

OFFICE OF REGISTRAR COOPERATIVE SOCIETIES, HARYANA, PANCHKULA

ORDER

In exercise of the powers conferred under Rule 29 of the Haryana Cooperative Societies Rules, 1989, the undersigned being Registrar Cooperative Societies, Haryana makes and further carries third amendment in the following Service Rules for the employees of Primary Agriculture Co-operative Societies (PACS)/Primary Cooperative Credit & Service Societies (PCCS), 2014, namely –

- (1) These rules shall be called the Primary Agriculture Co-operative Societies (PACS)/Primary Cooperative Credit & Service Societies (PCCS) Staff Service (*Third Amendment*) Rules, 2022.
- (2) This amendment in Rules shall come into force w.e.f. **04 February, 2022**.
- (3) In Rule 33 of the Primary Agriculture Co-operative Societies (PACS)/Primary Cooperative Credit & Service Societies (PCCS) Staff Service Rules, 2014, the following shall be substituted –

Rule No.	Existing	Amended
33.	EX-GRATIA ASSISTANCE: In the case of death of an employee during service, a lump-sum Ex-gratia Assistance of Rs. 4.00 lac shall be provided to the nominee or dependents of the deceased or as amended from time to time by the Registrar Cooperative Societies.	EX-GRATIA ASSISTANCE/ APPOINTMENT: In case of death/disappearance of an employee during service, the compassionate financial assistance or appointment would be provided as per Annexure 'E' {PACS/PCCS Employees (compassionate financial assistance or appointment) Policy, 2022} of these Rules or as amended by the Registrar Cooperative Societies, Haryana from time to time.

Encls. – Annexure 'E' (Page No. 1 to 13)

Place : Panchkula
Date :04.02.2022


Geeta Bharti
Registrar
Cooperative Societies, Haryana

Endst. No. KC-2-1/5/2018/C-3/ 269-339

Dated 04.02.2022

A copy of the above is sent to the following for information and necessary action:-

1. Additional Chief Secretary to Government, Haryana, Cooperation Department, Chandigarh.
2. Chief Auditor Cooperative Societies, Haryana in H.O.
3. Managing Director, Harcofed, Panchkula with the request to publish in ensuing edition of 'Haryana Sehkari Parkash'.
4. Managing Director, Harco Bank.
5. All Deputy Registrars Cooperative Societies in the State.
6. Principal, Centre for Cooperative Management, Rohtak.
7. All Assistant Registrars Cooperative Societies in the State.
8. All Audit Officers Cooperative Societies in the State.
9. All General Managers, District Central Cooperative Banks in the State.
10. Nodal Officer (IT) in H.O. for uploading the same on website.


(Indira Rawat)
Deputy Superintendent (Credit)
For Registrar Cooperative Societies,
Haryana, Panchkula

Annexure-‘E’

PACS/PCCS Employees (Compassionate Financial Assistance or Appointment) Policy, 2022

- | | |
|--|---|
| <p>1. (1) This policy may be called ‘PACS/PCCS Employees (Compassionate Financial Assistance or Appointment) Policy, 2022.</p> <p>(2) This policy shall come into force with effect from issuance of this policy.</p> | <p>Short Title and Commencement</p> |
| <p>2. The object of this policy is to grant compassionate financial assistance or appointment to the family of PACS/PCCS employee who dies or disappears while in service, consequently to relieve the family of PACS/PCCS employee concerned from financial distress.</p> | <p>Object of the Policy</p> |
| <p>3. Save as otherwise provided, this policy shall be applicable to the eligible family member (s) of a PACS/PCCS employee working on regular basis who dies or disappears while in service including death by suicide after the date of issuance of this policy.</p> | <p>Extent of application</p> |
| <p>4. (1) The family member shall be eligible for consideration of compassionate appointment under this policy subject to the condition that the deceased or missing PACS/PCCS employee should: -</p> <p style="margin-left: 40px;">(i) Have completed five years service on regular basis;</p> <p style="margin-left: 40px;">(ii) Have not attained the age of fifty-two years or more upto the date of death or missing; and</p> <p style="margin-left: 40px;">(iii) Not be suspected to have committed fraud or joined any terrorist organization or gone abroad.</p> | <p>Eligibility of Family Members for compassionate appointment</p> |
| <p>Explanation: -Five years service includes the period of all kinds of leave sanctioned by the competent authority and availed by the deceased or missing PACS/PCCS employee while working on regular basis.</p> <p>(2) Compassionate appointment would not be a matter of right and it will be subject to fulfillment of all the conditions, including the availability of vacancy, as laid down for such appointment under this policy.</p> | |
| <p>5. (1) In this policy, unless the context otherwise requires: -</p> <p style="margin-left: 40px;">a) “compassionate financial assistance” means a monthly assistance at the rate specified from time to time, which is admissible under this policy to the eligible family member (s) of a PACS/PCCS employee who dies or disappears while in service subject to future good conduct;</p> <p style="margin-left: 40px;">b) “compassionate appointment” means appointment in lieu of compassionate financial assistance to one eligible member of the family of deceased or a missing PACS/PCCS employee to the one post lower than the post held by the deceased or missing PACS/PCCS employee, except in case of holding lowest post (e.g. Peon/ Chowkidar/ Peon – cum-Chowkidar etc.), at the time of death or disappearance while in service;</p> <p style="margin-left: 40px;">c) “deceased PACS/PCCS employee” means a PACS/PCCS employee who while working on regular basis dies while in service;</p> <p style="margin-left: 40px;">d) “dependent” means a family whose total income from all sources is less than the total salary of the deceased employee as per PACS/PCCS Staff Service Rules (amended from time to time).</p> | <p>Definitions</p> |

Note- Parents shall be deemed to be dependent on the PACS/PCCS Employee if their combined income is less than the total salary of the deceased employee as per PACS/PCCS Staff Service Rules

(amended from time to time). Unmarried Disabled siblings [brother(s) and sister(s)] shall be deemed to be dependent on the PACS/PCCS employee if their income is less than the total salary of the deceased employee as per PACS/PCCS Staff Service Rules, amended from time to time;

- e) **"eligible family member"** means spouse or a dependent member of the family of deceased or missing PACS/PCCS employee in order of priority seeking financial assistance or appointment grounds;
- f) **"family for the purpose of compassionate financial assistance"** means
- (i) (a) Widow (widows wherever permissible under personal law) or widower, upto of re-marriage or death, whichever is earlier;
 - (b) Judicially separated spouse of a deceased or missing PACS/PCCS employee, provided that such separation has not been granted on the ground of adultery and the person surviving was not held guilty of committing adultery;
 - (c) Childless widow of a deceased or missing PACS/PCCS employee who has not remarried provided her independent income from all other sources is less than the total salary of the deceased employee as per PACS/PCCS Staff Service Rules, amended from time to time. In all such cases, she shall be required to give a declaration regarding her income from all other sources to the Prabandhak once in every six months'.
 - (ii) failing (i) above, the eldest unmarried and dependent son(s) or daughter(s) upto the age of twenty-five years;
 - (iii) failing (i) and (ii) above, the dependent eldest divorced or widowed daughter(s) upto age of twenty-five years, upto the date of her marriage/re-marriage or till the date she starts earning livelihood, whichever is the earliest provided she should have been widowed or divorced before the date of expiry of eligibility of other existing family member for compassionate financial assistance.
 - (iv) failing (i) to (iii) above, the dependent eldest daughter amongst unmarried/widowed/divorced daughters of above twenty-five years, upto the date of her marriage/re-marriage or till the date she starts earning livelihood, whichever is earlier. In case of widowed/divorced daughter, she should have been widowed/divorced before the date of expiry of eligibility of other family member for compassionate financial assistance.
 - (v) failing (i) to (iv) above, son and daughter suffering from disorder or disability of mind or physically crippled or disabled irrespective of his/her age provided they were wholly dependent upon the PACS/PCCS employee when he/she was alive;
 - (vi) failing (i) to (v) above, parents who were dependent on the PACS/PCCS employee when he/she was alive provided their present income is less than the total salary of the deceased employee as per PACS/PCCS Staff Service Rules, amended from time to time.
 - (vii) failing (i) to (vi) above, unmarried physically disabled sibling (brother and sister) provided they were wholly dependent upon the deceased PACS/PCCS employee when he/she was alive;

Note 1: -For the purpose of this policy, "widow" means legally wedded wife of deceased or missing PACS/PCCS employee.

Handwritten signature

Note 2: -Divorce by the Panchayat or Social Organization shall not constitute a legal divorce.

Note 3: -Son/daughter includes children legally adopted under the Hindu Law or personal law of the PACS/PCCS employee residing with and wholly dependent upon his/her parent but does not include step children.

Note 4: -It shall be the duty of person who is drawing compassionate financial assistance (son, daughter, parents, siblings or the guardian, as the case may be) to furnish a certificate to the Prabandhak, twice in a year, i.e. in the month of March and September every year, that she/he or they have not started earning his/her or their livelihood. A similar certificate shall also be furnished by a childless widow after her re-marriage.

(g) "Family for the purpose of compassionate appointment" means-

i) Widow or widower;

Note 1: -Judicially separated wife or husband shall not be a member of the family for the purpose of compassionate appointment without the consent of the remaining eligible family members;

ii) Children, including adopted children, already not in service in any Cooperative Society/Institution or Board/Corporation or Department or Organization under the Government or Government of India; and

iii) Dependent brother and sister in case of unmarried deceased or missing PACS/PCCS employee only.

Note 1: -Where there is more than one widow, neither the living widow nor the children of deceased and living widow shall be included in the family for the purpose of compassionate appointment.

Note 2: -For the purpose of this policy, "widow" means legally wedded wife of deceased PACS/PCCS employee.

Note 3: -Divorce by the Panchayat or Social Organizations shall not constitute a legal divorce.

Note 4: -Son/daughter includes children legally adopted under the Hindu Law or personal law of the PACS/PCCS employee residing with and wholly dependent upon his/her parent but does not include step children;

(h) "PACS/PCCS" means the Primary Agriculture Cooperative Society/Primary Cooperative Credit & Service Society registered under the Haryana Cooperative Societies Act, 1984;

(i) "PACS/PCCS employee" means a regular/ permanent employee of PACS/PCCS whose; -

(a) Conditions of service are regulated by PACS/PCCS Staff Service Rules, 2014 (amended from time to time); and

(b) Appointment is made on regular basis in PACS/PCCS.

(c) It shall not include persons -

i) of casual or daily-rated or part time employment;

ii) Paid from contingencies/contingent charges;

Mon

Indira

- iii) of work-charged establishment;
- iv) appointed on contract or adhoc or D.C. rate or outsourced basis;
- v) re-employed after retirement;
- vi) whose appointment is under challenge before any judicial court or quasi-judicial court under the Haryana Cooperative Societies Act, 1984
- vii) whose appointment has been made in violation of Service Rules/instructions issued from time to time

(j) **"Missing PACS/PCCS employee"** means a PACS/PCCS employee who while working on regular basis-

- i) Disappears and whose whereabouts are not known;
- ii) Is reported through the Police Station to be missing while on pilgrimage, tour, etc; or
- iii) Has been kidnapped by insurgents/terrorists;

(k) **"While in service"** means during the period of service but before attaining the age of superannuation.

(2) The terms not defined in this policy but defined in PACS/PCCS Services Rules, 2014 (amended from time to time) shall have the same meaning and sense for the purpose of this policy.

6. The compassionate financial assistance shall be admissible to such eligible family member from the next day of the death of the PACS/PCCS employees for the following period or upto the date of superannuation of such PACS/PCCS employee, whichever is earlier. In case of death-

Duration of compassionate financial assistance

1.	Before attaining the age of thirty-five years	For a period of fifteen years subject to eligibility.
2.	On attaining the age of thirty-five years but before forty-eight years	For a period of twelve years or upto the date of attaining the age of superannuation or sixty years, whichever is earlier, subject to eligibility.
3.	On attaining the age of forty-eight years or above.	For a period of seven years or upto the date of attaining the age of superannuation or sixty years, whichever is earlier, subject to eligibility.

7. In case of death or disappearance of the PACS/PCCS employee while in service, before attaining the age of fifty-two years subject to completion of minimum five years service on regular basis, the eligible family member may opt for compassionate appointment, in place of compassionate financial assistance.

Conditions for Compassionate Appointment

- (a) *Status of the deceased or missing PACS/PCCS employee or the higher qualifications of the eligible family member shall not be considered for giving compassionate appointment.*
- (b) *The compassionate appointment being offered shall be the one post lower than the post held by the deceased or missing PACS/PCCS employee, except in cases where the deceased or missing PACS/PCCS employee was working at the lowest post (e.g. Peon/ Chowkidar/ Peon -cum-Chowkidar etc.), at the time of death or disappearance while in service.*

8. a) The family of deceased PACS/PCCS employee shall submit an application for compassionate appointment within six months from the date of death of the PACS/PCCS employee to the PACS/PCCS concerned where the deceased PACS/PCCS employee was on the rolls at the time of death.

Procedure for compassionate appointment

Now.
Indira

- b) In case of missing PACS/PCCS employee, the application shall be submitted by the family after a period of six months from the date of lodging First Information Report (FIR) in the police station alongwith police investigation report regarding untraceable of missing PACS/PCCS employee.
- c) Where the compassionate appointment is not given to the eligible family member due to non-availability of post within a period of one year, in such case the benefit of compassionate financial assistance shall be sanctioned with retrospective effect to the eligible family member.
9. (1) Subject to prior approval of ARCS concerned, the Committee of PACS/PCCS, where the deceased or missing PACS/PCCS employee was in service, is competent to give compassionate appointment to the eligible family member. **Competent authority for Compassionate Appointment**
- (2) On receiving written information of death of a PACS/PCCS employee while in service, the Prabandhak or next senior most employee of PACS/PCCS concerned shall send a letter alongwith list of documents to be required, to the family of the deceased employee and ask for the necessary documents mentioned therein.
- (3) On receiving the documents referred to in sub-clause(2) above, the Prabandhak or next senior most employee of PACS/PCCS concerned shall examine thoroughly and send his recommendations to the ARCS concerned for further examination. After examination of the case and getting satisfied, ARCS concerned shall grant permission to Prabandhak concerned or senior most employee for calling meeting of Committee of PACS/PCCS for taking decision on issue of compassionate appointment.
- (4) While considering the request of the family of missing PACS/PCCS employee, the results of the Police investigation after a lapse of minimum six months from the date of lodging a First Information Report (FIR) by the family shall be taken into account.
10. Compassionate appointment under this policy shall be an exception to the procedure prescribed for recruitment in Rule 11 of PACS/PCCS Staff Service Rules, 2014 (amended from time to time). **Exemption**
11. A person appointed under this policy shall give an undertaking in writing by way of an affidavit that he shall maintain all the other members who were completely dependent on the deceased/missing PACS/PCCS employee; and in case it is proved subsequently, that the family members are being neglected or, are not being maintained by him, his appointment may be terminated forthwith. A condition to this effect, shall also be inserted in his appointment letter. **Undertaking by way of an affidavit**
12. (a) Once an appointment has been offered to the dependent of a deceased or missing PACS/PCCS employee, no request for change of post shall be entertained with respect to any other post under any circumstances. In case the offer is not acceptable to him, no further claim shall be entertained. **No entertainment or request for change in post/ department**
- (b) When a person has been appointed under this policy to a particular post, the set of circumstances, which led to such compassionate appointment, shall be deemed to have ceased to exist on such appointment.
- Therefore-
- (i) he/she should strive his/her career like his/her colleagues for future advancement and any request for appointment to any higher post on considerations of compassionate to be rejected;
- (ii) any appointment made under this policy shall not be transferred to any other person and any request for the same on considerations of compassion shall be rejected.
- Mon.*
- [Signature]*

13. (a) The inter-se seniority of persons so appointed may be fixed in their respective cadre with reference to their date of appointment. Their interpolation with the direct recruits/promotees may also be made with reference to their dates of appointment without disturbing the inter-se seniority of direct recruits. **Seniority**

(b) Date of joining by a person so appointed shall be treated as the date of his regular appointment.

14. (a) Compassionate appointments made under this policy shall be done in such a way that persons appointed to the posts have the essential educational/technical qualifications, age and experience required for the post consistent with the requirement of maintenance of efficiency of work or administration in PACS/PCCS. **General**

(b) Compassionate appointment shall not be denied or delayed merely on the ground that there is reorganization in the PACS/PCCS. It shall be made available to the person concerned, if there is vacancy meant for such appointment and he is found eligible and suitable for such appointment.

(c) The eligible family member of the deceased employee shall be required to apply for appointment within six months of the death of the employee. The claim of the eligible family member of deceased or missing PACS/PCCS employee regarding his appointment shall be considered on the basis of circumstances prevailing on the date of death or disappearance of PACS/PCCS employee, as the case may be. It shall be ensured that the dependent who is offered regular employment satisfies the eligibility criteria at the time of offering employment.

(d) Where the children have become orphans upon the demise of the PACS/PCCS employee, the claim of compassionate appointment of such orphans shall remain alive till one child of the deceased has attained the age of majority/minimum age for entry into services of the PACS/PCCS.

15. (A) Emoluments for the purpose of determination of compassionate financial assistance under various circumstances shall be as under:- **Emoluments of compassionate financial assistance**

- (1) In case of death while on duty, the emoluments for the purpose of determination of compassionate financial assistance shall be equal to the basic pay of the deceased employee, which should have been fixed as per PACS/PCCS Staff Service Rules (amended from time to time) at the time of death or disappearance.

Note 1:- No annual increment on compassionate financial assistance shall be granted, however, the benefit of refixation of pay, if any, admissible to the deceased or missing PACS/PCCS employee before the date of death or missing, as the case may be, shall be granted.

Note 2:- On general revision of pay structure of all the PACS/PCCS employees due to amendment of PACS/PCCS Staff Service Rules, the benefit of fixation of pay from unrevised to revised pay structure for the purpose of compassionate financial assistance shall be admissible.

- (2) In case of death while under suspension, the emoluments for compassionate financial assistance shall be determined equal to the basic pay of the deceased employee, which should have been fixed as per PACS/PCCS Staff Service Rules (amended from time to time) immediately before the date of suspension.

Mon
Lohia

- (3) In case of death during the currency of punishment of withholding of last increment or a series of last increments without cumulative effect, the emoluments for compassionate financial assistance shall be determined equal to the amount which would have been admissible as per PACS/PCCS Staff Service Rules (amended from time to time) had the PACS/PCCS employee not been awarded such punishment.
- (4) In case of death while on leave, the emoluments for compassionate financial assistance shall be determined equal to the amount which would have been admissible as per PACS/PCCS Staff Service Rules (amended from time to time) had the deceased PACS/PCCS employee been on duty on the date of death.
- (5) In case of death during the period of absence related to unauthorized leave pending final decision regarding treatment of the said period, the emoluments for compassionate financial assistance shall be determined equal to the basic pay of the deceased employee, which should have been fixed as per PACS/PCCS Staff Service Rules (amended from time to time) immediately before the date of absence.

(B) Allowances on compassionate financial assistance shall be as under:-

- (i) The dearness allowance at the rate prescribed from time to time as per PACS/PCCS Staff Service Rules, 2014 (amended from time to time),

No other allowances which were being drawn by the deceased or missing PACS/PCCS employee, shall be included in the emoluments for the purpose of compassionate financial assistance.

(C) Any amount being drawn by the deceased or disappearing employee in contravention of PACS/PCCS Staff Service Rules (amended from time to time) shall not be considered for determination of compassionate financial assistance.

16. (1) (a) Where both husband and wife are employees of PACS/PCCS: or

- (b) the spouse of the deceased employee is an employee of a department or an Organization under Haryana Government; or
- (c) the spouse is an employee of other Government ;or

(d) the spouse is pensioner of Haryana or any other Government and both or either of them are/is governed by this policy, the compassionate financial assistance in respect of deceased PACS/PCCS employee shall be admissible to the eligible family member of the deceased or missing PACS/PCCS employee. In the event of death or ineligibility of surviving spouse before the completion of prescribed period, the compassionate financial assistance shall be payable to the next eligible family member in addition to family pension, if any, in respect of deceased pensioner simultaneously.

Eligibility of compassionate financial assistance in addition to pension or family pension or dual assistance at a time

(2) In the event of death of both husband and wife, referred to sub-rule 1 (a) above, compassionate financial assistance for both deceased PACS/PCCS employees shall be admissible to the eligible family member(s). However, for determination of the total emoluments for compassionate financial assistance (excluding allowances) in respect of both deceased PACS/PCCS employees shall not exceed the maximum of the highest basic pay mentioned in the Table of PACS/PCCS Staff Service Rules, 2014 (amended from time to time).

Mon *Indira*

17. (1) Where a family member, who in the event of death while in service of a PACS/PCCS employee, is eligible to receive compassionate financial assistance, is charged with the offence of murdering the PACS/PCCS employee or for abetting in the commission of such an offence, the claim of such member, including other eligible member(s) of the family to receive the compassionate financial assistance, shall remain suspended till the conclusion of the criminal proceedings instituted against him.

**Regulation of
compassionate
financial
assistance in
case of criminal
proceedings**

(2) If on the conclusion of the criminal proceedings referred to in sub clause (1), the family member is: -

- (i) convicted for the murder or abetting in the murder of the PACS/PCCS employee, such a person shall be debarred from receiving the compassionate financial assistance which shall be payable to next eligible member of the family, from the next day of the death of PACS/PCCS employee;
- (ii) acquitted of the charge of murder or abetting in the murder of the PACS/PCCS employee, the compassionate financial assistance, shall be payable to such person.

18. Where during the currency of the sanctioned compassionate financial assistance the widow/widower becomes ineligible for compassionate financial assistance due to death or otherwise, it shall be payable to the next eligible family member for the remaining period for which necessary documents alongwith a request in the prescribed form for the grant of compassionate financial assistance shall be submitted by the eligible family member to the competent authority. On receipt of request from the eligible family member, the competent authority shall, after examination, sanction the payment of compassionate financial assistance to the eligible family member. Such member shall also be entitled to receive the arrear of compassionate financial assistance, if any, without production of succession certificate. When no next family member is eligible for compassionate financial assistance, the payment shall cease, however, the payment of arrear of compassionate financial assistance, if any, shall be made on the production of succession certificate.

**Compassionate
financial
assistance to
next eligible
member in the
event of death of
widow/widower**

19. (1) Where a deceased PACS/PCCS employee is survived only by a judicially, separated spouse, the compassionate financial assistance in respect of the deceased shall be payable to the surviving spouse:

**Compassionate
financial
assistance to
judicially
separated spouse**

Provided that where judicial separation has been granted on the ground of adultery and the death of the PACS/PCCS employee takes place during the period of such judicial separation, the compassionate financial assistance shall not be payable to the person surviving if such person was held guilty of committing adultery.

- (2)(a) Where a PACS/PCCS employee dies leaving behind a judicially separated husband or wife with a child or children, the compassionate financial assistance in respect of deceased shall be payable to the surviving person:

Provided he or she is the guardian of such child or children.

Provided further that where the surviving person has ceased to be guardian of such child or children, such compassionate financial assistance shall be payable to the person who is the actual guardian of such child or children.

Subject to the proviso to sub-rule(1), after the child(ren) cease(s) to be eligible for compassionate financial assistance under this policy, such compassionate financial assistance shall become payable to the surviving judicially separated spouse of the deceased PACS/PCCS employee till his or her death or remarriage, whichever is earlier.

*Man-
Lohar*

20. Where a deceased PACS/PCCS employee is survived by more than one widow, where personal law permits, the compassionate financial assistance shall be payable to the widows in equal shares upto the date of prescribed period or ineligibility, whichever is earlier. When one of them become ineligible for compassionate financial assistance, her share of the compassionate financial assistance shall become payable to her eligible child, if any:
- Compassionate financial assistance to widows more than one in equal shares**

Provided that if any child of such widow is not eligible for compassionate financial assistance, the share of the compassionate financial assistances shall not lapse but shall be payable to the widow (s) in equal shares.

Note:- *The provision of this clause shall not be applicable to Hindu employee because any second marriage after the commencement of Marriage laws (Amendment) Act, 1976 during the lifetime of his first wife is a nullity and have no legal effect. Such second marriage cannot be valid on the ground of any custom. In fact, a custom opposed to an expressed provision of law have no legal effect. So, the second wife shall not be entitled to the compassionate financial assistance as a legally wedded wife.*

21. Where a deceased PACS/PCCS employee is survived by a widow but has left behind eligible child(ren) from another wife, who is not alive, the eligible child(ren) shall be paid the share of compassionate financial assistance which the mother would have received, if she had been alive at the time of the death of the PACS/PCCS employee:
- Compassionate financial assistance in equal shares to widow and child from another wife**

Provided that when the share of compassionate financial assistance payable to such a child or to a widow ceases to be payable, such share shall not lapse, but shall be payable to the other widow and/or to the other child or children otherwise eligible, in equal shares.

22. Where the deceased PACS/PCCS employee is survived by a widow but has left behind eligible child(ren) from a divorced wife or wives, compassionate financial assistance shall be payable in equal shares:
- Compassionate financial assistance in equal shares to widow and child from a divorced wife**

Provided that when the share(s) of compassionate financial assistance payable to a child(ren) of divorced wife or to widow cease to be payable, such share, shall not lapse, but shall be payable to the other widow and / or to the other child or children otherwise eligible, in equal shares, and thereafter to the next eligible family member

23. (1) Notwithstanding that a marriage which is null and void under section 11 of the Marriage Law (Amendment) Act, 1976, but the child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate irrespective of the fact whether or not-
- Compassionate financial assistance to the child of marriage, invalidated under Marriage Law (Amendment) Act, 1976**
- (a) a decree of nullity is granted in respect of that marriage under this Act;
 - (b) the marriage is held to be void otherwise than on a petition under this Act.

- (2) The right of such child is required to be protected and shall accrue after the date of ineligibility of legally wedded wife. The compassionate financial assistance shall be distributed equally among the eligible child of legally wedded wife and the eligible child recovered under sub clause (1).

Provided that when the share(s) of compassionate financial assistance payable to such a child ceases, the same shall not lapse but shall be payable to the next eligible child, if there is only one eligible child, in full, to such child, and thereafter to the next eligible family member.

mon
Indray

24. Where the compassionate financial assistance is payable to twin children it shall be paid to such children in equal shares:

**Compassionate
financial
assistance to
twin children**

Provided that when one such child ceases to be eligible his/her share shall be transferred to the other child and when both of them cease to be eligible the compassionate financial assistance shall be payable to the next eligible single child or twin children, as the case may be.

25. In the event of remarriage or death of the widow/widower, if the compassionate financial assistance is payable to the minor child under this policy, it shall be paid through his/her natural guardian, if any, otherwise through their de-facto guardian on production of indemnity bond till the minor attains the age of eighteen years. In disputed cases, however, payment shall be made through a legal guardian appointed by the Court of law.

**Compassionate
financial
assistance to
minor child
through natural
or de-facto
guardian**

26. Where the compassionate financial assistance in respect of a deceased PACS/PCCS employee is to be paid to a dependent disabled son or daughter (married or unmarried) who is suffering from any disorder or disability of mind or is physically crippled and is unable to earn a livelihood, it shall be regulated as under:

**Compassionate
financial
assistance to a
physically
disabled child**

(1) Where a deceased PACS/PCCS employee is survived by two or more children and one child among them is suffering from disorder or disability of mind or who is physically crippled or disabled and is unable to earn a living, the compassionate financial assistance shall be initially payable to the one elder/eldest among physically fit children until he/she becomes ineligible for the same. Thereafter, compassionate financial assistance shall be paid to the next physically fit children up to the period of eligibility. When all physically fit children become ineligible for compassionate financial assistance, it shall be resumed in favour of the disabled child and shall be paid to him/her through the guardian as if he/she is a minor except in the case of the physically crippled son/daughter who has attained the age of majority.

(2) Compassionate financial assistance shall be payable on production of medical certificate and subject to the following conditions: -

- (a) he is incapable of earning his livelihood and was fully dependent upon the deceased PACS/PCCS employee;
- (b) person with impairment in functions of the body shall be examined by the Board under the chairmanship of the Civil Surgeon of the District. Board shall include the specialist according to the requirement. The appellant medical board is at Post Graduate Institute of Medical Science, Rohtak. The persons residing in Chandigarh/Panchkula shall also be examined by the Disability Medical Board of General Hospital, Sector -16, Chandigarh and Government Medical College and Hospital, Sector-32, Chandigarh with the appellant Medical Board at Post Graduate Institute of Medical Education and Research, Chandigarh;
- (c) the Medical certificate issued by the Medical Board shall be required once in the case of permanent mental or physical disability including mental retardation. Where the disability is temporary, Medical certificate of the medical board shall be required once in every five years to the effect that he or she continues to suffer from disorder or disability of mind or continues to be physically crippled or disabled;
- (d) impairment of more than forty percent of any of the following kind shall be entitled for benefits. Disabilities

Memo

Subj

broadly are of four types:

- (i) Visual
- (ii) Locomotor
- (iii) Speech and hearing
- (iv) Mental disorders;

(3) In the case of mentally retarded child(ren), the compassionate financial assistance shall be payable to a person nominated by the deceased PACS/PCCS employee. Where no such nomination has been furnished to the PACS/PCCS by him during his life-time, it shall be payable to the person nominated by the spouse of deceased PACS/PCCS employee later on.

(4) Dependent blind son/unmarried blind daughter shall be entitled to compassionate financial assistance on production of medical certificate of blindness from a Medical Board:

Provided it is evidenced by the medical certificate that the disability of blindness renders him/her incapable of earning. The compassionate financial assistance once sanctioned for dependent blind child shall-

- (a) be discontinued from the date when a blind son of twenty five years or more subsequently is cured and becomes capable of earning or starts earning a living, whichever is the earlier.
- (b) remain continue, when a blind daughter is subsequently cured and becomes capable of earning until -
 - (i) she starts earning a living; or
 - (ii) gets married ; whichever is earlier.

(5) In case of more than one such child suffering from disorder or disability of mind or who are physically disabled, the compassionate financial assistance shall be paid in the order of their birth and the younger of them shall get the compassionate financial assistance only after the elder next above him/her ceases to be eligible:

Provided that where the compassionate financial assistance is payable to disabled twin children it shall be paid in equal shares:

Provided further that when one such child ceases to be eligible his/her share shall be transferred to the other child and when both of them cease to be eligible, the compassionate financial assistance shall be payable to the next eligible single child or twin children, as the case may be,

(6) The compassionate financial assistance under these rules shall be admissible to the eligible disabled child(ren) whether born before or after death.

(7) The person or the guardian who is receiving compassionate financial assistance shall furnish a certificate to the Prabandhak in the month of January and July every year that the disabled child has not started earning his or her livelihood.

(8) Before sanctioning the compassionate financial assistance for life to any such person, the competent authority shall satisfy that the disability is of such a nature so as to prevent him from earning his livelihood and the same should be evidenced by a certificate obtained from a medical board setting out, as far as possible, the exact mental or physically condition of the person.

Mon 2/12/20

Note- *Physically disabled dependent brother and sister, where eligible, shall also be granted compassionate financial assistance subject to medical examination as laid down in this rule for physically disabled children.*

27. Where the compassionate financial assistance is payable to the dependent parents, in the first instance, it shall be payable to the mother and on her becoming ineligible, it shall be payable to the father up to the date of death, ineligibility or prescribed period, whichever is the earliest. Where dependent parents are living separately, the compassionate financial assistance shall be paid to them in equal share.
- Compassionate financial assistance to mother or father of deceased PACS/PCCS employee**
28. (1) Except as otherwise provided in this policy, the compassionate financial assistance to the eligible family member of a missing PACS/PCCS employee shall be paid after the period of six months reckoned from the date of registration of the First Information Report (FIR) with the Police Authorities. The arrear of compassionate financial assistance shall be paid from the date of missing. The indemnity bond shall also be obtained from the family of missing Government employee.
- Compassionate financial assistance to the family of a missing PACS/PCCS employee**
- (2) A PACS/PCCS employee, against whom the departmental or judicial proceedings were instituted while in service, is disappeared; the provision of this policy shall not be applicable. In such cases, decision shall be taken after the conclusion of proceedings pending against the missing PACS/PCCS employee.
- (3) A PACS/PCCS employee who disappears after committing fraud or crime, the compassionate financial assistance shall be sanctioned only on acquittal by the Court of Law or fully exoneration on conclusion of the departmental proceedings, as the case may be.
29. (1) On receiving written information of death of a PACS/PCCS employee while in service, the Prabandhak or next senior most employee of PACS/PCCS concerned shall send a letter alongwith list of documents to be required, to the family of the deceased employee and ask for the necessary documents mentioned therein.
- Steps to be taken by the PACS/PCCS in case of death of a PACS/PCCS employee**
- (2) On receiving the documents referred to in sub-clause (1) above, the Prabandhak or next senior most employee of PACS/PCCS concerned shall examine thoroughly and send his recommendations to the ARCS concerned for further examination. After examination of the case and getting satisfied, ARCS concerned shall grant permission to Prabandhak concerned or senior most employee (whichever the case may be) for calling meeting of Committee of PACS/PCCS for taking decision on issue of compassionate financial assistance. After the approval from the Committee, Prabandhak or next senior most employee of PACS/PCCS (whichever the case may be) shall issue sanction order of compassionate financial assistance to the eligible family member in respect of deceased PACS/PCCS employee upto the prescribed period or eligibility.
30. Committee of PACS/PCCS concerned shall be the competent authority to sanction the compassionate financial assistance for the family of deceased PACS/PCCS employee. However, the permission for calling meeting of Committee of PACS/PCCS shall be taken from ARCS concerned.
- Competent authority for sanction of compassionate financial assistance**
- Mani* *Liby*

31. After the sanction of compassionate financial assistance by the competent authority, monthly payment shall be made by the Prabandhak where the deceased PACS/PCCS employee was posted at the time of death, subject to production of necessary documents required from time to time from the family of deceased PACS/PCCS employee. The expenditure shall be charged to the own funds of the PACS/PCCS.
- Procedure for payment of compassionate financial assistance**
32. (1) The following documents are required to be submitted by the eligible family member for the purpose of compassionate financial assistance: -
- (i) Application
 - (ii) Certificate of Income of child and/or parent from all sources.
 - (iii) Certificate of marriage or remarriage, in case of spouse.
 - (iv) Medical certificate of physically disabled child, if any.
 - (v) Certificate of no judicial proceedings in respect of a criminal case are pending against him/her in any court of law.
- (2) The eligible family member in receipt of compassionate financial assistance shall have to appear personally to furnish life certificate and income certificate duly attested by any gazette officer or village Sarpanch or Municipal Councilor of the area of his residence to the concerned Prabandhak once in every six months.
- Furnishing of necessary documents**
33. (1) As soon as a person joins services of PACS/PCCS on regular basis, he shall give details of his family to the PACS/PCCS concerned. If he has no family at the time of joining, he shall furnish the details as soon as he acquires a family.
- (2) The PACS/PCCS employee shall communicate to the PACS/PCCS any subsequent change in the size of the family, including the fact of marriage of female child.
- (3) The Prabandhak of PACS/PCCS concerned shall, on receipt of the said details get it pasted in the service record of the PACS/PCCS employee concerned and acknowledge receipt of the said details and all further communications received from the PACS/PCCS employee in this behalf. On receipt of communication from the PACS/PCCS employee regarding any change in the size of his family, the Prabandhak shall have a change incorporated in service record.
- (4) As and when the disability manifest itself in a child which makes him/her unable to earn his/her living, the fact shall be brought to the notice of the Prabandhak duly supported by a medical certificate issued by the board.
- Furnishing the size of family on joining and from time to time**
34. The compassionate financial assistance undrawn/ unclaimed for a period over one year shall cease to be payable by Prabandhak. If the claimant afterwards appears or a claim is presented on his behalf, the ARCS concerned shall revalidate the claim after satisfying himself about the circumstances of the lapse. Claims submitted after a lapse of three years shall be considered by the DRCS concerned.
- Lapses and forfeiture of compassionate financial assistance**
35. The power to interpret this policy shall lie with the Registrar Cooperative Societies, Haryana, Panchkula.
- Power to interpret and removal of doubt**
36. The provision of Rule 33 (Ex-Gratia Assistance) of PACS/PCCS Staff Service Rules, 2014 (amended upto 2017) is hereby amended.
- Repeal and Savings**

Manoj