

A-42011/47/2013-Ad.II
Government of India
Ministry of Corporate Affairs

New Delhi dated 04.07.2013

OFFICE MEMORANDUM

Subject : Relaxation in OM dt 11.05.2011 and OM dt 27.09.2011 to enable implementation of DOPT instructions (OM dt 16.01.2013) for appointments, on compassionate grounds, for dependent family members of deceased employees of MCA, in Group C posts of Multi Tasking Staff (MTS)

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ANN-A
Under a cadre restructuring decision, the competent authority in the Ministry of Corporate Affairs, instructed vide **OM number A-12011/26/2011-Ad.II dated 11.05.2011**, that there shall be no direct recruitment in any Group B or Group C post in field offices, except in the four grades of Company Prosecutor, Senior Technical Assistant, Junior Technical Assistant and Rajbhasha posts.

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ANN-B
2. Following the OM dated 11-5-2011, while issuing revised recruitment rules of MTS, namely MCA field offices, Group C MTS Recruitment Rules 2011 (notification dated 28-7-2011), another forwarding **OM No. A-12011/18/2011-Ad.II dated 27-9-2011** was issued. In Para 1(f) to (k) of this second OM dated 27-9-2011, it was instructed, that 50% of posts/vacancies in the Group C grade of MTS is to be earmarked for filling up by absorption from company paid staff (engaged upto 27.08.1999) as per existing absorption scheme and remaining 50% stands abolished, in view of restructuring decision dated 11.05.2011.

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ANN-C
3. But after above two OMs dt 11-5-2011 and OM dt 27-9-2011, it was felt that operation of these two instructions is closing all options of compassionate appointments for dependant family members of deceased employees as per DOPT rules. Recently, the DOPT in its consolidated instructions (F.No. 14014/02/2012-Estt. (D) dated 16.01.2013, **Para 18 (d)**) also clarified that compassionate

appointment should not be denied or delayed merely on the ground that there is re-organization in the Ministry/Department/Office.

5. Therefore, these cadre re-structuring instructions (OM dated 11-5-2011 and OM dated 27-9-2011) have been re-considered in view of DOPT instructions (OM dated 16-1-2013) and the competent authority in the Ministry has now decided to relax and modify both the mentioned OM dated 11.05.2011, and OM dated 27.09.2011, to the extent that --- **“while the 50% of direct recruitment vacancies in the grade of MTS shall continue to be earmarked/filled up by absorption from company paid staff (engaged upto 27-8-1999), the remaining 50% of the vacancies in MTS grade shall now be earmarked and utilized for making compassionate appointments subject to the ceiling of 5% vacancies (also see provisions in Para 7 of DOPT OM dt 16-1-2013) and subject to the satisfaction of conditions given in DOPT OM dated 16.01.2013”.**

6. Since, MTS is a Group C post and Regional Director is the competent authority for making appointments to this Group C post (as per DOPT guidelines as well as MCA's OM No. A-12011/4/2003-Ad.III/I dated 19-5-2009), all RDs are now instructed for following time bound action :

(a) identify sanctioned and actual strength of MTS posts in their region as per instructions of competent authorities,

(b) identify vacancies in MTS posts in the region,

(c) divide and earmark, on 50:50 basis, posts/vacancies to be filled up by absorption from company paid staff and posts/vacancies to be filled up by compassionate appointments,


(d) apply the rules of determination/availability of vacancies given in DOPT OM dt 16-1-2013 and arrive at vacancies which can be filled up by compassionate appointment cases,

(e) prepare regional waiting list of cases of compassionate appointments, in chronological order of date of death of employee (and where dependant family members have submitted applications for appointments), and

(f) by following DOPT OM dated 16-1-2013, decide and make appointments.

7. Wherever, court cases related to compassionate appointments are pending, the status of action taken by the RD concerned, in pursuance of DOPT guidelines and MCA instructions from time to time, has to be submitted before the courts and also intimated to Ad.II section on quarterly basis.

Enclosed = 5 pages


4/7/13
(RK Pandey)

Under Secretary to the Government of India

All Regional Directors

Copy to : EG Cell for placing this OM, along with MCA's letter dated 19-5-2009, MCA's OM dated 11-5-2011, MCA's OM dated 27-9-2011, DOPT's OM dated 16-1-2013