

GOVERNMENT OF KARNATAKA

No.DPAR 26 SCA 2018

Karnataka Government Secretariat,
VidhanaSoudha,
Bengaluru, dated:09.04.2021

NOTIFICATION

Whereas the draft of the following rules further to amend the Karnataka Civil Services (Appointment on Compassionate Grounds) (Amendment) 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 26 SCA 2018 dated: 02.02.2021 in Part IV-A of the Karnataka Gazette Extraordinary dated: 02.02.2021 inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of publication of the draft in the Official Gazette.

Whereas, the said Gazette was made available to the public on 02.02.2021.

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) (Amendment) Rules, 2021.

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

2.Amendment of Rule 2.- In the Karnataka Civil Services (Appointment on Compassionate Grounds) Rules, 1996 (hereinafter referred to as the said rules),inRule 2, in sub-rule (1),

(1) for clause (a), the following shall be substituted,namely:-

“(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.”

(2)for clause (b), the following shall be substituted, namely :-

“(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 herson, 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 sisterwho were dependent upon him and were living with him;
- (iv) in the case of the deceased female unmarried Government Servant, her brotheror 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 themand takes care of the minor childrenas per the provisions of relevant law.

3. Amendment of Rule 3.-In Rule 3 of the said Rules, -

(i) in sub-rule (2),-

(1) for clause (i), the following shall be substituted, namely: -

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

(a) the widow; and

(b) son or daughterwho 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.

(2) for clause (ia), the following shall be substituted, namely: -

“(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.

(3) for clause (ii), the following shall be substituted, namely: -

“(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.

(4) for clause (iia), the following shall be substituted, namely: -

“(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.

(5) after clause (iia), the following clause shall be inserted,

“(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.

(ii) sub-rule (3) shall be omitted.

4. Omission of Rule 3A: - Rule 3A of the said Rules shall be omitted.

5. Amendment of Rule 4.- In Rule 4 of the said Rules, -

(1) in sub-rule (1), after ‘explanation’ the following proviso shall be inserted, namely:-

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

(2) after sub-rule (2), the following proviso shall be inserted, namely: -

“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 fiftyfive years at the time of submitting application”.

6. Substitution of Rule 5.- For Rule 5 of the said rules, the following shall be substituted, namely: -

“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.”

7. Amendment of Rule 6.- In Rule 6, of the said rules, after sub-rule (6), the following shall be inserted, namely: -

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

By Order and in the name of the
Governor of Karnataka

(Thejavathi.N)
Under Secretary to Government
Department of Personnel and
Administrative Reforms
(Service Rules-Special Cell)