

Compassionate Appointment – Clarifications

Government of West Bengal
Labour Department
Employment Cell
Writers' Buildings, Kolkata – 700 001

No. 82-Emp/Emp/3E-01/2004(Pt.IV), Dated: 10.06.2009

MEMORANDUM

Consequent upon issue of this department notification No. 30-Emp. dated 02-04-2008 and [No. 114-Emp dated 14-08-2008](#), certain points have been raised in connection with the disposal of cases of appointment on compassionate grounds to the dependents of employees who died-in-harness retired incapacitated. The undersigned is, therefore, directed, by order of the Governor, to circulate the following clarifications for information and guidance of all concerned:-

Points Raised (1)	Clarifications (2)
1. Whether all pending cases on which no decision has been taken as on 02-04-2008 the date from which new modifications took effect for any reason whatsoever, would come under purview of new modifications enforced under this Department Notification No. 30-Emp. dated 02-04-08 read with No. 114-Emp. dated 14-08-2008.	1. The reply is in the affirmative, irrespective Of the date of occurrence of death or incapacitation of the concerned Government employee.
2. There might be a number of cases where Nodal Committee in Labour Department/respective administrative department did not consider the applicants fit for employment and rejected their prayers for employment on compassionate ground following terms and conditions as were prevalent prior to introduction of new modifications under the aforementioned notifications. Whether such cases will be reexamined by the respective administrative departments and employment offered, if found admissible under new modifications.	2. The reply is in the affirmative. All such cases are required to be re-examined in the light of aforementioned modifications.
3. There were cases where the Nodal Committee in Labour Department had recommended payment of ex-gratia grant to some applicants to cope with the immediate need of assistance in the event of failure to satisfy the conditions of employment in terms of the length of service or age of the deceased/incapacitated Government employee. Whether such cases will be reviewed in the light of new modifications, if so applied for.	3. The reply is in the affirmative. In cases where the ex-gratia payment has already been made, the amount so received will have to be refunded in case employment is considered.
4. Whether any G.O. /Circular is relevant at present other than Notifications No. (i) 301-Emp. dated 21-08-02, (ii) 303-Emp.	4. The reply is in the negative. The position prevailing before

Points Raised (1)	Clarifications (2)
dated 21-08-02, (iii) 30-Emp. dated 02-04-08 and (iv) 114-Emp. dated 14-08-08 in course of dealing with the cases of appointment on compassionate ground in respect of dependants of Government employees dying-in-harness/retiring incapacitated.	issue of the Notification No. 97-Emp. dated 06-06-05 has been restored subject to new modifications laid down under notifications No. 30-Emp. dated 02-04-08 read with No. 114-Emp. dated 14-08-08.

This issues with the concurrence of Finance Department vide their U.O. No. 2707 Group 'P' (Service), dated 22-10-2008 and No. 3918 Group 'P' (Service) dated 14-05-2009.

Sd/-Talleen Kumar
Secretary to the
Government of West Bengal

No. 82-Emp dated 10.06.2009