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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

WRITERS' BUILDINGS, KOLKATA-700001

No. 30-Emp.

Kolkata, the 2nd April, 2008.

**NOTIFICATION**

At present appointment on compassionate ground of the dependants of State Government employees who die in harness, or retire prematurely on being declared permanently incapacitated for service is governed by the provisions of Labour Department Notifications No. 97-Emp, dated 06-06-2005, read with Corrigendum No. 131-Emp, dated 26-08-2005, Corrigendum No. 151-Emp, dated 08-09-2005, Corrigendum No. 27-Emp, dated 08-02-2006, Memorandum No. 28-Emp, dated 08-02-2006 and Notifications No. 69-Emp, dated 26-06-2007 and 133-Emp, dated 01-10-2007. The Government had been, for some time past, considering the necessity of reviewing these provisions. After careful review of the matter, the Governor has now been pleased to rescind the Notification No. 97-Emp, dated 06-06-2005 along with corrigenda/orders/notification issued in the context of the said notification and restore the position which was prevailing prior to the issue of Notification No. 97-Emp, dated 06-06-2005, subject to such modifications and clarifications as specifically mentioned hereunder.

2. (1) One of the dependants of a Government employee who dies in harness or who retires prematurely on being declared permanently incapacitated may be offered appointment on compassionate ground if—

- (i) the family of the deceased or the retired employee as the case may be is in need of immediate assistance; and

- (ii) the employee had at the time of death or premature retirement at least two years of service left to reach the normal age of superannuation.

Provided that in the case of appointment of a dependant of a Government employee who retires prematurely on being declared permanently incapacitated all other conditions laid down in para A. 2 of Labour Department Notification No. 303-Emp/1M-10/2000, dated 21-08-2002 shall have to be fulfilled.

(2) For the purpose of appointment on compassionate ground, a dependant of a Government employee shall mean wife/husband/son/unmarried daughter of the employee, who is/was solely dependant on the Government employee.

3. One of the conditions that needs to be fulfilled for offering appointment on compassionate ground is that the family of the deceased or prematurely retired employee is in need of immediate financial assistance.

It is hereby clarified that the family of a deceased or prematurely retired employee shall be considered to be in need of immediate financial assistance, if any of the two conditions mentioned below below is satisfied.

- (a) The monthly income of the family falls below 80 per cent of the gross monthly salary of the employee before death or premature retirement.
- (b) 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 alongwith dearness pay, dearness allowance, house rent allowance and medical allowance.

The monthly income of the family shall mean the aggregate of :

- (a) Total family pension per month (Basic, Dearness Pension and Relief etc.)
- (b) 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 (GPF, Gratuity, Leave Encashment, any other payments).

Provided that, where an ex-employee had to incur medical expenses as indoor patient prior to and leading to his death/incapacitation, such expenses may be deducted from the amount received. All such expenses must be supported by original receipt/Cash memo, hospital discharge Certificates.

- (c) Monthly income from movable and immovable properties (the family members are expected to submit a declaration on the matter).

- (d) Monthly income of the dependents of the ex-employee named in the application (the family members are expected to submit a declaration on the matter).
4. The dependant of an employee seeking appointment on compassionate ground shall henceforth make an application in the prescribed proforma within six months from the date of death of the deceased employee or his retirement on permanent disablement. If no application is submitted within this stipulated period, it will be presumed that the family does not require immediate financial assistance.
5. All other provisions laid down in the Notification No. 301-Emp, & 303-Emp, dated 21-08-2002, to the extent those are not inconsistent with the provisions laid down in this Notification shall continue to apply.
6. All applications for appointment on compassionate ground shall henceforth be disposed of by the concerned administrative department in accordance with the provisions laid down in the notification. Approval of the Appointment Committee of the Cabinet will not be required for offering appointment in terms of this notification.
7. This Notification shall come into force immediately.
8. This issues with the concurrence of the Finance (Audit) Department vide their u.o. No.1154 Group 'P' (Service), dated 28-03-2008.

By order of the Governor,

**AMIT KIRAN DEB**  
Chief Secretary to the  
Government of West Bengal