

**Government of West
Bengal Labour
Department**

No. 251- Emp.

Date: 03.12.2013

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

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(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

(dd) A divorcee daughter, who has become dependent on the family, and the divorce petition was filed before the death/ permanent incapacitation of the Govt. employee. She must have obtained decree of divorce issued by the competent authority of an Hon'ble court, either before or after the death of the Government Employee. In case she has been receiving any maintenance cost from her husband, the same will be taken into account to decide her eligibility.

(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

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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).

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(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.

(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.

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

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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 the appointment to Group 'D' post with the approval of the concerned departmental Additional Chief Secretary/Principal Secretary/Secretary.

7. Database. The data-base and/or computerised system may be created by the Labour Department and used by all the Departments mandatorily for exempted category appointments.

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

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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.

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(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) Timelines

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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 two years from the date of death or retirement on permanent incapacitation. If no application

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is submitted within the said period it will be presumed that the family does not require any financial assistance.

(aa) belated requests

In exceptional cases such as (i) death during action (ii) where none in family is eligible etc., departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place up to five years ago. While considering such belated request the 3 member screening-cum-enquiry committee should, however, keep in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government Servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence. Therefore, examination of such cases could call for a great deal of circumspection at all levels. The dependent member must invariably attain the minimum age of appointment at the time of consideration.

(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.

(bb) The concerned authority in the department/office should meet the members of the family of the deceased Govt. servant immediately after his death to advise and assist them in getting appointment on compassionate ground. The applicant should be called in person at the

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very first stage and should be advised in person about the requirement and formalities to be completed by him. A record of such meeting should be kept with the office of the controlling authority and appointing authority.

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(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.

(dd) All cases of compassionate appointment should be disposed of by the Administrative Department preferably within six months of the receipt of report of the 3 (three) member Screening-cum-Enquiry Committee.

(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

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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

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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:

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- (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

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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 than 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

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for financial assistance in the form of compassionate ground still exists. Such enquiry is to be completed within a period of three months.

(bb) Any indisposed case where the death/incapacitation has occurred prior to issue of this order (No. 26-Emp.
Dated

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01.03.2016), but after the issue of order No. 30-Emp. dated 02.04.2008, could be looked into afresh, if it complies with the revised instructions

(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.

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

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[The amendments made on this Scheme by various notifications of Labour department till 31.03.2022 have been incorporated in the text of the Scheme]

(Ref: No 251 -Emp. Dated 3rd December, 2013 read with No 26-Emp. Dated 1st March, 2016 & No 165-Emp.dated 4th June, 2015)