratuity paid or payable to the applicant.
 - (v) Amount of family pension sanctioned or admissible.
 - (vi) Any other asset like the Mutual Benefit Fund, Compulsory Deposit, National Savings Certificates, Bank balance, etc., on the date of death and the persons entitled to it.
 - (b) Liabilities, nature and extent
 - (c) Net asset
4. Number, relationship, age and occupation of dependant family members of the deceased.
5. Nature of disease or other circumstances which caused death
6. Length of service-
 - (a) Pensionable
 - (b) Non-pensionable
- 7 Pay at the time of death.

8. Was death due to special and unusual devotion to duty at a risk to the health of Government servant ? Justification in support, with necessary details, should be given, if the answer is in affirmative.
9. Whether the deceased was a meritorious Government servant. Details of the official career indicating promotions should be furnished, if the answer is in the affirmative. Extracts of confidential character roll for the 3 years of service immediately preceding his death, duly attested should be furnished.
10. Nature and number of punishments, if any. Whether any departmental proceedings were pending on the date of death.
11. Was death due to accident or violence while on duty as defined in rule 2 ? If so, a succinct statement of the circumstances leading to death should be furnished along with this application.
12. What were the places of duty during three years preceding death and whether adequate medical facilities were available at those places.
13. Was any other grant sanctioned to the family of the deceased ? Was any grant, pension or gratuity sanctioned under rule 14 of the Orissa Civil Services (Extraordinary Pension) Rules ? Is any application pending for consideration under the said rules ?
14. Persons to whom and treasury from which the compassionate grant is payable.
15. Whether the grant is desired to be paid in annual instalments and if so, how many (should not exceed six).

*Signature of the Head of the office
drawing up the application*

Recommendations of the Head of Department.

Signature of the Head of department

Recommendations of the Administrative Department.

Signature of the Secretary to Government

FORM - II

(See Rule 6(2) (a))

DESCRIPTIVE ROLL OF THE FAMILY OF THE DECEASED GOVERNMENT
SERVANT

1. Name of the Applicant.
2. Relationship to the deceased Government servant.
3. Present address.
4. Village and Post Office.
5. Police Station and District.
6. Height
7. Age
8. Colour
9. Personal marks of identification if any.
10. Name and ages of the surviving family members of the deceased.

Name	Occupation	Date of birth by Christian era
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Widow/Widower-

Sons

Unmarried & widowed daughters
including step and adopted childrenBrothers below 18 years of age and
unmarried and widowed sisters.

Father

Mother

Children of predeceased son if actually
dependant on the deceased Government
servant.

11. Signature
or
Left hand thumb and finger impressions :-

Small finger	Ring finger	Middle finger	Thumb
(1)	(2)	(3)	(4)

Attested by –

- 1)
- 2)

*Signature of the authority competent
to sanction the Service Pension*

FORM III

[See rule 6(2) (b)]

**PARTICULARS FOR COMPASSIONATE GRANT TO THE INJURED
GOVERNMENT SERVANT**

- Name of applicant
2. Father's name
3. Full residential address
4. Whether the Government servant has been declared as permanently incapacitated for further service by a medical authority or whether he is still continuing in service. An attested copy of the Medical Report referred to in rule 3 should be enclosed.
5. Whether the injury has resulted in the permanent loss of an eye or limb or the injury is of more severe nature.
6. Detailed circumstances in which the injury was sustained
7. Date of birth
8. Date of commencement of service
9. Number, relationship, age and occupation of dependants
10. (a) Assets :
 - (i) The list, nature and value of movable and immovable properties of the injured Government servant.
 - (ii) Amount in the General Provident Fund or Contributory Provident Fund
 - (iii) Amount of death-cum-retirement gratuity and pension paid or payable to the applicant.
 - (iv) Any other assets such as compulsory deposits, national savings certificate bank deposits, etc.
 (b) Liabilities, nature and extent
 (c) Net assets
11. Was any other grant sanctioned to the injured Government Servant ?
12. Was any pension or gratuity sanctioned under rule 14 of the Orissa Civil Services (Extraordinary Pension) Rules ? Is any application pending for consideration under the said rules.
13. 'Pay' on the date of injury
14. Date and place of injury
15. Treasury from which the grant is payable
16. Whether the grant is desired to be paid in annual instalments and if so, how many (should not exceed six).
17. Special remarks, if any
18. Recommendation of Head of Department

Signature of Head of Office
19. Recommendation of the Administrative Department.

Signature of Head of Department

Signature of the Secretary to Government

By order of the Governor
H. K. GHOSH
 Secretary to Government

Memo No.2987(169)-F.

Bhubaneswar, the 3rd February 1964

Copy forwarded to all Departments of Government/all Heads of Departments all District and Sessions Judges/all District Officers/Superintendent, Government Press/Secretary to Governor/A.G., Orissa/D.A.G., Orissa, Puri/Principal, A.T.S./Financial Advisers and Assistant Financial Advisers and Accounts Officers attached to the Secretariat and Heads of departments/F.A. and C.A.O., Hirakud Dam Project/F.a. and A.O., Salandi Irrigation Project/Assistant Examiner, Local Fund Audit/Registrar, Accounts Section, Finance Department/Efficiency Audit Organisation.

H. C. CHATTERJEE
Officer on Special Duty