

Employment on Compassionate Ground in WBTDCL

Government of West Bengal
Tourism Department
2 Brabourne Road, 4th floor Kolkata – 700 001

No. 869-TW/1T-57/09 Kolkata, the 13th September, 2010

NOTIFICATION

Consequent upon issue of Notification No. 142-EMP dated 01.11.2007 on the subject of employment on compassionate ground to the dependants of the concerned employees, attached to establishments of public undertakings, Government companies and local authorities, in the event of dying in harness, or being permanently incapacitated, the matter of framing a policy to be adopted in such cases of the employment for the statutory bodies and local authorities under this department, was under active consideration of this Department for some time past.

2. After careful consideration of the cases relating to public undertakings under the control of this Department namely the West Bengal Tourism Development Corporation Ltd. and keeping in view the provisions laid down under Labour Department's Notification No. 30-EMP dated 02.04.2008, [No. 114-EMP dated 14.08.2008](#), No. 301, 302 & 303-EMP all dated 21.08.2002, and Memo [No. 82-EMP dated 10.6.2009](#), the Governor is pleased to make the following policies for employment on compassionate ground in the establishment of the West Bengal Tourism Development Corporation Ltd. (hereinafter mentioned as WBTDCL):-

(1) One of the dependents of the employee in the whole time and regular employment of the Corporation, being either directly recruited by the Corporation or placed on deputation from the Directorate of Tourism and serving in different posts under WBTDCL in terms of Personnel Policy of the WBTDCL, who dies in-harness or who retires prematurely on being declared permanently incapacitated, may be offered [appointment on compassionate ground](#) if –

(a) the family of the deceased, or the prematurely retired employee as the case may be is in need of immediate financial assistance; and

(b) The employee, who retires prematurely on being declared permanently incapacitated, inter-alia,-

(i) had, at the time of premature retirement, at least two years' service left to reach the normal age of superannuation,

(ii) would not be entitled, on such premature retirement, to full pensionary benefits to which he/she would have otherwise been entitled if he/ she had retired at his/her normal age of superannuation.

(iii) has fully exhausted all kinds of leave with pay including commuted leave on medical ground.

Provided that in the case of appointment of a dependant of an employee who retires prematurely on being declared permanently incapacitated all other conditions laid down in Para -A.2 of Labour Deptt. Notification No. 303-EMP/1M -10/2000 dtd. 21.8.2002 shall have to be fulfilled.

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

(4) The family of the deceased or prematurely retired employee shall be considered to be in need of immediate financial assistance, if any of the two conditions mentioned below is satisfied:-

a) The monthly income of the family falls below 90% of the gross monthly salary of the employee

before death or premature retirement, as the case may be.

b) The monthly income of the family falls below the minimum salary of a Category 'D' employee (in case of Category 'D' employees), or the minimum salary of a Lower Division Clerk (in case of employees other than those belonging to Category 'D').

(5) The gross monthly salary, for the purpose of this Notification, shall mean Basic Pay along with Dearness Allowance, House Rent Allowance and Medical Allowance.

(6) The monthly income of the family shall mean the aggregate of:

(a) Total family pension per month (Basic Pension and Relief etc.), if covered under pension scheme.

(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 (Gratuity, Leave Encashment, any other payment excepting the GPF or CPF as the case may be).

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 dependants of the ex-employee, named in the application (the family members are expected to submit a declaration on the matter).

(7) The dependant of an employee, seeking appointment on compassionate ground, shall henceforth make an application, in prescribed proforma, within six months from the date of death of the deceased employee, or from the date of his premature 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.

(8) All other provisions laid down in the Labour Department Notifications No. 301-EMP & 303-EMP, dated 21.8.2002, to the extent those are not inconsistent with the provisions laid down in this Notification, shall apply. All applications for appointment on compassionate ground shall henceforth be disposed of by the WBTDCL in consultation with the Administrative Department and in accordance with the provisions laid down in this notification. Approval of the Appointment Committee of the Cabinet will not be required.

3. This notification shall come into force immediately.

4. This issues with the concurrence of the Labour Department vide U.O. [No. 4-EMP dated 07.01.2010](#) and Finance Department vide their U.O. No. 2180 Gr.'P' (Service) dated 16.7.2010 and Labour Department U.O. No. 140-Emp dt. 13.8.2010.

By order of the Government

Sd/- Raghavendra Singh
Principal Secretary, Tourism Department

No. 869-TW dated 13.09.2010