

Government of West Bengal
Labour Department

No. 251-Emp.

Dated, Kolkata, the 3rd December, 2013

NOTIFICATION

The Governor is pleased hereby to make the following scheme regulating the appointment on compassionate ground in supersession of all previous orders in this respect :

Scheme :

1) Short title and commencement -

This scheme may be called the West Bengal Scheme for Compassionate Appointment, 2013. This will come into force with effect from the date of issue.

2) Application -

This shall apply to a dependent family member of a Government employee who –

- (a) dies while in service; or
- (b) is disabled permanently or otherwise incapacitated rendering him unfit to continue in service prematurely on being declared permanently incapacitated by a Medical Board formed by the Government.

3) Definition -

“Dependent Family Member” means

- (a) spouse; or
- (b) son (including legally adopted son before death or incapacitation); or
- (c) unmarried daughter (including legally adopted unmarried daughter before death or incapacitation); or
- (d) married daughter who on date of death or incapacitation was unmarried; or
- (e) brother or sister in case of death in harness of an unmarried employee provided his/her parent, all the brothers and sisters were fully dependent on him/her,

- who was wholly dependent on the Government employee at the time of his death in harness or incapacitation, as the case may be, and is in need of immediate financial assistance at the time of making application and also at the time of consideration.

(f) "Government employee" for the purpose of this scheme means a Government employee appointed on regular basis and not the one working on daily wage or casual or apprentice or ad-hoc or contract or re-employment basis.

4) Posts to which such appointments can be made –

Such appointments can be made to Group-C and Group-D posts only in the exempted category vacancies.

5) Authority competent to make compassionate appointment -

Respective appointing authorities for Group-C and Group-D employees shall be the appointing authority to the eligible candidates after observance of the procedure in this scheme. However, approval of the Minister-in-Charge or Minister-of-State in charge of the respective Departments would be necessary in all cases of compassionate appointment.

6) Eligibility -

(a) The family is indigent and deserves immediate assistance for relief from financial destitution. For this any of the following two conditions is to be satisfied.

- (i) The monthly income of the family falls below 90 per cent of the gross monthly salary of the employee before death or premature retirement.
- (ii) The monthly income of the family falls below the minimum salary of a Group-D employee (in case of Group-D employees) or the minimum salary of a Lower Division Clerk (in case of employees other than those belonging to the Group-D).

The gross monthly salary, for the purpose of this definition shall mean, basic pay (Band Pay + Grade Pay) , dearness allowance, house rent allowance and medical allowance.

The monthly income of the family shall mean the aggregate of :

- (I) Total family pension per month (Basic Pension and Dearness Relief, Medical Allowance).

(II) Monthly interest income @ 8% p.a. on the total amount received by the family after death of the employee or retirement of the incapacitated employee (Gratuity, Leave Encashment, any other payments excepting GPF).

Provided that, where an ex-employee had to incur medical expenses as indoor patient prior to and leading to his death/incapacitation, such expenses is deducted from the amount received. All such expenses must be supported by original receipt/Cash memo, hospital discharge Certificates.

(III) Monthly income from movable and immovable properties (the family members shall submit declaration on the matter).

(IV) Monthly income of the dependents of the ex-employee named in the application (the family members shall submit declaration on the matter).

(b) In case of premature retirement the concerned employee had at least two years of service left to reach the normal age of superannuation and should fulfill the following conditions.

(i) On premature retirement he/she would not be entitled to the full pensionary benefits to which he/she would have been entitled if he/she had retired at his/her normal age of superannuation.

(ii) He/she has fully exhausted all kinds of leave with pay including commuted leave on medical ground;

(iii) The financial conditions of the family is so acute as to make the appointment essential consequent upon the fall in income due to such retirement.

(c) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant recruitment rules.

Note : (a) Condonation of excess in age in case of eligible cases will be made by the respective head of the department or their subordinate Officer who are competent to make the compassionate appointment as per existing provision.

(b) Relaxation in educational qualification may be granted in eligible cases for appointment to Group 'D' post in consultation with the Finance Department.

(c) The dependent member shall invariably attain the minimum age for recruitment within six months from the date of death or incapacitation of the concerned employee.

7) Each department will set up a data bank in consultation with the NIC and assign identification no. to each case so that the cases are taken up on the basis of date of death or incapacitation.

8) Exemption -

Compassionate appointments are exempted from observance of the following requirements :-

- (a) Recruitment procedure i.e. without the agency of the Public Service Commission/Staff Selection Commission/West Bengal Police Recruitment Board/West Bengal Health Recruitment Board or the Employment Exchange.
- (b) Clearance from the Finance Department as applicable for regular filling up.

9) Determination/Availability of vacancies -

(a) Appointment on compassionate ground to Group-C post should be made only on probation as per existing rules and to Group-D post on regular basis and that is only after vacancies meant for in the exempted categories are available. The appointing authority will have the right to appoint a dependent either to a Group-C or a Group-D post even if the dependent is qualified for Group-C post.

(b) A person selected for appointment on compassionate ground should be adjusted in the recruitment roster against the appropriate category viz. SC/ST/OBC/General depending upon the category to which he belongs. For example, if he belongs to SC category he will be adjusted against the SC reservation point, if he is ST/OBC he will be adjusted against ST/OBC point and if he belongs to General category he will be adjusted against the vacancy point meant for General category.

(c) Appointment and posting : Posting on such appointment shall be made in the offices at the following levels :

1. At Gram Panchayat
2. At Block
3. At Sub-division
4. At District

It would be first considered for Gram Panchayat level offices and then in Sub-divisional level offices in case of non-availability of vacancy in former level offices and so on. In no case a candidate would be appointed in any upper level offices if vacancy is available in the lower level.

Appointment is to be made in the exempted category vacancies under the concerned Department. In case of non-availability of the same, appointment in other Departments may be made.

10) Procedure -

(a) If the family of the deceased or the employee retired on being permanently incapacitated is in need of financial assistance and the same is absolutely necessary to support the family, application for employment is to be submitted within six month from the date of death or retirement on permanent incapacitation. If no application is submitted within the said period it will be presumed that the family does not require any financial assistance. In no case application submitted after expiry of the above period will be entertained.

(b) Application is to be submitted in the prescribed proforma as in Annexure 'A' and 'B' as applicable through the Head of office. In case of death in harness such application must accompany copy of death certificate.

(c) Appointing authority will constitute three men Screening-cum-Enquiry Committee with his immediate subordinate officer and two other senior officials as members.

(d) While examining and enquiring the application for employment on compassionate ground, the Screening-cum-Enquiry Committee will take into consideration the financial condition of the family of the deceased or disabled or incapacitated employee following the provisions in this scheme to ascertain, if there is any immediate need of financial assistance for the family in the shape of employment. Such enquiry report is to be submitted as per Annexure 'A' and 'B' as applicable to the appointing authority within a period of three months from the date of making of application.

(e) The appointing authority will forward the case together with his views recorded in Annexure 'A' or 'B' as applicable to the Administrative Department concerned for consideration. If it is decided by the Administrative Department to be a fit case for

offering employment suitable vacancy is to be identified as per para 9 hereinbefore and send the case to the concerned appointing authority thereafter for offering appointment.

11) Undertaking –

A person appointed on compassionate ground under this scheme must give an undertaking initially and every year thereafter by 15th January, in writing that he will properly maintain the other family members who were dependent on the Government employee in question and in case it is proved subsequently at any time that the family members are being neglected or are not being maintained properly by him/her, service may be terminated for violation of such undertaking following the procedure in West Bengal Services (Classification, Control and Appeal) Rules, 1971.

Such yearly declaration should contain an undertaking signed by all the dependent family members that they are being maintained by the person so appointed on compassionate ground to the utmost satisfaction and there is no complaint in this regard. (Annexure 'C')

12) Request for change in post/person -

(a) When a person has been appointed on compassionate ground to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist and he will be guided by the service rules, orders, guidelines etc. as are applicable to other employee of the State Government.

(b) An appointment offered/made on compassionate ground cannot be transferred to any other person and any such request shall be rejected.

13) Missing Government Servant -

Cases of missing Government servants are also covered under this scheme for compassionate appointment subject to the following conditions :-

(a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the Government servant has been missing , provided that :

(i) an FIR to this effect has been lodged with the police,

- (ii) the missing person is not traceable as per report of the police and
 - (iii) the competent authority feels that the case is genuine.
- (b) This benefit will not be applicable to the case of a Government servant ;-
- (i) who had less then 5 years to retire on the date from which he has been missing; or
 - (ii) who is suspected to have committed fraud, or suspected to have joined any terrorist organisation or suspected to have gone aboard or suspected to have gone missing for having employment of a dependent on compassionate ground.
- (c) Proforma at Annexure 'E' may be used for application. The three men Committee will submit enquiry report as per the said Annexure and decision on the same is to be taken following the procedure stated in the preceding paragraphs.

14) General -

(a) All the departments will furnish number of all undisposed cases in the proforma at Annexure 'D' within 15 days from the date of issue of this scheme and submit the same in every year by 15th of January of the concerned year. Application submitted more than two years after death/incapacitation prior to issue of Notification No. 30-EMP. dated 02.04.2008 will not be entertained.

(b) The undisposed cases before 01.01.2005 excepting those which are covered in sub-para (a) of this para above will be enquired into afresh to ascertain, if need for financial assistance in the form of compassionate ground still exists. Such enquiry is to be completed within a period of three months.

(c) Compassionate appointment in any case would not be a matter of right but it will be subject to fulfillment of all the conditions, enquiries, availability of vacancy at the appropriate level etc.

(d) Final approval for appointment on compassionate ground shall be taken only at the level of the Secretary/Principal Secretary/Additional Chief Secretary of the Department with the approval of the concerned Minister-in-Charge or Minister-of-State in charge of the concerned Department.

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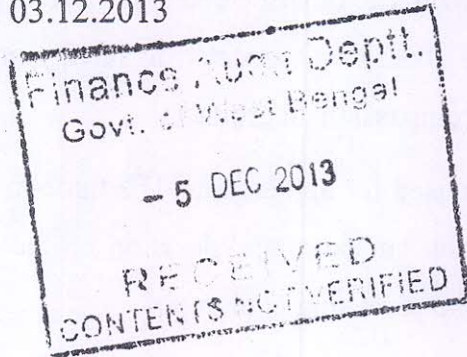
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15) Seniority –

The inter-se seniority of persons appointed on compassionate ground will be fixed with reference to their date of joining the post.

16) This order issues with the concurrence of Finance Department vide their UO No. 2942 Gr.-P(2) dated 03.12.2013



By order of the Governor
Sd/- Sanjay Mitra
Chief Secretary to the
Government of West Bengal

Memo. No. 251/1(100) – Emp

Dated : 03.12.2013

Copy forwarded for information and necessary action to the :

1. PS to Chief Secretary, Government of West Bengal.
2. Additional Chief Secretary/Principal Secretary/Secretary to the Govt. of West Bengal, Finance (Audit) Department.
3. Accountant General (A & E), West Bengal, Treasury Building, Kolkata -1.
4. Commissioner, _____ Division.
5. District Magistrate, _____.
6. Pay and Accounts Officer, Kolkata Pay and Accounts Office –I, 81/2/2/ Phears Lane, Kolkata – 1.
7. Pay and Accounts Officer, Kolkata Pay and Accounts Office – II, P-1 Hyde Lane, Jawhar Building, Kolkata – 73.
8. Director of Treasuries and Accounts, West Bengal, 7 Lyons Rage, 2nd & 3rd Floor, Kolkata – 700 001.
9. _____

(Amarnath Mallick)

Joint Secretary to the Govt. of West Bengal

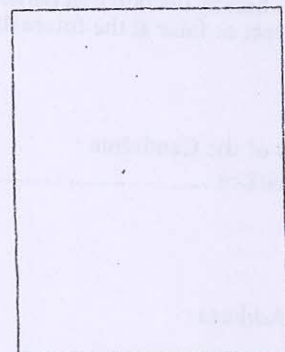
2013

PROFORMA REGARDING EMPLOYMENT OF DEPENDANTS
OF GOVT. EMPLOYEES DYING WHILE IN SERVICE

Part I

(To be filled in by the Applicant)

1. (a) Name of the deceased employee :
 - (b) Designation of the ex-employee :
 - (c) Name of the office with address :
 - (d) Date of birth of the deceased :
 - (e) Date of death of the deceased :
(Attested copy of death certificate to be enclosed)
 - (f) Date of joining the Govt. service :
 - (g) Total length of service rendered :
 - (h) Whether belonging to SC/ST/BC :
(Attested copy of certificate to be enclosed)
 - (i) Monthly salary drawn by the deceased in the last month—Total emoluments (Pay & other allowances) : Basic Pay : Total :
2. (a) Name of the candidate praying for appointment on compassionate ground. :
 - (b) His/Her relationship with the ex-employee :
 - (c) Date of birth of the applicant :
 - (d) Educational Qualifications :
 - (e) Whether fully dependent on the ex-employee :
 - (f) Whether any other dependent has been appointed on compassionate ground :
 - (g) Particulars of Employment Exchange Card (if registered) :
 - (h) Whether received any financial assistance under any Self Employment Scheme such as SESRU, SEP, etc. :
 - (i) Two passport size photographs of the candidate duly authenticated by the competent authority, (one of which to be affixed on the space marked).



Part II
(To be filled in by the Applicant)

1. Particulars of total assets left (owned/received/entitled to) :
- (a) Family Pension : Basic: Total : as on :
- (b) (i) Death gratuity :
(ii) G.P.F. Balance :
(iii) Group Insurance :
(iv) Encashment of Leave :
(v) L.I. Policies (including P.L.I.) :
(vi) Movable and immovable properties and annual income therefrom by the family :
(vii) Any other assets :
2. Brief particulars of Liabilities, if any (Documentary evidence to be enclosed) :
3. Particulars of all dependants of the deceased :

Sl No.	Name	Age	Educational Qualifications	Relationship with the deceased	Living separately or with the family
(1)	(2)	(3)	(4)	(5)	(6)

1.
2.
3.
4.

Marital Status	Particulars of occupation/employment. (if already employed)	Gross Salary (if employed)
(7)	(8)	(9)

4. Signature/L. T. I. of the other dependants of the family given the "No Objection" in favour of this application for employment on compassionate ground.

- (i)
(ii)
(iii)

DECLARATION

I do hereby declare that particulars given by me above are correct. If any of the particulars herein mentioned are found to be incorrect or false at the future date, my service may be terminated.

Date :
Address of the Candidate :
Shri/Smt. is known to me and the particulars mentioned are correct.

Signature of the Candidate

Date :
Office Address :

Signature of a permanent Govt. employee of the same office
Designation :

Part III
(To be filled in by the office)

1. Report of Enquiry Committee regarding particulars furnished by the applicant in Part I & Part II of the Proforma :
2. Comments of Controlling Officer :

Part IV

1. (a) Name of the deceased : _____
- (b) Designation : _____
- (c) Total emoluments last drawn : _____ as on _____
(Pay & Allowances)

2. (a) Name of the Candidate : _____
- (b) His/Her relation with the deceased : _____

3. (a) Family Pension : Basic : _____ Total : _____ as on _____
- (b) Amounts received/entitled to receive from Govt. as death benefits including others (in total) : _____
- (c) Amounts received/entitled to receive from other sources such as L. I. Policies/P.L.I./Personal Savings, etc. : _____
- (d) Movable and immovable properties and annual income earned therefrom by the family. : _____

4. (a) Educational Qualification of the candidate : _____
- (b) Date of birth : _____
- (c) Whether S.C./S.T./B.C. : _____
- (d) Post for which employment is proposed : _____
- (e) Is the vacancy reserved for E.C. ? : _____
- (f) Whether the post reserved for S.C./S.T./B.C. : _____
- (g) Is the post supposed to be filled up by promotion or by direct recruitment through the P.S.C. ? : _____
- (h) Whether the candidate fulfils the requirements of the Recruitment Rules for the post : _____
- (i) Is any relaxation of rule etc. required ? : _____
- (j) Have the particulars mentioned in Part I, Part II and Part III and above been verified by the office ? If so, indicate the reports : _____
- (k) Decision of the appointing authority : _____

Date :

Signature of the Appointing Authority.

Seal :

ANNEXURE B

APPLICATION FOR PREMATURE RETIREMENT DUE TO PERMANENT INCAPACITATION AND APPOINTMENT FOR SON/DAUGHTER/WIFE/NEAR RELATION ON COMPASSIONATE GROUND

Part I

(IN CAPITAL LETTER)

1. Name of employee :
2. Name of office where employed at present :
3. Designation :
4. Date of birth of the employee :
5. Date of joining the Government service :
6. Total length of service :
7. Date of normal retirement :
8. Whether belongs to SC/ST/BC :
9. Total emoluments (Pay & Other allowances) :
10. The reasons for being permanently incapacitated :
11. Name of the Medical Practitioner, whose certificate is enclosed :
12. Registration No. and address of the registered medical practitioner whose certificate is enclosed :
13. Is son/daughter/wife/husband/near relation seeking Government job on compassionate grounds ? :

NOTE : If answer to Sl. No. 13 is 'No', Part II need not be filled up.

(Signature / LTI of the employee)

Part II

**1. Details about financial condition of family members
(son/daughter/wife/husband/near relation) :**

Sl. No.	Name	Age	Educational qualification	Relationship with the employee	Living separately or with the employee

Sl. No.	Marital status	Particulars of occupation/employment	Particulars of income from movable/ immovable property

2. Particulars of total assets of the employee (Owned/ received/entitled to) as on the date of application including the amount of :

- (a) Pension : _____
- (b) Gratuity : _____
- (c) GPF Balance : _____
- (d) Group Insurance : _____
- (e) LIC policies : _____
- (f) Leave encashment benefit : _____
- (g) Movable & Immovable Properties and income from it : _____
- (h) Others : _____

- 3. (a) Name of the Candidate seeking employment : _____
- (b) Relationship with the Government employee : _____

4. Whether fully dependent on the employee : _____

5. Particulars of Employment : _____

(a) Exchange Card (if registered) : _____

(b) One Passport-size photograph of the candidate duly authenticated by the competent authority to be affixed on the space marked.



6. Educational qualification and experience of the candidate :
7. Date of Birth :
8. Has the candidate been financed under any employment scheme like SESRU/SEPUP, etc. :
9. Has any dependant been appointment on compassionate ground ? :
10. Enclose two copies of photograph of the candidate duly countersigned. :
11. Have other members of the family given NO OBJECTION in favour of the candidate (Attested copies to be enclosed). :
12. Particulars of liabilities (if any) (Documentary evidence to be enclosed). :

Declaration : I/We do hereby declare that the particulars given by me/us above are correct. If, any of the above particulars are found incorrect or false at a future date, I/We shall be liable to disciplinary/penal action including termination of service.

(Signature of the employee)

(Signature of the candidate)

DECLARATION BY THE CANDIDATE

I further declare that after my employment on compassionate ground I shall maintain

Shri/Sm. and his/her family.
(Name of incapacitated employee)

Witnesses :
(Two permanent employees of the same office).

Signature of Candidate .

(1) Signature
Name & Designation

Name & Address.

(2) Signature
Name & Designation

Part III

Report of the Inquiry Committee.

Part IV

Comments of the Controlling Officer.

Part V

Report of medical examination arranged by DHS or conducted by Medical Officer/Board authorised by him.
(Report to be enclosed)

2. Date of retirement due to permanent incapacitation
(Attested copy of the order issued by the Deptt./Office to be enclosed).

(To be filled by the Officer)

Part VI

1. Is any leave due to the employer :
2. If, so, details thereof :
3. Details of retirement benefits :

As on the date of application

As on the normal date of retirement.

- (a) Pension :
(b) Gratuity :
(c) Others :
4. Post for employment is proposed :
5. Is the post supposed to be filled up by promotion or by direct recruitment on recommendation of the Public Service Commission ? :
6. Is the vacancy reserved for SC/ST/BC ? :
7. Does a vacancy under exempted category exist ? :
8. Name of the candidate :
9. Does the candidate fulfil requirements of the recruitment rules for the post ? :
10. Is any relaxation of rule etc. required ? :
11. Have the facts mentioned in parts I, II and above been verified by the office ? If so, indicate the reports :
12. Personal recommendation of the appointing authority :

(Signature of the appointing authority)
Designation.

Annexure -C

(Ref : Notification no : 251- Emp dated 3.12.2013)

Declaration
(Part - I)

I, Shri / Smt _____, S/D of _____
_____ residing at _____

_____ hereby solemnly affirm / declare that I shall properly maintain the other family members who were dependent on _____ (name of Ex - Employee) and in case it is proved subsequently at any time that the family members are being neglected or are not being maintained properly by me , my service may be terminated for violation of such undertaking / declaration following the procedures as laid down in West Bengal Services (CCA) rules , 1971

(Signature of the person employed on Compassionate Ground).

Part - II

We, the undersigned dependent family members of Shri / Smt _____ (name of Ex Employee) hereby declare that we are being properly maintained by Shri / Smt _____ (name of Person employed on compassionate ground) , to the utmost satisfaction and there is no complaint in this regards .

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

(Signature of all dependent family members).

(Re. Labour Department Notification No.251-Emp. dt. 03.12.2013)

Annexure D

Name of the Department:

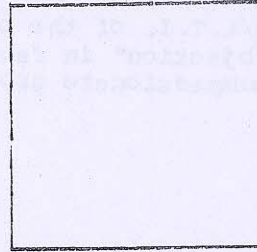
Sl No	Name of the deceased/ Incapacitated employee	Date of death/ Incapacitation	Date of submission of Application	Name of dependant applicants	Relationship with the deceased/incapacitated employee	Remarks
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(Re. Labour Department Notification No.251-Emp. dt. 03.12.2013)

PROFORMA REGARDING EMPLOYMENT OF DEPENDANTS OF
MISSING GOVT. EMPLOYEES WHILE IN SERVICEPart I
(To be filled in by the Applicant)

1. (a) Name of the missing employee :
 - (b) Designation of the missing employee :
 - (c) Name of the office with address:
 - (d) Date of birth of the missing employee :
 - (e) Date of missing of the employee:
(A report from S.P., DIB to be enclosed)
 - (f) Date of joining the Government service :
 - (g) Total length of service rendered:
 - (h) Whether belonging to SC/ST/BC :
(Attested copy of certificate to be enclosed)
 - (i) Monthly salary drawn by the missing employee in the last month : Basic Pay: Total:
Total emoluments (Pay & other allowances)
2. (a) Name of the candidate praying for appointment on compassionate ground :
 - (b) His/Her relationship with the missing employee :
 - (c) Date of birth of the applicant :
 - (d) Educational Qualifications :
 - (e) whether fully dependent on the missing employee :
 - (f) whether any other dependent has been appointed on compassionate ground :
 - (g) Particulars of Employment Exchange Card (if registered) :
 - (h) whether received any financial assistance under any Self Employment Scheme such as SESRU, SEP, etc. :

(i) Two passport size photographs of the candidate duly authenticated by the competent authority, (one of which to be affixed on the space marked)



Part II
(To be filled in by the Applicant)

1. Particulars of total assets left (owned/received/entitled to) :

(a) Family Pension: Basic: Total: as on:

(b) (i) Gratuity :

(ii) G.P.F. Balance :

(iii) Group Insurance :

(iv) Encashment of Leave :

(v) L.I. Policies (including P.L.I.) :

(vi) Movable and immovable properties and annual income therefrom by the family :

(vii) Any other assets :

2. Brief particulars of Liabilities: if any (Documentary evidence to be enclosed)

3. Particulars of all dependants of the missing Govt. employee:

Sl. No.	Name	Age	Educational Qualifications	Relationship with the missing employee
1	2	3	4	5

- 1.
- 2.
- 3.
- 4.

Living sepearte-ly or with the family	Marital Status	Particulars of occupation/employment (if already employed)	Gross Salary (if employed)
6	7	8	9

4. Signature/L.T.I. of the other dependants of the family given the "No Objection" in favour of this application for employment on compassionate ground.
- (i)
 - (ii)
 - (iii)

DECLARATION

I do hereby declare that particulars given by me above are correct. If any of the particulars herein mentioned are found to be incorrect or false at the future date, my service may be terminated.

Date :

Address of the Candidate :

Signature of the candidate

Shri/Smt. _____ is
known to me and the particulars mentioned are correct.

Signature of a permanent
Govt. employee of the same
office

Date :

Office Address :

Designation :

Part III
(To be filled in by the office)

1. Report of Enquiry Committee regarding particulars furnished by the applicant in Part I & Part II of the Proforma :
2. Comments of Controlling Officer :

Part IV

1. (a) Name of the missing employee :
- (b) Designation :
- (c) Total emoluments last drawn (Pay & Allowances) : _____ as on _____

