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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

New Secretariat Building (12th floor) 1, K.S. Roy Road, Kolkata-700001

NO. 26-Emp.

Date: 01st March, 2016

NOTIFICATION

A comprehensive scheme regarding appointment on compassionate ground was notified vide this Deptt. Notification No. 251-Emp dated 03.12.13 subsequently amended vide Notification Nos.323-Emp. dated 23.07.2014, 96-Emp. dated 28.04.2015, 165-Emp. dated 04.06.2015 and 278-Emp. dated 23.09.2015. Several Departments under Govt. of West Bengal are reportedly facing difficulties in implementing certain provisions contained in the Notifications as aforesaid. The matter has been under active consideration of the Government for some time past. The Governor is pleased to bring about the following changes in the existing guidelines to dispose of the cases in a just and equitable manner :

Existing Clause/ Para No.	Existing provision	Revised provision
Para 3 (dd) [new clause] added to the Notification No.251-Emp. dated 03.12.13 {that was amended vide notification No. 323-Emp. dated 23.07.14}	(a) An applicant should have been legally divorced prior to death/ incapacitation of the Govt. employee and was fully dependent on him/her. (b) An applicant must have obtained decree of divorce issued by the competent authority of an Hon'ble Court. (c) In case she has been receiving any maintenance cost from her husband, the same will be taken into account to decide her eligibility.	(a) 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. (b) 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. (c) In case she has been receiving any maintenance cost from her husband, the same will be taken into account to decide her eligibility.

Existing Clause/ Para No.	Existing provision	Revised provision
6(b)(i) of Notification No. 251-Emp. dated 03.12.13	On premature retirement he/she would not be entitled to the full pensionary benefits to which he/she would have been entitled if he/she had retired at his/her normal age of superannuation.	Deleted
Note (c) under Para 6(c) of Notification No. 251-Emp. dated 03.12.13	The dependent member shall invariably attain the minimum age for recruitment within 6 months from the date of death or incapacitation of the concerned employee.	Deleted
7 of Notification No. 251-Emp. dated 03.12.13	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.	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.
10 (a) of Notification No. 251-Emp. dated 03.12.13	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 months 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.	TIMELINES :- 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.
10(aa) [new clause] added to Notification No. 251-Emp. dated 03.12.13		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 Govt. servant took place upto 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 Govt. 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.
Notification No. 278-Emp. dated 23.09.15	Plain paper application, submitted within six months, can be accepted as valid application, provided proforma application has been submitted subsequently; but not later than one year from the date of death/in incapacitation of the Govt. employee. The administrative Deptt. must be doubly sure that plain paper application was really submitted within the prescribed period of six months.	Deleted

Existing Clause/ Para No.	Existing provision	Revised provision
10(bb) [new clause] added to Notification No. 251-Emp. dated 03.12.13	—	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.
10(dd) [new clause] added to Notification No. 251-Emp. dated 03.12.13	—	All cases of compassionate appointment should be disposed of by the Admn. Deptt. preferably within six months of the receipt of report of the 3 (three) member Screening-cum-Enquiry Committee.
14(bb) [new clause] added to Notification No. 251-Emp. dated 03.12.13	—	Any undisposed case where the death/incapacitation has occurred prior to issue of this order, 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.

A simplified application form/proforma will be introduced soon and will be sent to all the departments in due course.

A Checklist shall be prepared by the Labour Department and would be sent to all departments to examine each case properly and objectively. Each case must be examined apropos this Checklist, Report of the Screening-cum-Enquiry Committee and the Application of the concerned applicant.

This notification shall come into force immediately.

This order is issued with the concurrence of the Finance (Audit) Deptt. vide their U.O. No. 394 Gr. P2 dated 23.02.2016.

By order of the Governor

Sd/-

Anoop Kumar Agrawal

Secretary to the
Govt. of West Bengal