

**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. Dependents of employees dying in harness : A solely dependent 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. Dependents of employees retiring incapacitated : A solely dependent 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 and 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 authorized 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 Operation, West Bengal.

5. Election Job Workers/Enumerators : Election job workers and Enumerators as were engaged in the job during the revision/preparation of electoral roles 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/1M-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 within (West Bengal Act XIV of 1999), the Governor is pleased to order that of the local 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 procedure 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. Dependents 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 enquiring 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 direction, to the appointing authority, in whose establishment the vacancy has been identified. In the event of non availability of the 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 the 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. Dependents 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 fulfil 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 authorized 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 authorized 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 imparative, 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 acquire 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 persons 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-700 069, 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 the 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 Bengal, 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 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 in 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

