

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 :

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

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

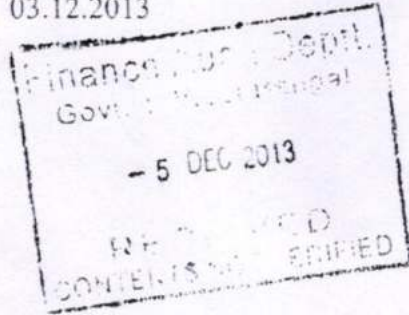
(c) Compassionate appointment in any case would not be a matter of right but it will be subject to fulfillment of all the conditions, enquiries, availability of vacancy at the appropriate level etc.

(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.

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



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 -1, 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