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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

NOTIFICATION

No. 301-EMP/1M-10/2000.—21st August 2002.—In exercise of the powers conferred by sub-section (a) 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 (West Bengal Act XIV of 1999), the Governor is pleased to declare following categories of persons as exempted categories for the purpose of the aforesaid Act :—

1. Dependants of employees dying in harness : A solely dependant wife/son/daughter/near relation of an employee who dies in harness leaving his family in immediate need of assistance.

A near relation of the deceased employee may be considered for employment on compassionate ground only when the son/daughter/wife of the deceased employee cannot be considered for employment owing to minor age or other disabilities. In such a case the employment of a near relation of the deceased employee may be considered only for providing assistance immediately needed by the family left behind by the deceased.

2. Dependants of employees retiring incapacitated : A solely dependant son/daughter/near relation of an employee who is disabled permanently or otherwise incapacitated rendering him unfit to continue in service and whose family is in need of immediate assistance.

A near relation of an employee, retiring incapacitated, may be considered for employment on compassionate ground when the son/daughter/wife of that employee cannot be considered for employment owing to minor age or other disabilities. In such a case the employment of a near relation of that employee may be considered only for providing assistance immediately needed by the family of that employee.

3. Persons belonging to the families of land losers : Candidates hailing from families who might have been uprooted from their places of residence due to acquisition of homestead land by the Government or whose main source of income is substantially affected due to loss of agricultural land as a result of the land in question being acquired by the Government for public purpose shall also be covered in this category.

Only one member from an uprooted/affected family shall be eligible for consideration against vacancies reserved for the exempted categories. This beneficiary should be either an awardee of compensation for acquisition of land or a member of the family of the awardee.

This shall be applicable only in respect of cases where the land in question has been acquired by the State Government on or after 17th October 1977.

4. **Ex-Census Employees :** (a) Ex-Census employees who worked in connection with 1981 Census Operation and who had put in at least six months' continuous service under the Director of Census Operations, West Bengal.
- (b) Ex-Census Enumerators/Supervisors of 1981 Census Operations and 1991 Census Operations holding authentic "Experience Certificate" issued by the Directorate of Census Operations, West Bengal or any other competent authority duly authorised by the said Directorate.
- (c) Persons holding 'Discharge Certificate' only shall not be considered for inclusion in the "Exempted Categories" since certificates granted by certain officials in some cases do not conform to the census frame-work communicated by the Directorate of Census Operations, West Bengal.

5. **Election job workers/Enumerators :** Election job workers and Enumerators as were engaged in the job during the revision/preparation of electoral rolls by the Home (C&E) Department between 1979 and 1st June, 2000 and who had put in a total of at least 240 days' (two hundred forty days) work during the said period.

This supersedes all earlier Circulars and Executive Orders issued from time to time, by the Government of West Bengal in the Labour Department relating to employment of persons belong to the Exempted Categories.

By order of the Governor,

A. M. CHAKRABARTI,

Principal Secy. to the Govt. of West Bengal.

NOTIFICATION

No. 302-EMP/IM-10/2000.—21st August 2002.—In exercise of the powers conferred by sub-section (b) 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 (West Bengal Act XIV of 1999), the Governor is pleased to order that of the total vacancies arising in a year under any appointing authority, other than the vacancies which are required to be filled up either on the recommendations of—

(a) the Public Service Commission, West Bengal

or

(b) the West Bengal College Service Commission

or

(c) the West Bengal School Service Commission

or

(d) the Municipal Service Commission

or

(e) the Co-operative Service Commission,

or by promotion, or by absorption of persons declared surplus by the State Government or by absorption of such categories of casual workers and other workers as the State Government may by notification specify from time to time, 30% shall be treated as reserved to be filled up by persons falling within the exempted categories notified under sub-section (a) of section 3 of the aforesaid Act.

By order of the Governor,

A. M. CHAKRABARTI,

Principal Secy. to the Govt. of West Bengal.

NOTIFICATION

No. 303-EMP/1M-10/2000.— 21st August 2002. — In exercise of the powers conferred by sub-section (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 (West Bengal Act XIV of 1999), the Governor is pleased to prescribe the following procedures for filling up the vacancies reserved for the Exempted Categories as specified under sub-section (a) of section 3 of the aforesaid Act. —

A. GENERAL PROCEDURE TO BE FOLLOWED IN RESPECT OF DIFFERENT EXEMPTED CATEGORIES :

1. **Dependants of persons who died in harness :** None except wife/son/daughter/near relation of the deceased employee and solely dependent on the earnings of the deceased employee, shall be eligible for consideration for such employment. The benefit will be admissible if the family, left behind by the deceased employee, is in immediate need of assistance and such employment on compassionate ground is absolutely essential to support the family of the deceased. A person belonging to a completely separate family shall not be treated as solely dependent on the deceased employee for the purpose of such employment on compassionate ground.

The wife/son/daughter/near relation of an employee who died in harness, may apply to the appointing authority through the Head of the Office of the employee in a prescribed form as per Part I & II of Annexure 'A' along with a copy of death certificate praying for employment to support the family of the deceased employee. On receipt of such application the appointing authority shall form an enquiry committee of senior officials not less than three in number. The committee so formed shall make an enquiry about the genuineness of the prayer as well as the financial condition of the family of the deceased employee and submit a report as per Annexure 'A' to the appointing authority. The appointing authority will forward the case together with his views, recorded in Annexure 'A', to the Administrative Department concerned for consideration. If it is decided by the administrative department to be a fit case for offering employment on compassionate ground, a suitable vacancy may be identified under the appointing authority concerned for providing employment subject to the condition that the candidate satisfies the qualification and other requirements prescribed for recruitment to the post. If a suitable vacancy is not available under the appointing authority concerned the administrative department may identify suitable vacancy under some other appointing authority under its administrative control for providing employment. The administrative department will forward the case with suitable directions, to the appointing authority, in whose establishment the vacancy has been identified. In the event of non-availability of berth for accommodating such a case the administrative department concerned will have to move other departments for suitable berth. When a suitable vacancy is available in some other department to accommodate the case the Administrative Department will forward the case along with relevant papers to that department for further action. The Department having vacancy in the Exempted Category of posts will provide employment to the wife/son/daughter/near relation of the employee, who died in harness, subject to observance of relevant conditions and formalities.

2. **Dependants of employees who retired being incapacitated :** (1) The benefit of the offer of employment on compassionate ground to a dependent wife/son/daughter/near relation of an employee retiring prematurely owing to being disabled permanently or otherwise incapacitated rendering him/her unfit to continue in service will be available, if and only if such employee fulfils all the following conditions :

- (i) 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 ;
- (ii) He/she has fully exhausted all kinds of leave with pay including commuted leave on medical ground ;
- (iii) He/she had two years of service or more left to reach the age of superannuation ; and
- (iv) The financial condition of the family is so acute as to make the appointment essential consequent upon the fall in income due to such retirement.

(2) None except a son/daughter/near relation who is/was solely dependent on the earnings of the incapacitated employee, will be eligible for such appointment on compassionate ground. A person belonging to a completely separate family shall not be treated as solely dependent on the employee for the purpose of such employment on compassionate ground.

(3) The employee or his son/daughter/near relation shall apply to the controlling authority of the employee in the prescribed form as Part-I and Part-II of Annexure 'B' along with a medical certificate. On receipt of the said application the controlling officer should form an enquiry committee consisting of senior officials being not less than three in number. The

committee so formed will make an enquiry about the facts and merit of the prayer as well as the financial condition of the family of the employee and submit a report to the controlling officer. The controlling officer will forward the report of enquiry along with his comments to the appointing authority/pension sanctioning authority through proper channel. The appointing authority will then arrange for examination of the employee concerned by the Director of Health Services or by any Medical Board or a Medical Officer authorised by the Director of Health Services for the purpose. The application, the enquiry report and the certificate of the Director of Health Services or the Medical Board of the Medical Officer authorised by the Director of Health Services will then be submitted to the administrative department concerned of the State Government for a final decision.

(4) If an employee retires on the ground of permanent disablement or incapacitation he/she will not be entitled to re-appointment / re-employment. Rule 78 of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 will not be applicable to such cases.

(5) If it is decided by the Administrative Department to be a fit case for offering employment on compassionate ground a suitable vacancy is to be identified under the appointing authority concerned for providing employment subject to the condition that the candidate satisfies the qualification and other requirements prescribed for recruitment to the post.

(6) Special cases, where relaxation of any or all the aforesaid conditions is considered imperative, should be referred by the administrative department concerned to the Labour Department for examination.

3. Persons belonging to the families of Land Loser : (1) For the purpose of enlistment of eligible persons of this category the Government may constitute a screening committee for a District/Sub-Division. The Screening Committee will prepare a combined list in order of priority for families affected by acquisition of land and forward the same to the District Magistrate concerned. Till such Committee is formed the District Magistrate concerned will prepare the list of eligible persons of this category.

(2) Only one member of a family of land loser will be eligible for consideration for enlistment in the exempted category. The beneficiary should be either an awardee of compensation for acquisition of land or a member of his family as may be nominated by the awardee.

(3) The order of priority in the list will be determined by the date of acquisition in chronological order.

(4) The priority list should contain the name of the persons seeking employment, the nature and quantum of land acquired and quantum of land owned by the family, the employment status and earnings of the members of the family. The date of birth, educational standard of the enlisted person should be indicated in the list. If any such person belongs to the Scheduled Castes, Scheduled Tribes or Backward Classes that should be indicated against his name. In case of persons with disabilities the nature of disabilities may also be indicated.

(5) In case of any doubt regarding the eligibility of a person and/or other connected issue reference may be made to the Labour Department for clarification and/or decision.

(6) The District Magistrate concerned will forward the list of eligible persons to the Director of Employment, West Bengal, and advise the enlisted persons to enroll their names in the Exempted Category Cell of the Directorate of Employment, West Bengal, at 67, Bentinck Street, Kolkata-700069, by producing supporting papers. List of eligible persons of the category of land losers already prepared and maintained by the District Magistrates in terms of the earlier circulars issued by the Labour Department shall also be forwarded to the Director of Employment, West Bengal. The District Magistrate, concerned, shall advise such enlisted persons to get their names enrolled in the Exempted Category Cell of the Directorate of Employment by producing supporting papers.

(7) The Director of Employment, West Bengal, will maintain the list of eligible persons belonging to the exempted category of land losers as enrolled in the Exempted Category Cell along with the lists of eligible persons included in other exempted categories.

4. Ex-Census Employees : The Director of Employment, West Bengal, will maintain the list of eligible persons of this category on the basis of enrolment in the Exempted Category Cell of the Directorate of Employment.

5. Election Job Workers and Enumerators : The Home (C & E) Department will forward the names of eligible Election Job Workers and Enumerators, who have put 'at least 240 days' (Two hundred forty days) work upto 1st June, 2000, to the

Director of Employment, West Bengal for enrolment in the Exempted Category under the Directorate of Employment. The Director of Employment, West Bwngal, will maintain a list of eligible persons of this category as enrolled in the Exempted Category Cell of the Directorate of Employment.

B. REPORTING VACANCIES RESERVED FOR E. C. & SPONSORING OF NAMES :

For the purpose of filling up the vacancies reserved for the exempted category other than those falling under the categories mentioned at para 1 & 2 of 'A', the appointing authority concerned shall write to the Director of Employment, West Bengal for names of candidates indicating necessary particulars of the vacancies. The Director of Employment will send names of the candidates out of the list maintained by him for different exempted categories. Names of candidates to be considered for vacancies reserved for the exempted categories should be sponsored in order of seniority, based on the length of period of enlistment, and the principle of rotation and also with due regard to the statutory provisions for reservation for the Scheduled Castes, the Scheduled Tribes, the Backward Classes and the persons with Disabilities. It should be ensured further that the candidates satisfy the qualification and other requirements prescribed for recruitment to the post/posts.

C. ROSTER OF VACANCIES AND STATUTORY PROVISION FOR RESERVATION :

Roster points showing reservation for the exempted categories notified in terms of sub-section (b) of section 3 of the aforesaid Act and indicated in the 100 point roster notified under section 14 of the aforesaid Act should be strictly followed and the statutory reservation prescribed for the SC/ST/Backward Classes and Persons with Disabilities should also be observed while filling up the vacancies by exempted categories.

D. OVERRIDING PRIORITIES IN RESPECT OF CERTAIN EXEMPTED CATEGORIES :

Persons belonging to the following exempted categories, where a job is to be offered on compassionate ground, will have overriding priority and precedence over others in the matter of placement, whether a particular vacancy occurring at that time under any appointing authority is reserved for the exempted categories or not, namely : —

- (a) Exempted Category — Dependents of a person, who died in harness ;
- (b) Exempted Category — Dependents of a person, who retired incapacitated.

Amongst these two exempted categories (a) will get precedence over (b).

In case the vacancy, filled up as above, is not within 30% reserved for the exempted categories necessary adjustment should be made on availability of next vacancy in the exempted category.

E. VERIFICATION OF ANTECEDENTS AND MEDICAL FITNESS :

In filling up the vacancies by persons of exempted categories the appointing authority shall observe the formalities like verification of antecedents, medical examination etc.

This supersedes all earlier circulars and Executive orders issued from time to time, by the Government of West Bengal in the Labour Department relating to employment of persons belonging to Exempted Categories.

By order of the Governor,

A. M. CHAKRABARTI,

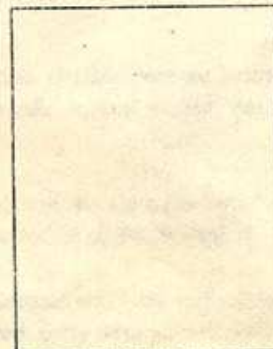
Principal Secy. to the Govt. of West Bengal.

**PROFORMA REGARDING EMPLOYMENT OF DEPENDANTS
OF GOVT. EMPLOYEES DYING WHILE IN SERVICE**

Part I

(To be filled in by the Applicant)

1. (a) Name of the deceased employee :
- (b) Designation of the ex-employee :
- (c) Name of the office with address :
- (d) Date of birth of the deceased :
- (e) Date of death of the deceased :
(Attested copy of death certificate to be enclosed)
- (f) Date of joining the Govt. service :
- (g) Total length of service rendered :
- (h) Whether belonging to SC/ST/BC :
(Attested copy of certificate to be enclosed)
- (i) Monthly salary drawn by the deceased in the last month—Total emoluments (Pay & other allowances) : Basic Pay : Total :
2. (a) Name of the candidate praying for appointment on :
compassionate ground.
- (b) His/Her relationship with the ex-employee :
- (c) Date of birth of the applicant :
- (d) Educational Qualifications :
- (e) Whether fully dependent on the ex-employee :
- (f) Whether any other dependent has been appointed :
on compassionate ground
- (g) Particulars of Employment Exchange Card :
(if registered)
- (h) Whether received any financial assistance under :
any Self Employment Scheme such as SESRU,
SEP, etc.
- (i) Two passport size photographs of the candidate :
duly authenticated by the competent authority,
(one of which to be affixed on the space
marked).



Part II
(To be filled in by the Applicant)

1. Particulars of total assets left (owned/received/entitled to) :

- | | | | |
|---------------------------------------------------------------------------------|--------|---------|--------|
| (a) Family Pension : | Basic: | Total : | ason : |
| (b) (i) Death gratuity | : | | |
| (ii) G.P.F. Balance | : | | |
| (iii) Group Insurance | : | | |
| (iv) Encashment of Leave | : | | |
| (v) L. I. Policies (including P.L.I.) | : | | |
| (vi) Movable and immovable properties and annual income therefrom by the family | : | | |
| (vii) Any other assets | : | | |

2. Brief particulars of Liabilities, if any (Documentary evidence to be enclosed) :

3. Particulars of all dependants of the deceased :

Sl No.	Name	Age	Educational Qualifications	Relationship with the deceased	Living separately or with the family
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					
3.					
4.					

Marital Status	Particulars of occupation/employment. (if already employed)	Gross Salary (if employed)
(7)	(8)	(9)

4. Signature/L. T. I. of the other dependants of the family given the "No Objection" in favour of this application for employment on compassionate ground.

- (i)
(ii)
(iii)

DECLARATION

I do hereby declare that particulars given by me above are correct. If any of the particulars herein mentioned are found to be incorrect or false at the future date, my service may be terminated.

Date :

Address of the Candidate :

Shri/Smt.
correct.

Signature of the Candidate

..... is known to me and the particulars mentioned are

Signature of a permanent Govt. employee of the same office

Designation :

Date :

Office Address :

Part III

(To be filled in by the office)

- 1. Report of Enquiry Committee regarding particulars furnished by the applicant in Part I & Part II of the Proforma.
- 2. Comments of Controlling Officer

Part IV

- 1. (a) Name of the deceased : _____
- (b) Designation : _____
- (c) Total emoluments last drawn (Pay & Allowances) : _____
- 2. (a) Name of the Candidate : _____
- (b) His/Her relation with the deceased : _____
- 3. (a) Family Pension : Basic : _____
- (b) Amounts received/entitled to receive from Govt. as death benefits including others (in total) : _____
- (c) Amounts received/entitled to receive from other sources such as L. I. Policies/P.L.I./Personal Savings, etc. : _____
- (d) Movable and immovable properties and annual income earned therefrom by the family. : _____
- 4. (a) Educational Qualification of the candidate : _____
- (b) Date of birth : _____
- (c) Whether S.C./S.T./B.C. : _____
- (d) Post for which employment is proposed : _____
- (e) Is the vacancy reserved for E.C. ? : _____
- (f) Whether the post reserved for S.C./S.T./B.C. : _____
- (g) Is the post supposed to be filled up by promotion or by direct recruitment through the P.S.C. ? : _____
- (h) Whether the candidate fulfils the requirements of the Recruitment Rules for the post : _____
- (i) Is any relaxation of rule etc. required ? : _____
- (j) Have the particulars mentioned in Part I, Part II and Part III and above been verified by the office ? If so, indicate the reports : _____
- (k) Decision of the appointing authority : _____

Particulars of total assets for (To be filled in by the Applicant)

(a) Family Pension : _____

(b) Bank Balance : _____

(c) G.P.F. Balance : _____

(d) Group Insurance : _____

(e) Investment of Income : _____

(f) Movable and immovable properties and annual income therefrom by the family : _____

(g) Any other assets : _____

Particulars of liabilities (if any) (Documentary evidence to be enclosed)

(i) Particulars of all dependants of the deceased : _____

(ii) Total : as on _____

(iii) Educational : _____

(iv) Life Insurance : _____

(v) Other : _____

Signature of the Candidate : _____

Address of the Candidate : _____

Date : _____

Signature of the Appointing Authority. _____

Seal : _____

Part II
ANNEXURE B

APPLICATION FOR PREMATURE RETIREMENT DUE TO PERMANENT INCAPACITATION AND APPOINTMENT FOR SON/DAUGHTER/WIFE/NEAR RELATION ON COMPASSIONATE GROUND

	Part I	Age	Name	Sl. No.
	Educational Qualification		(IN CAPITAL LETTER)	
1. Name of employee	:			
2. Name of office where employed at present	:			
3. Designation	:			
4. Date of birth of the employee	:			
5. Date of joining the Government service	:			
6. Total length of service	:			
7. Date of normal retirement	:			
8. Whether belongs to SC/ST/BC	:			
9. Total emoluments (Pay & Other allowances)	:			
10. The reasons for being permanently incapacitated	:			
11. Name of the Medical Practitioner, whose certificate is enclosed	:			
12. Registration No. and address of the registered medical practitioner whose certificate is <u>enclosed</u>	:			
13. Is son/daughter/wife/husband/near relation seeking Government job on compassionate grounds ?	:			

NOTE : If answer to Sl. No. 13 is 'No', **Part II** need not be filled up.



(Signature / LTI of the employee)

Part II

1. Details about financial condition of family members
(son/daughter/wife/husband/near relation) :

Sl. No.	Name	Age	Educational qualification	Relationship with the employee	Living separately or with the employee

Sl. No.	Marital status	Particulars of occupation/employment	Particulars of income from movable/immovable property

2. Particulars of total assets of the employee (Owned/received/entitled to) as on the date of application including the amount of :

- (a) Pension :
 (b) Gratuity :
 (c) GPF Balance :
 (d) Group Insurance :
 (e) LIC policies :
 (f) Leave encashment benefit :
 (g) Movable & Immovable Properties and income from it :
 (h) Others :

3. (a) Name of the Candidate seeking employment :

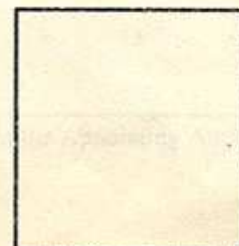
(b) Relationship with the Government employee :

4. Whether fully dependent on the employee :

5. Particulars of Employment :

(a) Exchange Card (if registered) :

(b) One Passport-size photograph of the candidate duly authenticated by the competent authority to be affixed on the space marked.



- 6. Educational qualification and experience of the candidate :
- 7. Date of Birth :
- 8. Has the candidate been financed under any employment scheme like SESRU/SEPUP, etc. :
- 9. Has any dependant been appointment on compassionate ground ? :
- 10. Enclose two copies of photograph of the candidate duly countersigned. :
- 11. Have other members of the family given NO :
OBJECTION in favour of the candidate (Attested copies to be enclosed).
- 12. Particulars of liabilities (if any) :
(Documentary evidence to be enclosed).

Declaration : I/We do hereby declare that the particulars given by me/us above are correct. If, any of the above particulars are found incorrect or false at a future date, I/We shall be liable to disciplinary/penal action including termination of service.

(Signature of the employee)

(Signature of the candidate)

DECLARATION BY THE CANDIDATE

I further declare that after my employment on compassionate ground I shall maintain

Shri/Sm. and his/her family.
(Name of incapacitated employee)

Witnesses :

(Two permanent employees of the same office).

(1) Signature
Name & Designation

(2) Signature
Name & Designation

Signature of Candidate

Name & Address.

Part III

Report of the Inquiry Committee.

Part IV

Comments of the Controlling Officer.

Part V

Report of medical examination arranged by DHS or conducted by Medical Officer/Board authorised by him.
(Report to be enclosed)

2. Date of retirement due to permanent incapacitation
(Attested copy of the order issued by the Deptt./Office to be enclosed).

(To be filled by the Officer)

Part VI

1. Is any leave due to the employer :
2. If, so, details thereof :
3. Details of retirement benefits :

As on the date of applicationAs on the normal date of retirement

(a) Pension :

(b) Gratuity :

(c) Others :

4. Post for employment is proposed :
5. Is the post supposed to be filled up by promotion or by direct recruitment on recommendation of the Public Service Commission ? :
6. Is the vacancy reserved for SC/ST/BC ? :
7. Does a vacancy under exempted category exist ? :
8. Name of the candidate :
9. Does the candidate fulfil requirements of the recruitment rules for the post ? :
10. Is any relaxation of rule etc. required ? :
11. Have the facts mentioned in parts I, II and above been verified by the office ? If so, indicate the reports :
12. Personal recommendation of the appointing authority :

(Signature of the appointing authority)
Designation.