

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DR. JITENDRA SINGH): (a) Compassionate Appointments in Government are regulated as per instructions issued by Department of Personnel and Training Office Memorandum No. 14014/6/94-Estt.(D) dated 09.10.1998 as amended from time to time. All these instructions have been consolidated *vide* Office Memorandum No. 14014/02/2012-Estt.(D) dated 16.01.2013 and as per these instructions 5% of direct recruitment vacancies in a year in Group 'C' posts can be filled up by compassionate appointment.

(b) No, Sir. The time-limit of three years for making compassionate appointment has been withdrawn *vide* this Department's Office Memorandum No. 14014/3/2011-Estt. (D) dated 26.07.2012.

(c) Department of Personnel and Training only lays down the policy of compassionate appointment which is implemented by the Administrative Ministries/Departments while considering the cases of compassionate appointment. The Administrative Ministries/Departments are required to monitor the state of implementation of compassionate appointment under their respective jurisdiction. DoP&T does not have information on specific details on the number of applications under consideration of the Union Government for appointment on compassionate grounds, Ministry-wise/Department-wise.

Amendment in Whistle Blowers Act

3144. DR. R. LAKSHMANAN :

SHRI ISHWARLAL SHANKARLAL JAIN :

Will the PRIME MINISTER be pleased to state:

(a) whether Government proposes to bring in comprehensive amendment in Whistle Blowers Act; and

(b) if so, the details of the amendment and the basis on which Government proposes to bring in those amendments?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DR. JITENDRA SINGH): (a) and (b) The Whistle Blowers Protection Bill, 2011 was passed by the Lok Sabha on the 27th of December, 2011 and was transmitted to the Rajya Sabha. Subsequently, it was noticed that some of the provisions in the Bill needed a relook with a view to strengthening the safeguards against disclosures which may prejudicially affect the sovereignty and integrity of the country, security of the State, etc. Accordingly, notices for official amendments were given to Rajya Sabha Secretariat from time to time. The Bill was finally taken up for consideration and passing on 21st February, 2014. However, the official amendments which had been given notice of, were not moved during consideration and passing of the Bill and, accordingly, the Bill was passed by the Rajya Sabha without any amendments (*i.e.*, in the same form

as passed by the Lok Sabha) on 21st February, 2014. The Bill has received the assent of the President on 9th May, 2014 and has become the Whistle Blowers Protection Act, 2011 (No. 17 of 2014). In view of this, the Whistle Blowers Protection Act, 2011 may require some amendments. The matter is under examination.

Confirmation of Government employees

3145. SHRI ARVIND KUMAR SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether onus of confirmation lies with the Central Government employee or the employer/organisation, the details of conditions/rules of confirmation may be given;

(b) whether the post held could be treated as vacant even if the Central Government employee has rendered more than 25 years of continuous service and got promotions on the ground that he is not confirmed in service;

(c) if not, the options open for the employee to seek redressal for his grievances; and

(d) the minimum/maximum period during which an employee has to be confirmed to a post in Central Government organisation?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (DR. JITENDRA SINGH): (a) The onus of confirmation lies with the Organisation concerned. As per the extant instructions on satisfactory completion of the period of probation or extension thereof, the Government *i.e* the employer/ Organisation may confirm a temporary Government servant from the date of completion of the period of probation or extension thereof.

(b) As per extant instructions, the confirmation of a Government Servant is delinked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation.

(c) Under Rule 23 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, an employee has the right to appeal against any Order which denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by the service agreement.

(d) As per extant instructions save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an employee should be kept on probation for more than double the normal period.