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PART I—Orders and Notifications by the Governor of West Bengal,
the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL
LABOUR DEPARTMENT
Employment Cell
NOTIFICATION

No. 97-Emp.—6th June 2005.—In exercise of the power conferred by clause (c) of section 3 of the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999, the Governor has been pleased to lay down the following **principles and procedures** to be followed in dealing with the issue of appointment on compassionate ground to the dependants of employees who die-in-harness, or who retire prematurely on being declared permanently incapacitated.

2. One of the dependants of an employee who dies in harness or who retires prematurely on being declared permanent incapacitated may be offered appointment on compassionate ground subject to the fulfilment of the following conditions :—

- (i) the employee has died, or retired on being permanently incapacitated before completing **20 years of service or before** attaining the age of 50 years, whichever is earlier,
- (ii) the family of the deceased or the retired employee as the case may be, is in need of **immediate assistance** and appointment of a dependent of the employee is absolutely essential for survival of the family.

For the purpose of appointment on compassionate ground in terms of this notification, a dependant shall mean **spouse, a son or an unmarried daughter** who was solely dependant on the earnings of the deceased or the retired employees.

3. No appointment on compassionate ground shall be offered to a dependant of an employee who dies in harness or who retires prematurely on being declared permanently incapacitated after completing 20 years of service or after attaining 50 years, whichever is earlier. The dependants of such an employee may be allowed the following reliefs if the family is in need of immediate assistance and a dependant of the employee would have otherwise been eligible for appointment on compassionate ground but for the employee completing 20 years of service or attaining the age of 50 years, whichever is earlier, at the time of death or premature retirement.

(1) An ex gratia grant equivalent to :—

(i) 45 days emoluments for each completed years of continuous service limited to the total emoluments that the employee would have drawn at the prevailing level of his emoluments for the residual period of his service,

Or,

(ii) An amount equivalent to 35 days emoluments for each completed year of continuous service plus 25 days emoluments for each remaining year of the residual period of service limited to the total emoluments that the employee would have drawn at the prevailing level of his emoluments, for the residual period of his service, whichever is higher. For the purpose of payment of ex gratia grant in terms of this notification, the residual period of service means the period of service that the employee would have had but for his death or premature retirement.

(2) Family pension, where applicable, at the rate of 50 per cent of pay last drawn, for 7 years or till the employee would have retired on attaining the age of superannuation but for his death, whichever is later. No such enhanced family pension would be admissible after the date on which the employee would have attained the age of 65 years.

4. Notwithstanding anything contained in para 1, the dependants of an employee who die-in-harness, or who retire on being declared permanently incapacitated, before completing 20 years of service or before attaining the age of 50 years, whichever is earlier, may opt for the reliefs enumerated in para 3 in lieu of appointment on compassionate ground.

5. A dependant of an employee who dies in harness, or retires on being declared permanently incapacitated may apply to the appointing authority through the Head of the Office of the employee in the prescribed proforma as per **Part-I & Part II of Annexure 'A' of this Department Notification No. 303-Emp., dated 21-08-2002** along with that copy of death certificate/Part-I and Part-I Annexure 'B' of this Department aforesaid notification alongwith a medical certificate, as the case may be praying for employment on compassionate ground or financial relief. **On receipt of such application, the appointing authority shall form an enquiry committee comprising not less than three senior**

officials of the Department to which the employees belonged. The committee so formed shall make enquiries about the genuineness of the prayer as well as the financial condition of the family of the deceased or the prematurely retired employees and **submit a report within one month as per Part-III of Annexure-A/Annexure-B** of this Department aforementioned notification to the Nodal Committee set up in the Labour Department of the State Government.

6. The Nodal Committee referred to in para 5 above will be headed by a designated **Special Secretary in the Labour Department** and will include a **Joint Secretary of the Finance Department** and **one Joint Secretary of each of the concerned Administrative Departments**, whose proposals are to be considered. The Nodal Committee shall generally meet once in a month or as often as necessary, so that there is no delay in consideration of the proposals. While examining the recommendations received from different Departments, the Nodal Committee shall ascertain the financial status of the families of the deceased or the retired employees carefully and give its recommendation regarding the need for immediate financial assistance for the respective families. Where **the Nodal Committee is of the view** that one of the dependants of a deceased or retired employee should be offered employment on compassionate ground in terms of this notification it shall also recommend the name of the suitable dependant, who may not necessarily be the dependant who made the application.

7. The recommendations of the Nodal Committee will be placed before the Principal Secretary/Secretary, Labour Department who will pass orders regarding the eligibility of persons for appointment on compassionate ground or for financial reliefs, as the case may be, with the approval of the **Minister-in-Charge of Labour Department**.

8. The Labour Department will forward the names of persons found eligible for appointment on compassionate ground to one or more of the following Departments, for appointing them against available vacancies.

- (1) Health & Family Welfare Department
- (2) School Education Department
- (3) Higher Education Department
- (4) Mass Education & Extension Department
- (5) Home (Police) Department
- (6) Jails Department

9. Unless there are exceptional reasons, the Department to which the name of a person is forwarded by the Labour Department in terms of para 8 will issue the order of appointment after observing usual formalities. If for exceptional reasons, it is not possible to accommodate the person in any of the Departments mentioned in para 8, appointment may be made against available vacancies in any other Department.

10. The list of families found eligible for financial relief will be forwarded by the Labour Department to the concerned administrative department for arranging payment of ex gratia grant and other admissible relief.

11. Notwithstanding anything contained elsewhere in this notification, one of the dependants of an employee who dies or retires on being declared permanently incapacitated for further service as a result of accident, or in a violent incident, in the course of performance of duties shall be entitled to the benefit of appointment on compassionate ground irrespective of the number of years of service rendered by the employee, or the age of the employee, at the time of death or retirement.

12. In case of death while in service, the existing benefits of waiver of recovery of outstanding house building advance and/or interest on such advance shall continue. Similar waivers shall be allowed in case of other advances sanctioned by the Government.

13. This notification shall come into force from the date of issue and shall have effect notwithstanding anything to the contrary contained in any previous notification, circular, order or memorandum on the subject.

14. Applications received from dependants of employees who died-in-harness or retired on being declare permanently incapacitated prior to the date of coming into force of this notification shall be dealt with in accordance with the provisions of this notification.

15. Notwithstanding anything contained in para 13 and para 14 of this notification, cases in which **verification rolls had been issued before** the issue of this notification, to a dependant of an employee who died in harness or who retired on being declared permanently incapacitated from service, after due processing in accordance with the policy and procedure which was applicable to such cases prior to the date of coming into force of this notification, shall continue to be dealt with in accordance with the **pre-existing policy and procedure**.

16. Approval of the Appointment Committee of the Cabinet will not be required for offering appointment in terms of this notification.

17. This notification is issued with the concurrence of the Finance Department vide U.O. No.2079 Group 'P' (Service), dated 1st June, 2005.

By order of the Governor,
ASOK GUPTA
Chief Secy. to the Govt. of West Bengal