



Sensitization training on Appointment on Compassionate ground

Venue: Netaji Subhas Administrative Training Institute,
Salt Lake

Date: 08/04/2022

Organized by: Labour Department, Govt. of W.B.

Welcome & Introduction



Expectations from the course

- What are your expectations from the course?



Need for the course

- The training course will equip the participants with a range of knowledge, information and skills on how to deal with cases relating to appointment on compassionate ground
- It is expected to sensitize the officials, dealing with the cases of compassionate appointment at different Departments about the existing rules and the critical areas relating to matter
- It is expected that the Departments will disseminate the information down the level to their Directorates/regional/sub-regional offices through further training in cascading mode
- It is expected to expediate the process of appointment on compassionate ground at different levels
- It is expected to reduce the pendency of such cases under different departments and facilitate disposal of pending cases of Compassionate Appointment , within 3 months, as instructed by Chief Secretary, Government of West Bengal .

Synopsis of training programme

- What does the training programme contain?



Course outline

| Day | Sessions |
|----------------------|--|
| 1 st Half | <p>10.00 a.m.-10.15 a.m.: Inauguration of the Training Course</p> <p>10.15 a.m.-11.30 a.m.: Standard Operating Procedure of Appointment on Compassionate Ground</p> <p>11.30 a.m.-11.45 a.m.: Tea Break</p> <p>11.45 a.m. -01.00 p.m.: Frequently Asked Question, Check list & Process flow, Q&A</p> |
| 2 nd Half | <p>02.00 p.m.-02.15 p.m.: Inauguration of the Training Course</p> <p>02.15 p.m.-03.30 p.m.: Standard Operating Procedure of Appointment on Compassionate Ground</p> <p>03.30 p.m.-03.45 p.m.: Tea Break</p> <p>03.45 p.m. -05.00 p.m.: Frequently Asked Question, Check list & Process flow, Q&A</p> |

Notifications regarding Exempted Category & Compassionate Appointment

| No | Date | Remarks |
|----------|------------|---------|
| 301-Emp. | 21.08.2002 | |
| 302-Emp. | 21.08.2002 | |
| 303-Emp. | 21.08.2002 | |
| 03-Emp. | 05.01.2005 | |
| 97-Emp. | 06.06.2005 | |
| 101-Emp. | 14.06.2005 | |
| 131-Emp. | 26.06.2005 | |

Notifications regarding Exempted Category & Compassionate Appointment

| No | Date | Remarks |
|-----------------|-------------------|--|
| 151-Emp. | 08.09.2005 | |
| 87-Emp. | 08.02.2006 | |
| 28-Emp. | 08.02.2006 | |
| 69-Emp. | 26.06.2007 | |
| 133-Emp. | 01.10.2007 | |
| 142-Emp. | 01.11.2007 | Policy of compassionate appointment in the undertaking of the departments |
| 30-Emp. | 02.08.2008 | |
| 114-Emp. | 14.08.2008 | |
| 201-Emp. | 30.12.2010 | Check List in Annexure-P |
| 04-Emp | 04.01.2011 | |
| 268-Emp. | 02.11.2011 | |

Notifications regarding Exempted Category & Compassionate Appointment

| No | Date | Remarks |
|-----------------|-------------------|--|
| 251-Emp. | 03.12.2013 | West Bengal Scheme for Compassionate Appointment (In supersession of all previous orders) |
| 323-Emp. | 23.07.2014 | Divorcee daughter; revised by 96-Emp. |
| 96-Emp. | 28.04.2015 | Compassionate appointment for employees of Corporation, Public undertaking, Statutory bodies, Govt. Companies Boards, Local Bodies etc. |
| 165-Emp | 04.06.2015 | Relaxation of educational qualification in West Bengal Scheme for Compassionate Appointment |
| 278-Emp | 23.09.2015 | Plain Paper Application: Deleted |
| 26-Emp | 01.03.2016 | Revised provision of Compassionate Appointment |

Standard Operating Procedure (SOP) on Compassionate Appointment

based on

**West Bengal Scheme for Compassionate
Appointment, 2013 with up-to-date
amendments, made by various Notification
from time to time, till 31/03/2022**

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

Scope & 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.

Eligibility Criterion for appointment on compassionate ground-

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

(ii) 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.

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)**
 - (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.

To Whom Applicable-

The West Bengal Scheme for Compassionate Appointment, 2013 specifies that it is applicable for regular State Government employees and not meant for the employees of Corporation, Public Undertaking, Statutory bodies, Govt. Companies Boards, Local Bodies etc.

However, if a notified policy for compassionate appointment already existed in a concerned department in respect of the employees of the aforesaid organizations, prior to introduction of West Bengal Scheme for Compassionate Appointment, 2013, which was issued after obtaining due concurrence of the Labour Department and Finance Department, in pursuance of Notification No [142-Emp., Dated 01.11.2007](#), then there is no bar in implementing the same for the purpose of extending compassionate appointment to the dependents of employees who die die-in-harness or are permanently incapacitated.

(Ref: [96-Emp, dated 28th April, 2015](#))

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.

- (a) 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.

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.
- Ref: [50-Emp/1M-25/98](#), Dated Kolkata, the 1st March, 2011 of Labour Department for Model 100 Point Roaster of vacancies

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.

- 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.

50-Emp/1M-25/98, Dated Kolkata, the 1st March

6. All appointing authorities should obtain names from Exempted Category Cell under the Directorate of Employment, West Bengal, to fill up the vacancies meant for Exempted Category Candidates in the above roster except the cases of Employment on compassionate ground, viz. death-in-harness and premature retirement due to permanent incapacitation.

8. As no curtailment of existing percentage of reservation for SC, ST and OBC-Category-A and Category-B can be made, the reserved points for SC(E.C.), ST(E.C.), OBC Category-A (E.C.) and OBC Category-B (E.C.) shall be filled up by the Exempted Category Candidates belonging to SC, ST and OBC Category-A/Category-B only. In case of non-availability of a suitable Exempted Category Candidate belonging to SC, ST or OBC Category-A and Category-B for any of such reserved point, the said vacancy shall be filled up by a non-Exempted Category Candidate belonging to SC, ST or OBC Category-A and Category-B as the case may be.

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.

Procedure for appointment on compassionate ground -

- 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 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.

- Application is to be submitted in the prescribed proforma as in **Annexure 'A' for employees dying while in service and 'B' for premature retirement due to permanent incapacitation**, as applicable through the Head of office. In case of death in harness such application must accompany copy of death certificate.
- **For Missing Government servant, Proforma at Annexure 'E' may be used for application**

Three Men Committee

- Appointing authority will constitute three men Screening-cum- Enquiry Committee with his immediate subordinate officer and two other senior officials as members.
- 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 the 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' (E for Missing Government servant) as applicable to the appointing authority within a period of **three months** from the date of making of application.

Disposal of Application

- The appointing authority will forward the case together with his views recorded in **Annexure 'A' or 'B' (E for Missing Government Servant)** 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 and send the case to the concerned appointing authority thereafter for offering appointment.
- 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.

Timelines for filing application for appointment on Compassionate Ground

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

Belated requests for compassionate appointment

- 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.

Undisposed cases: Timelines



Undisposed cases – (Ref 251-Emp., Dated 3rd December, 2013)

- a) 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, 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.

Undisposed cases: Timelines

Before 01/01/2005

**251-Emp., Dated 3rd December,
2013 (Cl 14(b))**

Application submitted within two years after death/incapacitation : Enquired into afresh

Application submitted after two years: Not to be processed

Before 02/04/2008

**251-Emp., Dated 3rd December,
2013 (Cl 14(a))**

Application submitted within two years after death/incapacitation: To be entertained

Application submitted more than two years after death/incapacitation: will not be entertained.

Undisposed cases – (Ref 26-Emp., Dated 1st March, 2016)

- bb) Any undisposed case where the death/incapacitation has occurred prior to issue of order No.26-Emp. Dated 01.03.16, 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, vide Notification No 26-Emp. Dated 1st March, 2016.
- In that revised instruction, the time limit is two years from the death of death retirement due to permanent incapacitation.

Undisposed cases: Timelines

Undisposed case where the death/incapacitation has occurred prior to issue of order No.26-Emp. Dated 01.03.16, but after the issue of order No. 30-Emp. dated 02.04.2008

Application submitted within two years after death/incapacitation : To be processed

Could be looked into afresh, if it complies with the revised instructions, vide Notification No 26-Emp. Dated 1st March, 2016.

Application submitted after two years: It will be presumed that the family does not require any financial assistance

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 the scheme.
- However, 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 incharge of the concerned Department.
- 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.

Relaxation & 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.

Relaxation & Exemption –

(c) 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.

(d) 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.

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')

Annexure -C

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

Declaration

(Part - I)

I, Shri / Smt _____, DO of _____

_____ residing at _____

_____ hereby solemnly affirm / declare that I shall properly maintain the other family members who were dependent on _____

(name of Co - 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 , 1973.

(Signature of the person employed on Compassionate ground)

Part - B

We, the undersigned dependent family members of Shri / Smt _____

(name of Co 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)

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.

Seniority

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

General -

- a) All the departments will furnish number of all undisposed cases in the proforma at Annexure 'D' in every year by 15th of January of the concerned year.
- b) 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.

(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 |
|-------|---|------------------------------|-----------------------------------|------------------------------|---|---------|
|-------|---|------------------------------|-----------------------------------|------------------------------|---|---------|

Problem areas in the existing Guidelines

Issue IV :

Level of Posting;
Posting : No provision
at
Directorate/Secretariat

Issue V :

Non eligibility of
member on
medical ground,
in case of Belated
request

Issue III :

Rate of interest
income @8%

Issue II : No
provision of
Third Gender
Child

Issue I : Married
Daughter , who on
death of death or
incapacitation was
married is not eligible

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE/CONSTITUTIONAL WRIT JURISDICTION**

Issue of Married Daughter :

C.A.N. 12495 of 2014

in

**F.M.A. 1277 of 2015 The State of West Bengal & ors. v. Purnima
Das & ors.**

with

WPST 447 of 2013 Arpita Sarkar v. State of West Bengal & ors.

with

**WPST 78 of 2014 Kakali Chakraborty (Dutta) v. The State of West
Bengal & ors**

Question:

- “Whether the policy decision of the State Government to exclude from the zone of compassionate appointment a daughter of an employee, dying-in harness or suffering permanent incapacitation, who is married on the date of death/permanent incapacitation of the employee although she is solely dependent on the earnings of such employee, is constitutionally valid?”

F.M.A. 1277 of 2015

- Purnima, the first respondent in the appeal, is the daughter of Haru Chandra Das (since deceased). He was employed as chowkidar under Bara-II Gram Panchayat when he breathed his last on March 11, 2011. Late Haru Chandra Das left behind him his widow and three daughters, all married, Purnima being the youngest. After the death of the employee, his widow approached the respondents seeking compassionate appointment
- Later his widow made the request to substitute Purnima's name in place of her for a job on compassionate ground, and Purnima had undertaken to look after her mother, should she be considered for appointment in place of her mother.
- Such application, however, was not considered prompting Purnima to invoke the writ jurisdiction of this Court by presenting W.P. 22934 (W) of 2012.
- Such writ petition was disposed of on 18th October, 2012 with a direction upon the concerned respondent authority to consider the case of Purnima and take an appropriate decision as expeditiously as possible.
- In compliance with the said order, the application of Purnima was taken up for consideration by the Commissioner, Panchayats & Rural Development, West Bengal. By his communication dated 20th June, 2013, he conveyed to the Principal Secretary to the Government of West Bengal, Department of Panchayats & Rural Development as follows

- “Sir, A proposal for compassionate appointment in respect of Smt. Purnima Das (Mahaldar) married daughter of Lt. Haru Chandar Das, who was an ExGram Panchayat Karmee of Bara-II Gram Panchayat under Nalhati-II Development Block, is forwarded for your kind perusal. This proposal may be rejected as a married daughter is not be eligible for compassionate appointment as per memo no. 433/PN dated 13.02.2009 (sic 03.02.2009).”
- Purnima came to learn that a married daughter of an employee who has died-in-harness is not eligible to be considered for compassionate appointment. Even without waiting for formal rejection of her application for compassionate appointment but feeling aggrieved by memo dated 3rd February, 2009, Purnima approached the writ court once again by presenting W.P. 33967 (W) of 2013.

- The issue requiring an answer framed by the learned Judge reads as follows: “A rather unique issue, which falls for consideration in the facts and circumstances of the instant case is whether a prayer for compassionate appointment can be rejected by the concerned respondent authority, solely on the ground that the applicant happens to be a ‘married daughter’.
- The purpose for which the learned Judge had called upon the respondents to file an affidavit-in-opposition is expressed in the following words:
- “Earlier, this Court had directed the State to file an affidavit stating therein specifically the rationale or logic behind exclusion of a ‘married daughter’ from being considered eligible for compassionate appointment under the ‘died-in-harness’ category, notwithstanding the fact that financial hardship of the surviving family members being the most important criteria for such eligibility. The State was further directed to state in the affidavit as to whether a financially dependent daughter suddenly and automatically becomes financially independent, the moment she gets married and whether, likewise, such rationale or logic applies in case of a financially dependent son, upon his marriage.”

- On perusal of the affidavit-in-opposition that was filed, the learned Judge proceeded to record His Lordship's disappointment that the specific query remained unanswered. Taking note of the settled legal position that compassionate appointment cannot be claimed as a matter of right, His Lordship wondered as to whether there was any rationale or logic behind exclusion of a 766930/2019/EC SEC(LABR) 20 'married daughter' from being considered for compassionate appointment under the 'died-in-harness' category, notwithstanding the fact that financial hardship of the surviving family members is the most important criteria for such eligibility.

- Taking further note of the fact that the memo dated 3rd February, 2009 was issued in pursuance of two notifications dated 6th June, 2005 and 2nd April, 2008, both issued by the Chief Secretary, Government of West Bengal, Labour Department, His Lordship recorded a finding of fact that no such rationale or logic for excluding a married daughter was revealed.
- As a matter of fact, His Lordship found that in the case of a son, it does not matter to the State whether he is married at the time of making a prayer for compassionate appointment; however, in the case of a daughter, the State sought to make an unreasonable discrimination by excluding a married daughter from seeking appointment on compassionate ground

- Thereafter it was again recorded that “how a marital status of a dependant daughter could be a reason for her exclusion from seeking compassionate appointment, has not been spelt out, either in the notifications dated 6th June, 2005 and 2nd April, 2008, or in the affidavit filed on behalf of the State”.
- The approach of the State to exclude a married daughter of a Government employee from being considered eligible to apply for appointment on compassionate ground and making marital status of a son inconsequential, according to His Lordship, was “not only a chauvinistic and archaic approach towards the issue” but also “indicative of a gender insensitive and inflexibly myopic mindset of the draftsmen of the two notifications dated 6th June, 2005 and 2nd April, 2008”.
- Once again recording the lack of rationale or logic for applying such dual standards, His Lordship proceeded to dispose of the writ petition with the following direction:

- “The writ petition is, therefore, disposed of with a direction upon the Chief Secretary, Government of West Bengal, to revisit the matter, in the light of the observations made hereinabove and issue an appropriate notification, which shall enure to the benefit of married daughters of deceased employees of the State – such as the writ petitioner – so that they can also be considered eligible to apply as dependant of a deceased employee, provided, of course, they fulfil all other eligibility criteria, as laid down.”

Proposed changes

unmarried daughter (including legally adopted unmarried daughter before death or incapacitation); or : May be deleted

married daughter who on date of death or incapacitation was unmarried: May be deleted

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 & all other associated clause : May be deleted

daughter (including legally adopted before death or incapacitation or missing): May be inserted

Issue I : Married Daughter , who on death of death or incapacitation was married is not eligible

Proposed changes

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):

May be substituted by

Monthly interest income will be calculated at the prevailing rate of interest provided by the bank where the said employee's Gratuity, Leave Encashment, any other payments will be deposited.

third gender Child
(including legally adopted before death or incapacitation or missing): May be inserted

Issue III :

Rate of interest
income @8%

Issue II :
Third Gender
Child

Proposed changes

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

1. At Block
2. At Sub-division
3. At District
4. At Directorate
5. At Secretariat

Existing provision: Appointment and posting: Posting on such appointment shall be made in the offices at the following levels:

At Gram Panchayat

At Block

At Sub-division

At District

May be substituted by

Isse IV :

Level of Posting;
Posting: No provision
at
Directorate/Secretariat


Proposed changes

BELATED REQUESTS :- Existing provision

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 Govt. servant took place upto five years ago.

Issue V :
Non eligibility of member on medical ground, in case of Belated request

To get benefit of this Clause if the other member(s) except the applicant declares himself/herself not eligible due to not being medically fit to receive the appointment on Compassionate Ground, he/she has to submit Medically Unfit Certificate issued by Concerned Authority of any Government Hospital by framing a Medical Board in this regard.
May be inserted

- 
- A proposal has been moved in Finance Department in this regard & we are awaiting approval of the same shortly.

Common Check List to be used for processing an application for employment on compassionate ground

A proforma check list, as per Annexure P was approved vide No 201-Emp., dated 30th December, 2010. However, The West Bengal Scheme for Compassionate Appointment, 2013, introduced vide No 251-Emp, dated 3rd December, 2013 was issued in supersession of all previous orders in this respect, making the proforma check list, infructuous. An updated check list has been devised in line with existing Notifications, vide Memorandum No Labr/63/EMP(EC), dated 06.04.22.

Part-I

| Sl. No. | Item | Remarks |
|---------|--|---------|
| 1. | Name of the deceased / retired employee and date of death/incapacitation | |
| 2. | Office and last served as | |
| 3. | Name of the applicant | |
| 4. | Relationship with the Government employee and whether the applicant falls within the definition of dependant as per the order No.251-Emp, dated 03.12.2013 read with 26-Emp dated 01.03.2016 | |
| 5. | (A) Whether application has been submitted in Prescribed Proforma in terms of 251-Emp dated 03.12.2013 (Yes/No) | |
| | (B) Date of submission of Proforma application | |

| Sl. No | Item | Remarks |
|--------|--|---------|
| 6. | Whether the application submitted by one dependant has been concurred upon by other family members/ dependants in writing | |
| 7 | Medically 'Unfit Certificate' has been submitted from the Competent Authority (in case of premature retirement due to permanent incapacitation) | |
| 8 | Whether 'Divorce Decree' has been submitted by the applicant who obtained such decree before or after the death of the ex-employee (in case of divorcee daughter) | |

| Sl. No | Item | Remarks |
|--------|---|---------|
| 9. | <p>Gross monthly salary drawn by the deceased/ incapacitated employee immediately before death/ premature retirement:-</p> <p>Basic Pay, Dearness Pay (if any), Dearness Allowance, H.R.A., Medical Allowance as per Cl.6) of 251-Emp dated 03.12.2013</p> | |
| 10. | Family Pension sanctioned/ entitled | |
| 11. | <p>Lump sum terminal dues/ entitlement (GPF not to be included):</p> <p>Ref: Cl. 6(a)(II) of 251-Emp, dated 03.12.2013</p> <p>(A) Death Gratuity</p> <p>(B) Group Insurance</p> <p>(C) Encashment of leave</p> <p>(D) Any other payments received (give details)</p> <p>(E) Total</p> | |
| 12. | Expenses incurred on account of hospitalization to be supported by the payment vouchers etc. | |
| 13. | <p>Amount to be considered for monthly income :</p> <p>Ref: Cl. 6 of 251-Emp, dated 03.12.2013</p> | |

| Sl. No | Item | Remarks |
|--------|--|---------|
| 14. | Monthly interest income @8% per annum on amount at Sl. No.11 | |
| 15. | Monthly income from other movable or immovable property | |
| 16. | Monthly income from the dependants of the ex-employee if any, supported by declaration from the family members | |
| 17. | Total monthly income of the family (10+14+15+16) | |
| 18. | Percentage of total monthly income at Sl. No. 17 in relation to gross salary at Sl. No.9 | |

| Sl. No | Item | Remarks |
|--------|--|---------|
| 19. | (A) Memo No. & Date of formation of three men Screening-cum-Enquiry Committee | |
| | (B) Date(s) of inquiry | |
| 20. | (A) Name of Enquiry Officers and the date of submission of the report by the committee | |
| | (B) Whether recommended for employment | |
| 21. | Whether the recommendation by the enquiry committee has been unanimous (Yes/No) | |
| 22. | Comments of Controlling Officer | |
| 23. | (A) Whether the candidate fulfils the requirements of the Recruitment Rules for the post | |
| | (B) Is any relaxation of rule etc. required | |
| 24. | Whether a clear vacancy is available as per 100 Point Roster vide Notification No 50-Emp., dated 01.03.2011 | |
| 25 | Whether the applicant has fulfilled all the criteria as laid down in Notification No. 251-Emp dated 03.12.2013 read with 26-Emp dated 01.03.2016 | |

Part-II

| Sl. No. | Item | Requirement | Finding/actual position |
|---------|--|--|-------------------------|
| 1. | Percentage of total monthly income in relation in gross monthly salary | Below 90% (Cl. 6(a)(i) of 251-Emp dated 03.12.2013) | |
| 2. | Relationship with the deceased/incapacitated | (A)Wife/Husband/Son/Unmarried daughter/Divorced daughter/ (B) Dependent brother or sister in case of unmarried employee (as per Para 3of 251-Emp, dated 03.12.2013 read with Para 3(dd) of 26-Emp dated 01.03.2016) | |
| 3. | Time limit for submission of application | Within 2 Years of death/ incapacitation (para-10(a) under the Heading "TIMELINES" of 26-Emp, dated 01.03.2016) or within 5 years in the cases, comes under Cl 10(aa) of 26-Emp dated 01.03.2016 under the Heading "BELATED REQUESTS" | |

Part-III

| Sl. No | Item | Requirement | Finding/actual position |
|--------|--|-------------|-------------------------|
| 1. | Whether fully exhausted all kinds of leave(does not required for the employees died-in-harness but mandatory for the employees retired prematurely due to permanent incapacitation) | Yes | |
| 2. | Whether 2 or more years of service is left (does not required for the employees died-in-harness but mandatory for the employees retired prematurely due to permanent incapacitation) | Yes | |

Part-IV

| |
|---|
| 1. Remarks of the Dealing Assistant |
| Checked and examined |
| (a) found eligible, prayer may be granted |
| (b) information insufficient, further information/ clarification required in respect of |
| the following |
| i. |
| ii. |
| iii. |
| (c) found ineligible, prayer may be rejected on the following grounds |
| i. |
| ii. |
| iii. |
| Further remarks, if any |
| Signature of the Dealing Assistant |
| 2. Remarks of the H.A./S.O./O.S.D. |
| I agree/disagree with the above views/prayer may be granted/rejected/returned for reasons stated below. |
| Signature of the H.A./S.O./O.S.D. |
| 3. Remarks of the Assistant Secretary |
| I agree/disagree with the above views/prayer may be granted/rejected/returned for reasons stated below. |
| Signature of the Assistant Secretary |
| 4. Remarks of the Deputy/ Joint Secretary |
| I agree/disagree with the above views/prayer may be granted/rejected/returned for reasons stated below. |
| Signature of the Deputy/ Joint Secretary |

Work Flow:

Immediately after death of the of govt. employee, the concerned authority of the department/office should meet the members of the family of the deceased govt. employee to advise and assist them in getting compassionate ground appointment

The applicant should be called at very 1st stage. and should be advised in person about the **requirement and formalities** to be completed by him/her.

A record of such meeting should be kept with the office.

Submission of Application in prescribed proforma through the Head of Office; Annexure A/B/E, within 2 years

Formation of 3 member Screening-cum-Enquiry Committee, by Appointing Authority

Submission of enquiry report of Enquiry Committee in Annexure A/B/E, to Appointing Authority within a period of three months from the date of making of application

The Appointing Authority will forward the case together with his views recorded in Annexure A/B/E, to the Administrative Department for consideration

The Administrative Department should dispose off the case preferably within 6 months of the receipt of the report of 3 member Screening cum Enquiry Committee

Frequently Asked Question(FAQ)



FAQ

Who are eligible for appointment on Compassionate ground?

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.

Cases of missing Government servants are also covered under this scheme for compassionate appointment subject to the certain conditions Cl(2) & (13) of Notification no. 251-Emp dated 03.12.2013

FAQ

Who comes under the purview of "Government employee"

“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. (Cl. 3(f) of 251-Emp).

It is also not meant for the employees of Corporation, Public Undertaking, Statutory Bodies, Govt. Companies Boards, Local Bodies etc.

However, if a notified policy for compassionate appointment already existed in a concerned department in respect of the employees of the aforesaid organizations, prior to introduction of West Bengal Scheme for Compassionate Appointment, 2013, which was issued after obtaining due concurrence of the Labour Department and Finance Department, in pursuance of Notification No 142-Emp., Dated 01.11.2007, then there is no bar in implementing the same for the purpose of extending compassionate appointment to the dependents of employees who die die-in-harness or are permanently incapacitated.

(Ref: 96-Emp, dated 28th April, 2015)

FAQ

Can Compassionate Appointment be offered to the dependent of a Govt. Employee who died in harness on the date of joining in the service ?

Yes

Can Compassionate Appointment be offered to the dependent of a Govt. Employee who died in harness on the day of his retirement on superannuation ?

Yes

FAQ

Is 26-Emp dated 01.03.2016 is applicable for a employee who died before 02.04.2008

No

At which stage of procedure a case can be considered as 'disposed' ?

On the date of issuance of the order of final decision by the Administrative Department

FAQ

Can any undisposed cases be processed where the death/permanent incapacitation occurs before 02.04.2008?

If the proforma application has been submitted within two years of death/retirement due to permanent incapacitation, it can be processed Cl.14(a) & 14(b) of Notification no. 251-Emp dated 03.12.2013

What are the relevant guidelines for the undisposed cases?

A) The cases where the death/incapacitation occurs before 02.04.2008 comes under the purview of 251-Emp dated 03.12.2013

B) The cases where the death/incapacitation occurs after 02.04.2008 are guided by 251-Emp dated 03.12.2013 read with 26-Emp dated 01.03.2016

FAQ

Can any undisposed cases be processed where the death/permanent incapacitation occurs before 02.04.2008?

If the proforma application has been submitted within two years of death/retirement due to permanent incapacitation, it can be processed Cl.14(a) & 14(b) of Notification no. 251-Emp dated 03.12.2013

What are the relevant guidelines for the undisposed cases?

A) The cases where the death/incapacitation occurs before 02.04.2008 comes under the purview of 251-Emp dated 03.12.2013

B) The cases where the death/incapacitation occurs after 02.04.2008 are guided by 251-Emp dated 03.12.2013 read with 26-Emp dated 01.03.2016

FAQ

What is the minimum age for submitting application for appointment on compassionate ground ?

18 Years(As per Recruitment Rules)
Cl.6(c) of Notification no. 251-Emp dated
03.12.2013
Note © under para 6 © of Notification No
251-Emp. Dated 03.12.13 , was deleted vide
Notification no. 26-Emp dated 01.03.2016

Is plain paper application valid for appointment in compassionate ground ?

No
(Notification No 278-Emp. Dated
23.09.15 was deleted vide Notification no.
26-Emp dated 01.03.2016

FAQ

In case of premature retirement due to incapacitation, how much span of service is left to reach the normal date of retirement on superannuation ?

Two Years
Cl.6(b) of Notification no. 251-Emp dated
03.12.2013

In case of missing Govt. employee, how much span of service has to be left to reach the normal date of retirement on superannuation ?

Five Years
Cl.13(b)(i) of Notification no. 251-Emp dated
03.12.2013

FAQ

Is married daughter, who got married before the date of death or incapacitation eligible for compassionate appointment ?

No

Cl.3(d) of Notification no. 251-Emp dated 03.12.2013

Is divorced daughter eligible for compassionate appointment ?

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.

Cl.3(dd) of Notification no. 26-Emp dated 01.03.2016

FAQ

Is legally adopted son/daughter eligible for compassionate appointment ?

Yes, but adoption must be occurred before the death/ permanent incapacitation or missing of the Govt. employee
Cl.3(b) & 3(c) of Notification no. 251-Emp dated 03.12.2013

In case of missing Govt. employee, what is the time limit for submitting application ?

Two years from the date of missing
Cl.13(a) of Notification no. 251-Emp dated 03.12.2013

FAQ

What is the upper and lower age limit for making compassionate appointment ?

The age limits would be based on the Recruitment Rules of the post to which the compassionate appointment is proposed to be made

Cl.6(c) of Notification no. 251-Emp dated 03.12.2013

Whether upper age limit prescribed for a post can be relaxed while making appointment on compassionate ground ?

Yes, 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

Cl.6; Note(a) of Notification no. 251-Emp dated 03.12.2013

FAQ

Can compassionate appointment be made against a Group 'A' or Group 'B' post?

No

Cl.4 of Notification no. 251-Emp dated 03.12.2013

Whether a dependent of a deceased Govt. employee can claim for compassionate appointment in Group-C Post, if he/she is qualified for the same ?

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

Cl.9(a) of Notification no. 251-Emp dated 03.12.2013

Whether a person who does not fulfill educational qualification of a post can be appointed on compassionate ground?

Yes, 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.

Notification no. 165-Emp dated 04.06.2015

FAQ

How to calculate family income for appointment on compassionate ground ?

(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).

Cl.6(a) of Notification no. 251-Emp dated 03.12.2013

FAQ

What is the family income ceiling to get eligibility for compassionate appointment ?

- (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.

Cl.6(a) of Notification no. 251-Emp dated 03.12.2013

FAQ

What is the time limit to submit application for compassionate appointment for any undisposed cases ?

Two Years
Revised provision of Cl. 10(a) vide Notification No. 26-Emp dated 01.03.2016

In which posts compassionate appointments are accorded ?

Appointment on compassionate ground can be made to Group-C post 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 .
Cl.9(a) of Notification no. 251-Emp dated 03.12.2013

FAQ

What is the time span for submitting enquiry committee report ?

Within a period of three months from the date of making of application
Cl.10(d) of Notification no. 251-Emp dated
03.12.2013

What is the time span for disposing a case of compassionate appointment by the Administrative Department ?

Preferably within six months of the receipt of report of the 3 (three) member Screening-cum-Enquiry Committee.
Cl.10(dd) of Notification no. 26-Emp dated
01.03.2016

FAQ

Which administrative authority is responsible for informing the dependents of deceased government employee about the scheme for compassionate appointment?

Respective Office/ Authority where the deceased employee offered his service before died on harness of premature retirement due to permanent incapacitation.

Cl.10(bb) of Notification no. 26-Emp dated 01.03.2016

Whether any record of the meeting at the very first stage with the dependent/dependents of the deceased Govt. employee who died in harness, should be kept with the office of the controlling authority and appointing authority ?

Yes

Cl.10(bb) of Notification no. 26-Emp dated 01.03.2016

FAQ

Whether maintenance of the family of the deceased employee is the responsibility of the person appointed on compassionate ground ?

Yes, 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.

Cl.11 of Notification no. 251-Emp dated 03.12.2013

Can an appointment on compassionate ground be transferred from one person to another person?

No, an appointment offered/made on compassionate ground cannot be transferred to any other person and any such request shall be rejected.

Cl.12(b) of Notification no. 251-Emp dated 03.12.2013

Repository :

- <https://wblabour.gov.in/>
- Training on Compassionate Appointment
- 142-Emp, dated 1st November, 2007
- 50-Emp/1M-25/98, Dated Kolkata, the 1st March, 2011
- 251 EMP, dated 3rd December, 2013
- 96 EMP, dated 28th April, 2015
- 165 EMP, dated 4th June, 2015
- 26 EMP, dated 1st March, 2016
- West Bengal Scheme for Compassionate Appointment, 2013 with up-to-date amendments, made by various Notification from time to time, till 31/03/2022
- Standard Operating Procedure (SOP) , on Compassionate Appointment
- Frequently Asked Question (FAQ) , on Compassionate Appointment
- Common Check List to be used for processing an application for employment on compassionate ground vide *Memorandum No Labr/63/EMP(EC), dated 06.04.22.*
- Power Point Presentation on Training on Compassionate Appointment (To be uploaded)
- Training Video (To be uploaded)

Response to Queries



What have you
LEARNED?



**YOUR FEEDBACK
MATTERS**

End

