

I. APPOINTMENT
(including appointment on compassionate grounds, for exempted category & of disabled persons)

Government of West Bengal
Home Department
Political

No. 1835-P.S.

Calcutta, the 4th August, 1977

From : Shri B. Mukhopadhyay,
Secretary to the Govt. of West Bengal

To (1) Department of this Government.
(2) The Secretary to the Governor, West Bengal

Subject : Verification of character and antecedents of candidates for appointment under the State Government.

Instructions relating to verification of character and antecedents of candidates seeking employment under the Government of West Bengal as contained in this Department Memo. Nos. 805 P.S. dated the 18th May, 1967 and No. 589 P.S. dated the 31st May, 1972 have since been reviewed by this Government and it has been decided that :

- (i) verification of antecedents of candidates should be made invariably before making appointments to both permanent and temporary posts in both superior and inferior services under the State Government and in any State Government Undertaking or Organization wholly or partially owned by State Government;
 - (ii) a candidate with a record of past criminal activities may be declared unsuitable for employment under the State Government or any State Government Undertaking/ Organization but no candidate shall be considered unsuitable for employment under the State Government or in any State Government undertaking/ Organization by reasons only of the fact that he is or was a member of, or is or was associated or connected with the activities of any political party, group or organization prior to his appointment.
 - (iii) once verification of antecedents of an employee has been made at the time of his initial appointment under the State Government or in any State Government Undertaking/ Organization, no fresh verification of antecedents of the employee will be required when his tenure is proposed to be made permanent or quasi-permanent.
2. The procedure for verification of character and antecedents seeking employment under the Government of West Bengal as laid down in this Department Memo No. 1095 P.S. dated the 6th September, 1958 will continue to be observed.

3. It may kindly be ensured that these revised instructions are strictly followed henceforth.

B. Mukhopadhyay
Secretary to the
Govt. of West Bengal

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Government of West Bengal
Home Department
Political

MEMORANDUM

No. 1839-P.S.

Calcutta, the 5th August, 1977

From : Shri B.R. Gupta,
Chief Secretary to the Govt. of West Bengal

To : The
Department of this Government.

The undersigned is directed by order of the Governor to say that on a recent review of the policy of the Government regarding verification of character and antecedents of candidates seeking

employment under the State Government and in any State Government Undertaking or Organization wholly or partially owned by the State Government, the following decisions have been taken :

- (i) cases of Government employees whose services had been terminated because of adverse police reports on political grounds should be reviewed with the object of assessing their suitability for re-appointment to the posts held by them prior to termination of their service;
- (ii) cases of candidates who had not been allowed to join Government services in the past as they were declared unsuitable on political grounds should be reviewed for the purpose of assessing their suitability for appointments under the Government.
- (iii) case of Government employees whose promotions and other service benefits had been withheld on adverse police reports on political grounds should also be reviewed for the purpose of giving them the admissible benefits;
- (iv) no Government employee should be debarred from promotion and other service benefits on political grounds.

2. It is requested that details of cases, if any, of candidates declared unsuitable for employment under your department or under any Undertaking / Organization under the administrative control of your Department as also cases of employees whose services had been terminated on adverse police reports on political grounds may be furnished in the light of the Government's decisions enunciated above.

3. Cases of Government employees whose promotion and other benefits had been withheld on adverse police reports on political grounds should also be reviewed at this end for the purpose of giving them the relevant benefits.

4. It has also been decided that review of all such cases should be completed within a period of 3 months from the date of issue of this order. It is accordingly requested that immediate steps may kindly be taken to complete the review within the time limit fixed.

B.R. Gupta
Chief Secy. to the
Government of West Bengal.

[to be substituted for the memo bearing the same number and date]

Government of West Bengal
Home Department
Political

No. 2165-P.S.

Calcutta, the 15th September, 1977

From : Shri B. Mukhopadhyay,
Secretary to the Govt. of West Bengal

To (1) Department of this Government.
(2) The Secretary to the Governor, West Bengal

Subject : Verification of character and antecedents of candidates for appointment under the State Government.

Reference this Department Memo No.1835-P.S., dated the 4th August, 1977.

2. It has been decided that verification of antecedents may be dispensed with in the case of temporary employees of the State Government and all Undertakings/ Organization, wholly or partially owned by the Government, who have already been in continuous service for more than ten years, even though no verification of their antecedents had been made at an earlier date.

B. Mukhopadhyay
Secretary to the Govt. of West Bengal.

**Government of West Bengal
Labour Department**

No. 5120(60) LW

Calcutta, the 17th October, 1977

From : The Chief Secretary to the Government of West Bengal

To : (1) The Commissioner,
(2) The Secretary,
(3) The District Magistrate,

Subject : Compulsory recruitment through Employment Exchanges in all non-P.S.C. vacancies in the State Government establishments, State Government undertakings, Quasi-Government establishments and Local Bodies.

Sir,

I am directed to state that Government have decided that in future all recruitment in the State Government Establishments, the State Government Undertakings, Quasi-Government Establishments and Local Bodies under the Government shall be made through the Employment Exchanges with a view to providing equal opportunity to all in the State in the matter of employment. In pursuance of this decision, henceforward, all recruitment to posts under the Government should be made strictly according to the procedure laid down below;

(1) All vacancies arising in State Government Establishments, State Government Undertakings, Quasi-Government Establishments and Local Bodies where recruitment is not made through Public Service Commission, or by way of normal promotion, or by absorption of personnel declared surplus by the Government shall, as a rule, be filled up through the Employment Exchanges. For this purpose, and as also required by the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959, all employing authorities under the State Government including the State Government Undertakings, Quasi-Government Establishments and Local Bodies shall notify to the appropriate Employment Exchange all vacancies that may occur in their establishments from time to time.

(2) In the following categories of cases, however, the Employing Authorities will be competent without referring to the Employment Exchanges to give appointments –

- (i) to candidates hailing from families who might have been uprooted from their places of residence as a result of the land in question being acquired by the Government for development projects like setting up a power plant or a township etc., as in Haldia. Only one member from an uprooted family shall be eligible for such special preference for jobs in and around the area acquired;
- (ii) to a son/daughter/near relation of a Government servant who dies in harness leaving his family in immediate need of assistance. Such compassionate appointment should be made provided the dependant possesses prescribed qualification according to recruitment rules;
- (iii) to trade apprentices who might have had training in the undertakings, to the skilled or semi-skilled posts in the Government-run industrial undertakings, in preference to others, provided they have the requisite qualification for the job and their names are enrolled with the Employment Exchanges;
- (iv) to suitable ex-industrial Census personnel who were retrenched with effect from the 1st February, 1975 by the Cottage and Small Scale Industries Department of the State Government, ex-Census employees who have not been absorbed in service either under the State Government or in any Public Sector Undertaking of the State Government, and ex-employees of Refugee, Relief and Rehabilitation Department of State Government (Ex-Sibir Karmacharies who served in connection with the relief and rehabilitation of the Refugees from Pakistan and Bangladesh) who have put in at least six months' continuous service in their previous jobs.

(3) The Government will otherwise also be free to absorb or direct the absorption, in existing or new vacancies, of staff which may be surplus to existing requirement.

(4) 10% of the vacancies in each of the categories of Class III posts and 20% of the vacancies in each of the categories of Class IV posts shall be reserved for being filled by ex-servicemen in accordance

with the ex-servicemen (Reservation of Vacancies in the State Services and Posts, Class III and Class IV) Rules, 1975.

(5) Names of unemployed persons are to be forwarded to the employers by the Employment Exchanges generally in order of seniority, that is to say, length of the period of enrolment. The idea is that where other factors and requirement in respect of qualification are identical, priority in the matter of appointment is to be given to those who enroll their names earlier unless they have already been given adequate chance or are already employed in comparable scales. Other provisions of the Employment Exchange Manual shall be strictly followed.

(6) In order to enable the employing authorities to fulfil the requirements of West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Service and Posts) Act, 1976, the Employment Exchanges shall also forward to the former (Employing Authorities) names of an adequate number of Scheduled Castes and Scheduled Tribes candidates enrolled with them, even though these candidates might not satisfy the test of seniority as in (5) above. The Employment Exchanges should also try to give greater priority to candidates from backward areas. Government will issue executive instructions as to which areas are to be treated as backward for this purpose. It will be incumbent upon the Employing Authorities to indicate which of the posts are to be filled up by Scheduled Castes and Scheduled Tribes candidates, when they seek for names from the Exchanges.

(7) It has been decided that the above mentioned measures will come into force with immediate effect.

I am, therefore, to request you to please instruct all the Subordinate Offices and Undertakings under your administrative control to strictly comply with the above mentioned decisions in matters of recruitment.

Yours faithfully,
A.K. Sen
Chief Secretary.

Employment Policy Circulars

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Government of West Bengal
Labour Department

No.129(60)-LW

Calcutta, the 25th January, 1978

From : Sri A.K. Sen, I.A.S.
Chief Secretary
West Bengal.

To :

Sir,

In continuation of the Labour Department's Circular No.5120(60) LW dated 17.10.77 on the subject of compulsory recruitment through the Employment Exchanges, I am directed to state that the Government has since taken the following further decisions in the matter.

(1) The exempted categories, as enumerated in the Circular No.5120(60)LW dated 17.10.77, in respect of which only recruitment may be made other than through the Employment Exchanges, will also include members (sons/daughters/ dependants) of a family any one of which might have lost his life as a result of participation in or association with any political, democratic movement during the period from 1970 onwards, i.e. after the fall of the Second United Front Government. A list of such families which have suffered in the manner stated before will be separately compiled by the Government and will be communicated in due course to the Employing Authorities.

(2) Of the total vacancies arising in a year under any Employing Authority, 30% shall be treated as reserved to be filled up by persons falling within the Exempted Categories. The remaining vacancies (70%) shall be filled up exclusively through the Employment Exchanges. A Model Roster will be drawn up by the Government indicating how vacancies, to be filled up other than through the Employment Exchanges, shall be apportioned amongst the different Exempted Categories. Copies of the Roster will be sent to the different Employing Authorities to be acted upon by them while filling up the vacancies reserved for the Exempted Categories. For the vacancies not reserved, Employing Authorities will contact the nearest Exchange for submission of names of candidates.

(3) In all the Employment Exchanges in the State, Government will set up Advisory Committees. The Functions of these Committees will be to screen and scrutinize the names sponsored by the Employment Exchanges against requisitions placed by the Employing Authorities. The Advisory Committees will ensure that there is no irregularity in sponsoring names of candidates by the Employment Exchanges and that names are forwarded according to the precedence of registration.

(4) For recruitment to non P.S.C. posts, either through the Employment Exchanges or from amongst the Exempted Categories, the maximum age for eligibility of candidates will be raised to 35 years from the present maximum of 30 years.

(5) Restrictions earlier imposed on fresh recruitment to posts in the State Government Establishments, Undertakings, Quasi-Government Establishments and Local Bodies shall be revoked with immediate effect. All Employing Authorities may start filling up the non-P.S.C. vacancies under them immediately. While filling up the vacancies, the Employing Authorities shall follow the principles enunciated in the Government Memo No.5120(60)-LW. dated 17.10.77, as further elaborated in the present Memo. Till, however, the Model Roster indicating apportionment of reserved vacancies amongst the different Exempted Categories is drawn up by the Government and circulated to all for guidance, recruitment may be made through the Employment Exchanges within the quota of 70% earmarked for recruitment through this channel.

All Employing Authorities under your administrative control may be advised to take immediate action in the matter.

Yours faithfully,
A.K. Sen
Chief Secretary

Employment Policy Circulars

Government of West Bengal
Labour Department

No.130(60)-LW
LW/ 2E-77/77

Calcutta, the 25th January, 1978

From : The Secretary to the Government of West Bengal

To :

Sir,

In continuation of the Circulars issued by the Chief Secretary [Nos. 5120(60)-LW and 129(60)-LW dated 17.10.77 and 25.01.78 respectively], I am directed to state that Government has considered the steps to be taken to implement the decisions taken regarding channelling recruitment, excepting in respect of certain categories, through the Employment Exchanges. The method to be followed in this respect is laid down below for the guidance of all Employing Authorities;

1. All vacancies should be notified to the nearest Employment Exchanges. A copy of the list of different Employment Exchanges in the districts and sub-divisions is enclosed.
2. For 70% of posts earmarked for exclusive recruitment through the Employment Exchanges, the Employing Authorities will contact the nearest Employment Exchanges and place their requirement of men. The requisitions from the Employing Authorities shall contain details of Job-specification and qualification needed. Employment Exchanges will send names to the Employing Authorities as per their requisitions according to the norm laid down in the Employment Exchange Manual.
3. It will have been noted from the Circulars of the Chief Secretary that some class of persons have been included in the exempted category and it has also been laid down that in respect of these reserved vacancies, it will not be necessary for the Employing Authorities to place any requisitions for candidates with the Employment Exchanges.

It is, however, necessary to indicate to the Employing Authorities what shall be the manner of filling up the reserved vacancies and wherefrom – the names of persons falling within the exempted categories will be available.

3.1 So far as the ex-Census Workers, ex-Industrial Census Workers and ex-Shibir Karmacharies are concerned, the Director of National Employment Exchange, has been asked to open a special cell in his office to maintain a running list of persons belonging to these categories.

The Departments concerned under whom these categories of persons might have worked will forward the names of such persons to the D.N.E.S. Employing Officers may write direct to the D.N.E.S. for making available to them persons from these lists when it comes to filling up vacancies which should be treated as reserved.

3.2 A separate procedure is being worked out for compiling the list of persons belonging to families any one of which might have lost his life in connection with political, democratic movements from 1970 onwards. When the list is compiled, it will likewise be maintained by the D.N.E.S. and the Employing Authorities will get in touch with the D.N.E.S. for getting names from this list. As will be appreciated, it will take some time before the list is drawn up.

3.3 District Magistrates and Sub-Divisional Officers will have with them names of persons who might have been evicted from their homestead land as a result of development programmes of the Government having been undertaken in that area. For this category of people, therefore, no reference is to be made to the Director of National Employment Exchange. For offices located in a District where this type of eviction has taken place, the line of action would be that the Employing Authorities will write to the D.M/S.D.O for getting names from this category for filling up vacancies in the reserved quota.

3.4 Cases where on compassionate ground a son or a relation of a person dying in harness is to be offered a job, will have precedence over others in the matter of placement, whether a particular vacancy occurring at that time is a reserved one or not. This category of persons will have an overriding priority in the matter of placement against vacancies arising under any of the Employing Authorities.

4. A model Roster of how the posts may be filled up by rotation amongst the exempted categories and others is spelt out below for the guidance of the Employing Authorities. This may be followed in all cases. Starting with immediate effect, the following Roster of 20 vacancies should be followed by all Employing Establishments for each class of vacancies:

- (1) Unreserved
- (2) Unreserved
- (3) Unreserved
- (4) Exempted Categories
- (5) Exempted Categories
- (6) Unreserved
- (7) Unreserved
- (8) Exempted Categories
- (9) Unreserved
- (10) Unreserved
- (11) Exempted Categories
- (12) Unreserved
- (13) Unreserved
- (14) Exempted Categories
- (15) Unreserved
- (16) Unreserved
- (17) Unreserved
- (18) Exempted Categories
- (19) Unreserved
- (20) Unreserved

The unreserved categories will be filled up through the Employment Exchanges.

Action may now be taken with immediate effect for notifying and filling up the existing vacancies in the manner indicated before.

Yours faithfully,
R.N. Sengupta
Secretary.

**Government of West Bengal
Labour Department**

No.196(60)-EMP

Calcutta, the 19th June, 1978

From : The Chief Secretary to the Government of West Bengal

To : (1) The Commissioner,
(2) The Secretary,
(3) The District Magistrate,

Subject : Compulsory recruitment through Employment Exchanges in all non-P.S.C. vacancies in the State Government establishments, State Government Undertaking, Quasi-Government establishment and Local Bodies.

Sir,

In continuation of Labour Department Circulars Nos. 5120(60)-LW dated 17.10.77, No.129(60)-LW dated 25.01.78 and No.130(60)-LW dated 25.1.78 on the above subject, I am directed to state that the Government has since taken the following further decisions in the matter :

(1) The offer of employment on compassionate grounds to a son/daughter/near relation of a Government servant who dies in harness, as mentioned in paragraph 2(ii), of the Circular letter No.5120(60)-LW dated 17.10.77 and paragraphs 3.4 of the Circular Letter No. 130(60)-LW dated 25.1.78, will also be made applicable in case a Government servant is disabled permanently or otherwise incapacitated rendering him unfit to continue in service, provided this fact of disablement, is certified by the Director of Health Services or by any Medical Officer authorized by the Director of Health Services for this purpose. In other words, the benefit of the offer of employment on compassionate grounds will also be available if instead of death in harness a Government servant suffers permanent disablement rendering him incapable or continuing in service.

(2) The offer of employment on compassionate grounds to a son/daughter/ near relation in the event of death or permanent disablement of a Government servant while in service may be made only in cases arising on or after 17.10.75.

Yours faithfully,
A.K. Sen
Chief Secretary

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 600(60)-EMP

Dated the 19th Sept., 1978

CORRIGENDUM

In this department Circular letter No.5120(60)-LW, dated the 17th October, 1977 **renumber** the existing paragraph (4) as sub-paragraph (i) of paragraph (4) and insert the following new sub-paragraph (ii) after sub-paragraph (i) so re-numbered, namely :

“(ii) 2% of the vacancies in which direct recruitment is made and which may occur in any year in services/posts under the Government of West Bengal other than those occurring in the High Court, Legislative Assembly Secretariat, State Government Undertakings and Local Bodies, shall be reserved to be filled up by qualified disabled persons as defined in Finance Department Memo No.10402-F dated the 26th November, 1974, provided such persons possess the minimum prescribed qualifying marks in any test or examination and provided the appointing authority considers them suitable for the posts/ services concerned.”

A.K. Sen
Chief Secretary

Employment Policy Circulars

**Government of West Bengal
Finance Department
Audit Branch**

No. 11217-F

Calcutta, the 17th October, 1978

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make, with effect from the 25th January, 1978, the following amendments in the West Bengal Services (Raising of Age Limit) Rules, 1975, as subsequently amended (hereinafter referred to as the said rules) :

AMENDMENTS

In rule 2 of the said rules –

(a) in clause (1), for the figures and words “30 years; and”, substitute the figures and word “30 years”

(b) to clause (1), add the following proviso :

“Provided that where recruitment to posts is not made through the Public Service Commission, West Bengal, but is made either through the Employment Exchanges or from amongst exempted categories, as enumerated in the Labour Department Circular No.5120(60)-LW, dated the 17th October, 1977 read with department Circular No.129(60)-LW, dated the 25th January, 1978, the age limit shall be 35 years.”

By order of the Governor
J. Sanyal
Joint Secretary to the
Government of West Bengal.

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 1033-EMP

Calcutta, the 19th December, 1978

CORRIGENDUM

In this Department Circular letter No.130(60)-LW dated 25.1.78 for the words appearing in paragraph 3.4 **Substitute** the following, viz. 3.4. The following categories of persons 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 of the Employing Authorities is a reserved one or not, namely:

(a) a son/daughter/near relation of a Government servant who dies in harness or who suffers permanent disability, as enunciated in para 2(ii) of Government Circular No.5120(60)-LW dated the 17th October, 1977 read with the provisions made under Government Circular No.196(60)-EMP dated the 19th June, 1978;

(b) members of a family any one of which might have lost his life as a result of participation in or association with any political, democratic movement from 1970 onwards as specified in paragraph (1) of Govt. Circular No.129(60)-LW dated the 25th January, 1978.

A. Chaudhury
Secretary

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 955-EMP
3G-1/78

Calcutta, the 27th April, 1979

MEMORANDUM

In the context of the specific provision made under paragraph 3.4 of this Department Circular No.130(60)-LW dated 25.1.78 read with paragraph (1) of Circular No.196(60)-EMP dated 19.6.78 and Corrigendum No. 1033-EMP dated 19.12.78 that certain specified classes of persons in respect of whom

a job may be offered on compassionate grounds will have overriding priority and precedence over others in the matter of placement, whether a particular vacancy occurring at that time under any of the Employing Authorities is a reserved one or not, doubts have arisen in certain quarters as to whether the aforesaid provision will entitle any Employing Authority to exceed the existing percentage of vacancies (i.e. 30%) reserved for Exempted Categories.

After careful consideration of the matter it has been decided as under :-

(i) Vacancies to be filled up by persons belonging to Exempted Categories (which includes, inter-alia, cases of compassionate appointments also i.e. the cases of persons entitled to get overriding priority and precedence over others in the matter of placement etc.) should be confined strictly to a 30% limit of the total vacancies arising in a year under any Employment Authority;

(ii) In order to meet the requirement of Labour Deptt. Corrigendum No.1033-EMP dated 19.12.78, under certain special circumstances a vacancy not reserved for Exempted Categories may have to be filled up by a person belonging to Exempted Categories. In all such cases it shall be the responsibility of the concerned Employing Authority to make necessary adjustment, in course of the year, so that the overall percentage of 30% of the vacancies earmarked in respect of the Exempted Categories as a whole is strictly adhered to.

A. Chaudhury
Secretary to the Govt. of West Bengal

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Government of West Bengal
Finance Department
Audit Branch

No. 6060-F

Calcutta, the 25th June, 1979

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, and in supersession of all previous orders on the subject, the Governor is pleased hereby to make the following rules :-

RULES

1. Short title and commencement - (1) These rules may be called the West Bengal Services (Appointment, Probation and Confirmation) Rules, 1979.
- (2) They shall come into force with effect from the 1st June, 1979.
2. Application - (1) These rules shall apply in cases of appointment on entry into Government Service.
- (2) Subject to the provisions of sub-rule (3), these rules shall apply to all persons who are whole-time employees of Government, including those who are paid out of contingencies or under work-charged head or who are paid on piece-rate basis but employed throughout the year.
- (3) These rules shall not apply to -
 - (a) persons appointed on contract basis, or appointed otherwise than in accordance with recruitment rules.
 - (b) part-time employees, casual labours, daily labours, muster-roll workers and seasonal labours.
 - (c) employees of the Central Government or any other State Government who are on deputation to any Department of Government.
 - (d) such other categories of persons as may be specified from time to time by Government by notification in the Official Gazette.
 - (e) the cases of appointment on promotion to higher posts and on appointment to selection grades.
3. Definitions. - In these rules, unless there is anything repugnant in the subject or context, -
 - (a) "appointment on permanent basis" means substantive appointment with confirmation;
 - (b) "appointment on probation" means appointment on trial before confirmation;

- (c) "Government" means the Government of West Bengal;
- (d) "probationer" means a Government employee appointed on probation;
- (e) "temporary service" means service beginning from the date of appointment under Government till the date of appointment on probation or on permanent basis;
4. Mode of appointment - All appointments on entry into Government service shall initially be made on temporary basis.
5. Appointment on probation and appointment on permanent basis.-
- (1) A Government employee-
- (a) shall be deemed to be on probation on completion of continuous temporary service for two years after his initial appointment in a post or service or cadres;
- (b) shall be confirmed and made permanent on satisfactory completion of the period of probation. Where passing of any departmental examination is essential before confirmation, the provisions of Chapter I of the Services (Training and Examination) Rules, West Bengal, shall have to be complied with.
- (2) Except as otherwise provided elsewhere in these rules, the period of probation shall be one year.
- (3) No formal declaration shall be necessary in respect of appointment on probation.
- (4) On completion of the period of probation the appointing authority shall either issue formal declaration making the probationer permanent or take such action as may be considered necessary in terms of the provisions of Part A of Chapter I of the Services (Training and Examination) Rules, West Bengal, within six months from the date of completion of the period of probation, or of the extended period of probation, if any, and the appointing authority shall ensure that confirmation on satisfactory completion of the period of probation is not delayed in any case.
6. Special provisions. - (1) On the date on which these rules come into force, Government employees who have completed more than three years, but less than five years' continuous service in a post, service or cadre on that date, either on a temporary or quasi-permanent basis, shall be deemed to have been appointed on probation with effect from the said date and the period of probation in such cases shall be six months.
- (2) On the date on which these rules come into force, Government employees who have rendered more than five years' continuous service on that date shall be deemed to have completed the prescribed period of probation. Where, however, rules regulating the recruitment to any post or service or cadre require the passing of any academic, departmental or other examinations before confirmation, these rules shall not be construed to relax such requirement.
- (3) In respect of Government employees who are on probation on the date on which these rules come into force, the period of probation shall be subject to the limits prescribed in rule 5 and sub-rule(1) of this rule.
7. Repeal and savings :- (1) The West Bengal Services (Temporary and Quasi-permanent Service and Service with Permanent Status) Rules, 1967 is hereby repealed;
- Provided that such repeal shall not affect the previous operation of the said rules in respects of things done or omitted to be done thereunder before such repeal.
- (2) On the coming into force of these rules such of the provisions of the West Bengal Service Rules, the West Bengal Services (Revision of Pay and Allowances) Rules, 1970, the Services (Training and Examination) Rules, West Bengal or any other Rules, as are inconsistent with these rules shall be deemed to have been amended notwithstanding anything to the contrary contained elsewhere in these rules.

By order of the Governor,
J. Sanyal
Jt. Secretary to the
Govt. of West Bengal

**Government of West Bengal
Labour Department**

No.1700-EMP
3C-26/78

Calcutta, the 3rd August, 1979

MEMORANDUM

Subject : Principles to be followed in the matter of absorption of casual and such other categories of workers under the State Government

Government of West Bengal have for some time past been considering the discontinuance of employment of casual and such other categories of workers in perennial type of work and the question of gradual absorption of all such categories of workers employed from time to time by the Employing Authorities under the State Government. After careful consideration of the matter it has been decided as under :

2. Further recruitment of casual and such other categories of workers shall not be normally made. Initial recruitment of such workers, if considered unavoidable by any Employing Authority shall henceforth be invariably made through the Employment Exchanges, as already decided in the case of filling up of vacancies of non-P.S.C./non-promotional posts. Ad-hoc appointment of persons from the open market may, however, be made for a period not exceeding 15 days to meet any situation of emergent nature. Such ad-hoc appointees will have no claim in future for absorption in the regular establishments under the State Government.
3. Casual and such other categories of workers who have been engaged in a perennial type of work for a continuous period of more than three years may be absorbed in the regular establishments on temporary basis in existing vacancies. If suitable vacancies are not available necessary steps may be taken by the respective authorities to create the requisite number of posts for the purpose of absorption of such categories of workers in consultation with the Finance Department.
4. Notwithstanding anything contained in the recruitment policy circulars issued by the State Government from time to time, 5% of vacancies against the quota of 70% earmarked for recruitment through Employment Exchanges shall be kept reserved for absorption of those casual and such other categories of workers, who are already engaged in perennial type of work and have rendered at least 240 days' service in a year but have not completed three years' service as yet.
5. While filling up vacancies in the regular establishments duly qualified seasonal workers who have worked for five years or more in consecutive seasons shall be considered for appointment by the respective Employing Authorities along with the candidates sponsored by Employment Exchanges.
- 6(a). The system of engaging contract labour for a perennial type of work by certain State Government Establishments/ Undertakings etc. shall be abolished in phases. For the purpose of gradual absorption of contract labour in the regular establishments of the Principal Employer necessary steps may be taken by the concerned Employing Authority.
- (b) Henceforth at the time of appointment of contractors one of the terms and conditions shall be that initial recruitment to all categories of staff by the contractors shall invariably be through the Employment Exchanges. In respect of subsisting contracts, contractors may be persuaded to fill up vacancies under them by candidates sponsored through Employment Exchanges.
7. The above measures will come into force with immediate effect.
8. Definition - Unless there is anything repugnant in the subject or context,-
"Casual and such other categories of workers" would mean casual workers, daily- rated workers, muster-roll workers and such other categories of persons as may be specified from time to time by Government.
9. Provisions contained in this Memorandum shall apply to all Departments.
10. In case of any doubt as to interpretation and/or implementation of the decisions contained in this Memorandum, the matter shall be referred to the Labour Department.

Yours faithfully,
A. K. Sen
Chief Secretary.

Employment Policy Circulars

**Government of West Bengal
Relief and Welfare Department
Welfare Branch
Writers' Buildings, Calcutta-700001**

No. 15547(52)-SW
5S-29/79

Dated, Calcutta, the 31st December, 1979

From: Sri A.K., Sen
Chief Secretary
to the Government of West Bengal

To : The Labour Department of this Government

Sir,

I am directed to say that the Finance (Audit) Department in their Memo No.10402-F dated 26th November, 1974 (copy enclosed for ready reference) issued orders to the effect that not less than two percent of the vacancies in which direct recruitment is made and which may occur in any year in service/posts under this Government (other than those occurring in the High Court and Legislative Assembly Secretariat and those within the purview of the Public Service Commission, West Bengal) shall be reserved to be filled up by qualified disabled persons as defined in Para-2 of the said memo provided such persons possess the minimum prescribed qualifying mark in any test or examination and provided the appointment authority consider them suitable for the posts/services concerned.

2. It has come to the notice of this Government that in spite of the specific orders issued in the Finance Department Memo No.10402-F dated 24th November, 1974 quoted in Para-1 above and in spite of the fact that a special Employment Exchange for the physically handicapped has been opened at 5, Council House Street, Calcutta- 700001, different departments/ offices under the Government of West Bengal are not providing employment to disabled persons in the manner desired by Government. It has been brought to the notice of Government that in many cases, this is due to the fact that the number of vacancies in a Department/Office is less than fifty in a year.

3. To obviate this difficulty, all Appointing Authorities are hereby directed to ensue that during the Calendar year 1980 at least one disabled person is appointed in their offices even if the number of vacancies is less than fifty in the year. The other conditions laid down in the Finance Department's order shall, however, be observed.

4. All the Directorates and sub-ordinate offices under the Department should be asked strictly to comply with this order.

Yours faithfully,
A.K. Sen
Chief Secretary

Employment Policy Circulars

**Government of West Bengal
Finance Department
Audit Branch**

No. 10402-F

Calcutta, the 26th November, 1974

MEMORANDUM

The question of making suitable provision for enabling disabled persons to secure employment under this Government has been engaging the attention of Government for some time past. After careful consideration of the matter, the Governor has been pleased to decide that not less than two percent of the vacancies in which direct recruitment is made and which may occur in any year in services/posts under this Government other than those occurring in the High Court and Legislative Assembly Secretariat and those which are within the purview of the Public Service Commission, West Bengal for which separate communication may follow, shall be reserved to be filled up by qualified disabled persons as defined in paragraph 2 below provided such persons possess the minimum prescribed qualifying mark in any test or examination and provided the appointing authority considers them suitable for the posts/services concerned.

- 2(a). A disabled person is
- (i) a person who is blind; or
 - (ii) a person who is deaf; or
 - (iii) a person who is having orthopedic deformity; or
 - (iv) a person who is having any other disability, being a disability on account of any injury, disease or congenital deformity, as the Government may, by order, specify in this behalf.
- (b) For the purpose of sub-para(a) above –
- (i) a person shall be deemed to be blind, if his sight is totally absent or his visual acuity does not exceed 3/16 or 10/200 (snellen) in the better eye with correcting lense;
 - (ii) a person shall be deemed to be deaf if he has lost sixty decibels or more in the better ear in the conversational range of frequencies;
 - (iii) a person shall be deemed to have orthopedic deformity if he is having any disability of the bones, joints or muscle leading to substantial restriction of the movement of the limbs;
3. The first available vacancy arising in any cadre as mentioned above should be filled up where justified by handicapped persons, if he is found otherwise suitable.

A.K. Mukherji
Special Officer & Commissioner, (Finance Department)
Govt. of West Bengal.

Employment Policy Circulars

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**Government of West Bengal
Labour Department**

No. 1744-EMP

Calcutta, the 13th August, 1979

CORRIGENDUM

In the Labour Department Circular No.5120(60)-LW dated 17.10.77 for the words appearing in sub-paragraph (i) of paragraph (2) Substitute the following, viz:

- (i) to candidates hailing from families who might have been uprooted from their places of residence or, whose main source of income is affected due to loss of agricultural land, as a result of the land in question being acquired by the Government for development projects like setting up a power plant or a township etc., as in Haldia, only one member from an uprooted/ affected family shall be eligible for such special preference for jobs in and around the area acquired.

Yours faithfully,
A.K. Sen
Chief Secretary

Employment Policy Circulars

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**Government of West Bengal
Labour Department**

No. 800-EMP
EMP/3C-5/80

dated, Calcutta, the 24th April, 1980

MEMORANDUM

The question of making suitable provision for enabling duly qualified departmental candidates to be considered for appointment in higher posts has been engaging the attention of Government for some time past. After careful consideration of the matter it has been decided as under :

2. While filling up of vacancies non-P.S.C., Non-Promotional posts in State Government Establishment, State Government Undertakings, Quasi-Government establishments and Local Bodies in the manner prescribed in the Government Circular No.5120(60)-LW, dated 17.10.77 followed by

subsequent circulars issued on the subject duly qualified departmental candidates may also be considered for appointment in higher posts along with the candidates sponsored by the Employment Exchanges provided such departmental candidates fulfil the conditions of eligibility as may be laid down in the relevant rules of recruitment prescribed for the posts.

3. Provision contained in this Memorandum shall apply to all departments.

A.K. Sen
Chief Secretary

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 1650-EMP
EMP/3C-5/80

Calcutta, the 28th August, 1980

MEMORANDUM

It has been represented to Government that retrenchment of causal and such other categories of workers already employed as such and engaged in perennial type of work has been resorted to in certain cases on the strength of Labour Department Memorandum. No. 1700-EMP dated 03.08.1979 (hereinafter referred to as the said G.O.). This has never been the intention of Government. The object of the said G.O. was to provide for absorption in regular service of certain categories of causal workers who satisfied the prescribed norms. Doubts have also been raised in certain quarters about the true import of certain provisions made in the said G.O. Instructions contained in the said G.O. have accordingly been reviewed and Government have since taken the following further decisions :

- (i) Retrenchment of causal workers already employed as such and engaged in perennial nature of job may not normally be resorted to. Continuation or otherwise of the causal workers already in employment is a matter for the administrative department/ agency to decide, keeping in view the nature and requirement of the job.
- (ii) Causal workers who had already been in employment as on 03.08.1979 and are still continuing as such will also be eligible for absorption in the regular establishments in the same manner as laid down in paragraph 3 of the said G.O. on completion of "more than 3 years' service", as defined in the following paragraph, from the date of their initial appointment as causal workers.
- (iii) "Continuous period of more than three years" as contained in paragraph 3 of the said G.O. shall mean 240 days of work in each completed Calendar year of service for three consecutive years.
- (iv) Not less than 120 days of work which may be continuous or not, in a season stretching over a period of six months will qualify a worker to have worked for one season in a Calendar Year.
- (v) "Duly qualified seasonal workers" referred to in paragraph 5 of said G.O. shall mean those seasonal workers who are still continuing as such and who possess the qualifications prescribed in the rules of recruitment for the post in which they will be considered for appointment in the regular establishment, subject to the condition that they are in employment at the material time for 5 Calendar years or more in consecutive seasons from the date of their initial appointment as seasonal workers.
- (vi) A particular job will be treated as perennial if such job is of a permanent nature.

A.K. Sen
Chief Secretary

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 2050-EMP
EMP/10-6/80

dated the 18th September, 1980

MEMORANDUM

In paragraph 6 of this Department Circular No.5120(60)-LW dated 17.10.77 it has been laid down that in order to enable the employing authorities to fulfil the requirements of West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, the

Employment Exchanges shall forward to the employing authorities names of an adequate number of Scheduled Castes and Schedule Tribes candidates enrolled with them. Again, in paragraph 2 of this Department Circular no.129(60)-LW dated 25.01.1978 it has been laid down that of the total vacancies arising in a year under any employing authority, 30% shall be treated as reserved to be filled up by persons falling within the exempted categories and that the remaining vacancies shall be filled up exclusively through the Employment Exchanges. For the purpose of filling up the reserved vacancies a Special Cell has been opened in the office of the Director of National Employment Services to maintain a running list of persons belonging to the exempted categories wherefrom names of persons falling within the said categories will be available.

It has been brought to the notice of the Government that some employing authorities are giving effect to the executive order in respect of exempted categories first and then to the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Post) Act, 1976 on the remaining vacancies. It is accordingly considered necessary to reiterate that the statutory reservation in respect of the Scheduled Castes and Scheduled Tribes shall be strictly followed by the concerned employing authorities, while filling up all vacancies to non-P.S.C., non-promotional posts. The instructions regarding reservation for the exempted categories contained in the employment policy circulars should be given effect to keeping fully in view the statutory reservation of posts/vacancies.

A.K. Sen
Chief Secretary

Employment Policy Circulars

Government of West Bengal
Labour Department

No.2700-EMP
EMP/1M-1/80

Dated, Calcutta the 14th October, 1980

MEMORANDUM

In paragraph 2(i) of this Department Circular No.5120(60)-LW dated 17.10.1977 read with Corrigendum issued bearing No.1744-EMP dated 13.08.1979 it has been laid down that the employing authorities will be competent to give appointment without referring to the Employment Exchanges and following the procedure laid down in para 3.3 of circular No.130(60)-LW dated 25.01.78 in respect of the following category of cases:

“to candidates hailing from families who might have been uprooted from their places of residence or, whose main source of income is affected due to loss of agricultural land, as a result of the land in question being acquired by the Government for development projects like setting up a power plant or a township etc., as in Haldia, only one member from an uprooted/affected family shall be eligible for such special preference for jobs in and around the area acquired.”

It has since been decided that the benefit of such straightway appointment shall be made available only in respect of cases where the land in question has been acquired by the State Government in or after 17.10.1977.

N. Krishnamurthy
Secretary

Employment Policy Circulars

Government of West Bengal
Finance Department
Audit Branch

No.10517-F

Calcutta the 2nd December, 1980

MEMORANDUM

Subject : Upper age limit for entry into State Government Services and posts in the case of physically handicapped persons.

The undersigned is directed by order of the Governor to say that with a view to providing more employment opportunities for the physically handicapped persons, the Governor has been pleased, in

consultation with the Public Service Commission, West Bengal, to decide that upper age limit for recruitment to State Government services and posts whether recruited through the Public Service Commission, West Bengal or otherwise, will be 45 years in the case of physically handicapped persons provided they are otherwise suitable and possess the qualifications and capacity to perform duties and responsibilities attached to the posts concerned.

2. Grant of the above concessions will be subject to the following conditions :

- (i) The 'physical handicap' as illustrated in items (ii) below should be proved by a medical certificate from a Competent Medical Officer as defined in Rule 14 of West Bengal Service Rules, Part-I.
- (ii) For the purpose of these concessions the term 'Physically handicapped' will include three categories viz. the blind, the deaf and dumb and the orthopaedically handicapped as indicated below :
 - (a) The blind – The blind are those who suffer from the following conditions
 - (i) Total absence of sight.
 - (ii) Visual acuity not exceeding 3/60 of 10/200 (Snellen) in the better eye with correcting lenses.
 - (b) The deaf and dumb – The deaf are those in whom the sense of hearing is fully non-functional for the ordinary purpose of life. The dumb are those persons suffering from aphasia (complete loss of speech by sense of hearing normal) or whose speech is not clear and/or normal.
 - (c) The Orthopaedically Handicapped – The Orthopaedically handicapped are those who have a physical defect or deformity which causes adequate interference with the normal functioning of the bones, muscles and joints.

By order of the Governor
M.G. Kutty
Secretary
Finance Department

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No.497-EMP
EMP/1'O'-13/80

Calcutta the 18th March, 1981

MEMORANDUM

Subject : Employment assistance to families evicted from their homestead as a result of development programmes of Government.

In the context of specific provision made under para 2(i) of this Department Circular No.5120(60)-LW dated 17.10.1977 read with Memo No.2700-EMP dated 14.10.1980 for straightway appointment of candidates belonging to families who might have been uprooted from their homestead or, whose main source of income has affected due to loss of agricultural land, as result of the land in question being acquired by Government for development projects such as a power plant as in Kolaghat or a township, as in Haldia, a question has arisen as to whether the benefit of such employment assistance shall be admissible in cases where only a small area of land is acquired under any project, such as, a Health Centre or a Cold Storage.

After careful consideration of the matter it has been decided by Government that where a small area of land is acquired for a project, such as, a Health Centre or a Cold Storage, the District Magistrate shall refer such a case to the Labour Department for a decision.

A.K. Sen
Chief Secretary to the
Government of West Bengal

**Government of West Bengal
Finance Department
Audit Branch**

No.1882-F

Calcutta, the 11th March, 1981.

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased to make the following rules :-

Rules

- 1. Short title and commencement :-** (1) These rules may be called the West Bengal Services (Determination of Seniority) Rules, 1981. (2) They shall come into force on the 11th March, 1981.
- 2. Application :-** These rules shall apply to all Government servants except –
 - (1) Members of the All India Services;
 - (2) Members of the West Bengal Higher Judicial Service;
 - (3) Members of the West Bengal Civil Service (Judicial);
 - (4) Members of the West Bengal Civil Service;
 - (5) Members of the West Bengal Police Service.
- 3. Definitions :-** In these rules, unless the context otherwise requires –
 - (i) “appointing authority” in relation to a post means the authority competent to fill up such post;
 - (ii) “Commission” means the Public Service Commission, West Bengal.
 - (iii) “select list” means the list of candidates prepared in the order of merit in which candidates are selected through a competitive examination and/or interview and/or, after training or otherwise;
 - (iv) “post”, “cadre” or “grade” shall mean any post, cadre or grade in connection with the affairs of the State of West Bengal;
 - (v) “selecting authority” means the appointing authority or any other authority empowered to make selection of candidates for recruitment or promotion to any post, cadre or grade;
 - (vi) “date of joining” shall be reckoned from the date of continuous officiation in the post/cadre or grade.
- 4. Determination of seniority of direct recruits :-** The relative seniority of all persons appointed directly through competitive examination or interview or after training or otherwise shall be determined by the order of merit in which they are selected for such appointment on the recommendation of the Commission or other selecting authority, persons appointed on the result of an earlier selection being senior to those appointed on the result of a subsequent selection ;

Provided that where appointment of persons initially made otherwise than in accordance with the relevant recruitment rules is subsequently regularized in consultation with the Commission, where necessary, seniority of such persons shall be determined from the date of regularization and not from the date of appointment. The inter-se-seniority amongst such persons shall, however, depend on the date of appointment of each such person in the department or office concerned;

Provided further that if any person selected for appointment to any post does not join within two months of the offer of appointment, his seniority shall count from the date on which he joins the post unless the appointing authority for reasons to be recorded in writing condones the delay.

Note : (1) A list of candidates for the purpose of selection for appointment shall be prepared in all cases by the selecting authority, when there will be recruitment in a single process of selection of more than one person.

(2) Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be

determined on the basis of actual date of their joining. When the date of joining of all such persons is the same, seniority shall be determined on the basis of date of birth, person retiring earlier being adjudged as senior. When the date of birth is the same, seniority shall be determined on the basis of total marks obtained by each in the examination, passing of which is the qualification prescribed for recruitment to the particular post, cadre or grade.

(3) In so far as the determination of relative seniority of persons selected either by the Commission or by other selecting authority for appointment to different posts in the same grade with different qualifications such as posts of Assistant Professors in History, Economics, Physics, Chemistry, etc. is concerned, seniority shall be determined from the date of joining.

5. Determination of seniority of promotees : (1) Seniority of persons appointed on promotion to any post, cadre or grade shall be determined from the date of joining such post, cadre or grade.

(2) When there will be appointment in a single process of selection of more than one person, the relative seniority of persons so appointed shall be determined by the order in which they are selected for such promotion.

(3) Persons appointed on the result of an earlier selection shall be senior to those appointed on the result of a subsequent selection.

(4) Where promotions to a post, cadre or grade are made from more than one post, cadre or grade, the relative seniority of the promotees from different posts, cadre or grades shall be according to the order of merit determined by the Commission or the selecting authority, if such posts, cadres or grades do not come within the purview of the Commission.

Note 1 : A list of candidates for the purpose of selection for promotion shall be prepared in all cases by the selecting authority when appointments are made on promotion in a single process of selection of more than one person.

Note 2 : Where the inter-se-seniority amongst several persons has not been determined prior to the coming into force of these rules, such seniority shall, on the coming into force of these rules, be determined on the basis of date of joining. When the date of joining of such persons is the same, seniority in the promotion post, cadre or grade shall follow the seniority in the lower feeder post, cadre or grade.

6. Relative seniority of direct recruits and promotees :-

(1) The relative seniority between a promotee and a direct recruit shall be determined by the year of appointment or promotion of each in the post, cadre or grade irrespective of the date of joining.

(2) The promotees shall be en-bloc senior to the direct recruits of the same year.

7. Determination of seniority of transferees :- (1) The relative seniority of persons appointed by transfer to a post, cadre or grade from the feeder post, cadre or grade of the same department or office or from other departments or offices of the Government shall be determined by the order of selection for such transfer.

(2) When such transfers involve two or more persons selected from different departments or offices on the same occasion, the appointing authority for such appointment on transfer shall indicate the order of merit of the selected persons in each case.

(3) The relative seniority between a promotee, a transferee and a direct recruit shall be determined by the year of promotion or transfer or recruitment, promotees being en-bloc senior to the transferees and direct recruits of the same year and transferees being en-bloc senior to the direct recruits of the same year.

8. Service benefits :- With effect from the date of coming into force of these rules, for the purpose of service benefits available on the basis of seniority, such seniority shall mean the seniority determined under these rules.

9. Interpretation :- If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Finance Department whose decision thereon shall be final.

10. Repeal and saving :- All rules, orders or memoranda concerning matters covered by these rules are hereby repealed :

Provided that the cases of benefits already given on the basis of seniority determined in accordance with the principles in force prior to the coming into force of these rules shall not be affected:

Provided further that there shall be no change in the existing order of inter-se-seniority amongst the officers of the services within the meaning of the West Bengal Services (Unification of State Services) Rules, 1979 (hereinafter referred to as the said rules) as determined prior to the coming into force of the said rules i.e. the 18th May, 1979.

By order of the Governor,
M. G. Kutty
Secy. to the Govt. of West Bengal.

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 503-EMP
EMP/6M-10/80. Pt.

Calcutta, the 19th March, 1981

CORRIGENDUM

In this Department Circular Letter No. 5120(60)-L.W. dated the 17th October, 1977 read with Corrigendum No. 600(60)-EMP dated the 19th September, 1978 **delete** the entries against sub-paragraph (ii) of paragraph (4) and insert the following in its place, namely:

"2% of the vacancies in which direct recruitment is made and which may occur in any year in services/posts under—

(a) the State Government establishments other than those under the High Court and the Legislative Assembly Secretariat; and

(b) the State Government Undertakings and the Local Bodies shall be reserved to be filled up by qualified disabled persons as defined in Finance Department Memo. No. 10402-F dated the 26th November, 1974, provided such persons possess the minimum prescribed qualifying marks in any test or examination and provided the appointing authority considers them suitable for the posts/services concerned."

A. K. Sen
Chief Secretary

Employment Policy Circulars

**Government of West Bengal
Labour Department**

No. 1100-EMP
EMP/2E-271/79 (Pt. I)

Calcutta, the 5th May, 1981

MEMORANDUM

The question as to whether casual and such other categories of workers who have exceeded the upper age limit for entry into Government service can be absorbed in regular establishments in accordance with the provisions of Labour Department Memo. No. 1700-EMP dated 3.8.79 read with Memo. No. 1650-EMP dt. 28.8.80 had been under consideration of this Government for sometime in the past. It has since been decided that for the purpose of appointment of casual and such other categories of workers in regular service the incumbent should be allowed to deduct from his/her actual age the period spent by him/her as a casual worker and if, after deducting the period, he/she is within the maximum age limit prescribed, he/she shall be considered eligible for absorption in regular establishment. Broken periods of service rendered as casual worker shall also be taken into account for this purpose provided one stretch of such service is for more than six months.

A. K. Sen
Chief Secretary

Government of West Bengal
Finance Department
Audit Branch

No. 3930-F

Calcutta, the 20th May, 1981.

Subject : Clarifications regarding provisions laid down in the West Bengal Services (Determination of Seniority) Rules, 1981

Certain clarifications have been sought for in regard to the provisions of the West Bengal Services (Determination of Seniority) Rules, 1981. After careful consideration of the matter, the Governor has been pleased to clarify the points raised as follows :-

	Points raised		Clarification
1.	Does the Finance Department rule (viz. the West Bengal Services (Determination of Seniority) Rules, 1981) have retrospective effect?	1.	<p>(i) The rules took effect from the 11th March, 1981 i.e. the date of issue of the rules – vide rule 1(2) <i>ibid</i>.</p> <p>(ii) However, under the provision of rule 8 <i>ibid</i> with effect from the date of coming into force of these rules i.e. 11th March, 1981 for the purpose of service benefits available on the basis of seniority, seniority shall mean the seniority determined under the said rules of 1981. It means that seniority will have to be determined according to the provisions of the said rules from 11.03.81 onwards provided benefits already given on the basis of seniority determined in accordance with the principles in force prior to 11.03.81 shall not be effected vide proviso one to rule 10 <i>ibid</i>.</p>
2.	Does “promotee” mean regular promotee in consultation with P.S.C. or does it also include ad-hoc promotees who were subsequently regularized by P.S.C. from a much later date?	2.	<p>(i) The word “promotee” means any person appointed on promotion to a cadre/post/grade whether in consultation with the P.S.C. or not according to the provisions laid down in the recruitment rules in question read with W.B.P.S.C. (Exception from Consultation) Regulations, 1955 as amended. It does not obviously include cases of promotion in those cases when in the relevant recruitment rules there is no provision for recruitment by promotion from that feeder service or there is no provision for promotion at all or the procedure for promotion laid down in that particular rule read with the said regulation has not been observed in other respects but such recruitment was subsequently regularized by amendment of rules or otherwise in consultation with the P.S.C. where necessary.</p> <p>(ii) Rule 5 <i>ibid</i> which deals with principle for determination of seniority of promotee does not contemplate promotion without the fulfillment of the provisions of relevant recruitment rules. In the past when however services of such ad-hoc promotees have been regularized as ad-hoc appointees and their services in the promotion posts were treated as direct recruits and have been reckoned for</p>

	Points raised	Clarification
		<p>the purpose of seniority from the date of regularization as provided in the respective ad-hoc regulations. That is why no provision in this respect, as in rule 4 <i>ibid</i>, has been considered necessary in rule 5 of the said rules also. Moreover, usually a promotee has a substantive berth and he can be reverted to that post if he cannot ultimately be regularized in the higher post, but in case of direct recruit, there is no such scope, hence the provision in rule 4 has been made.</p>
3.	<p>There might be some cases where promotions were given on an ad-hoc basis otherwise than in accordance with the recruitment rules of the said promotees while some were given regular appointment subsequently some are still on ad-hoc appointment. Now, the question arises as to how the seniority of the said promotees shall be determined vis-à-vis direct recruits as well as amongst themselves.</p>	<p>3</p> <p>(i) The term “otherwise than in accordance with the relevant recruitment rules or ad-hoc appointments” means recruitment made on promotion or by direct recruitment in absence of specific provision to that effect in the recruitment rules or not in accordance with the procedure of such appointments as laid down in the said recruitment rules read with the said Regulations, 1955 but does not mean recruitment made in excess of quota prescribed for promotion or direct recruitment. Such cases do not normally occur as explained above against the point number (2).</p> <p>(ii) In case of appointment or promotion or direct recruitment in excess of the quota prescribed for each, seniority as between a direct recruit and a promotee shall be determined by the provision laid down in rule 6 of 1981 Rules. Appointments in excess of quota are not at all irregular. Steps should, however, be taken as early as possible to rectify the imbalance.</p> <p>(iii) In cases, however, where there is no provision for recruitment by promotion or the procedure for promotion in that particular rules has not been observed in other respects but such recruitment was subsequently regularized in consultation with the P.S.C. where necessary, then persons recruited in this manner shall be taken to have been promoted for the purpose of rule 6 of the W.B.S. (Determination of Seniority) Rules, 1981 from the year in which his appointment was regularized and his seniority vis-à-vis the direct recruits appointed on regular basis shall be determined accordingly. The persons who were promoted similarly and still are continuing as such, have no valid appointment on promotion as such the question of determination of their seniority does not arise till they are appointed on regular basis. The inter-se seniority of persons appointed on promotion which has been regularized shall be determined by the provisions laid down in rule 5 <i>ibid</i>.</p>

	Points raised		Clarification
4.	There might also be some cases where in a cadre, posts were filled up in the absence of recruitment rules on an ad-hoc basis both on promotion and by open recruitment and subsequently on promulgation of necessary recruitment rules, appointments of both the groups were regularized with effect from the same date. In such case, if the years of appointment and promotion were not the same the relative seniority of the said promotees and open recruits would probably depend on the date of joining the post or cadre.	4.	In the instance cited, the appointments, both by promotion and by direct recruitment, were regularised (in the same meaning as above) from the same date. Therefore as the recruits of both categories have services on ad-hoc basis (in the same meaning of the term), inter-se-seniority amongst direct recruits and promotees should be determined as per rule 6 ibid i.e. by the year of promotion or appointment, the persons appointed or promoted on earlier years will be senior to those appointed or promoted in subsequent years.

N.R. Bhattacharyya
Dy. Secy. to the Govt. of West Bengal.

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Government of West Bengal
Finance Department
Audit Branch

No. 4444-F

Calcutta, the 12th June, 1981.

MEMORANDUM

Subject : Clarifications regarding provisions laid down in the West Bengal Services (Determination of Seniority) Rules, 1981.

In continuation of this Department Memorandum No.3930-F dated 20.05.81 on the subject, the Governor, after careful consideration of the matter, has been pleased to clarify points raised further in this respect as follows :-

	Points		Clarification
1.	It is presumed that even after the introduction of the W.B.S. (Determination of Seniority) Rules 1981, seniority already assigned to direct recruit U.D. Assistants in the Secretariat vis-à-vis the promotees in the U.D. cadre in terms of Finance Department memo no. 568-F dated 20.02.68 will not be disturbed for the purpose of service benefits available in future.	1.	The presumption is not correct. The provisions of Rule 8 ibid means that with effect from the date of coming into force of the rules i.e. from 11 th March, 1981 seniority will have to be determined again according to the provisions of the said rules for the purpose of service benefits to be available on the basis of seniority. However, under proviso one to rule 10 ibid, the cases of benefits already given on the basis of seniority determined in accordance with the principles in force prior to 11.03.81 shall not be affected. It means that service benefits already obtained on the basis of seniority determined under the provisions in force prior to 11.03.81 are not to be disturbed; it does not obviously mean that seniority already assigned shall not be disturbed.

	Points		Clarification
2.	(i) In rule 3(vi) the term “date of joining” shall be construed from the date of order of appointment or promotion provided the candidates appointed or promoted join their posts within a period of one month, from the date of such order or within such time allowed by the appointing authority in case of promotion order and continues to officiate in a post, cadre or grade.	2	(i) When appointment on promotion or direct recruitment is made of more than one person through selection, the seniority will be according to the order of Selection and not according to date of joining. Date of joining will be material when the individual officers are appointed on single post selection basis. In this connection Note (I) below rule 4 and note I below rule 5 ibid, wherein it is provided that a select list is always to be made in such cases may be referred to.
	(ii) (a) It is presumed that when there will be appointment in a single process of selection of more than one person, the relative seniority of person so appointed shall follow the seniority in the lower feeder post, cadre or grade. (b) It is also presumed that the appointing authority shall always indicate the seniority of the promoted officers in the promotion post, cadre or grade in the order by which promotion is effected.		(ii) According to rule 5, seniority of persons appointed in promotion shall follow the date of joining when one man is appointed. When more than one man is appointed in a single process of selection, the seniority will follow the order of selection for such promotion. (b) While raising the points it has been envisaged that promotion under Finance Department No.3940-F dated 28.03.78, in Class III and Class IV posts is to be given on the basis of seniority only with effect from 01.01.81. However, promotion in such posts in Class III and Class IV are to be given on the basis of performance vide No.5791-F dated 05.06.80 as amended. Therefore there is no question of making provisions in the said Determination of seniority Rules to the effect that seniority on promotion shall be according to the seniority in the lower feeder post as suggested; as even when promotion is given on the basis of seniority in the lower feeder post the wording of the rules will not stand in the way, because the order of seniority will be the order of selection then.
	(iii) An employee who is aggrieved due to an act or omission or order regarding selection or non-selection for promotion or fixation of seniority of the promoted persons shall have a right to make representation to the appointing authority and such authority shall hear and decide the representation in accordance with equity, justice and good conscience and nothing in clauses of this rule shall prevent authority or the Govt. from issuing order to provide appropriate reliefs in cases of non-selection for promotion or fixation of seniority which were considered not fair, reasonable or regular. A provision in the rules to this effect need be made.		(iii) Under rule 16 of the W.B. Services (Classification, Control & Appeal) Rules, 1971 provisions are as follows :- “A Govt. Servant may appeal against an order that (a) denies or varies to his disadvantage his pay, allowance pension or other conditions of service as regulated by any rules or by agreement or (b) interpretes to his disadvantages the provisions of any such rule or agreement; to the Governor as person designata and the Govt. as the case may be”. So a Govt. servant has the right to appeal against the issues mentioned in terms of the provisions in the West Bengal Services (Classification, Control and Appeal) Rules, 1971. There is no necessity of making any such provision in the seniority Rules separately.

	Points		Clarification
3.	The grievance is that the West Bengal Services (Determination of Seniority) Rules, 1981 as promulgated under Notification No. 1882-F dtd. 11.03.81 ignore the element of "quota" in determination of inter-se seniority between direct recruit and promotees.	3.	<p>Previously when "quota" was prescribed for direct recruits or promotees for appointment in a post/cadre/grade, the quota rules applied both at the time of appointment and at the time of confirmation. Therefore, since seniority was determined previously from the date of substantive appointment, a person getting confirmed on the basis of quota earlier than a person recruited from other sources even though the latter was appointed from an earlier date than the former, used to get seniority over the latter recruit.</p> <p>This question was examined and it was decided that the quota basis should be followed only at the time of first appointment and not later. But the entire context was changed after issue of this Department Notification regarding West Bengal Services (Appointment, Probation and Confirmation) Rules, 1979. There was no necessity of making provisions to this effect in view of the fact that confirmation of a direct recruit would now be regulated under the said rules of 1979, not based on quota principle. Accordingly the West Bengal Services (Determination of Seniority) Rules, 1981 was promulgated without any provision regarding quota basis.</p>
4.	The point is whether the year of issue of Govt. order making the appointment on promotion or direct recruitment shall be the year of appointment or promotion for the purpose of rule 6 of the West Bengal Services (Determination of Seniority) Rules, 1981.	4.1.	According to rule 6 ibid the relative seniority between a promotee and a direct recruit is to be determined by the year of appointment or promotion of each in the post, cadre or grade irrespective of the date of joining.
		4.2.	Obviously the date of joining is not the factor for determination of inter-se seniority between a direct recruit and a promotee. The relevant factor for determination of seniority is the year of promotion of appointment. It means that year in which in compliance with the promotion order or the appointment order issued, the first of the batch either of promotees or of direct recruits join. Let us cite an example. Suppose in 1980 certain promotions were made by an order issued in 1980 say November or December. The first of the batch might have joined in December 1980 and the rest during the course of the following year. In this case the year of promotion will be 1980. But if the first of the batch joins in January 1981 then the year of promotion will be 1981 although the order for such appointment was issued in 1980. Similar principles should follow in the case of direct recruits also.

	Points		Clarification
5.	In some cases a person/persons occupying lower position in the merit list of the direct recruits/promotees may join in an earlier year than the person occupying higher position. The point is how inter-se-seniority will be determined in such cases in terms of rule 6 of the West Bengal Services (Determination of Seniority) Rules, 1981.	5.	In such cases the year of appointment of promotion will be the year in which the junior most of the direct recruits or promotees join, if such junior person joins in earlier year and the rest or other in the following year.

N.R. Bhattacharyya.
Deputy Secretary to the Govt. of West Bengal

No.4444/1(200)-F

Calcutta, the 12th June, 1981

Copy forwarded for information and necessary action to the :-

- 1) Director of Land Records & Surveys, West Bengal.

N.R. Bhattacharyya.
Deputy Secretary to the Govt. of West Bengal

Memo No. 163/8758-86/B/81

Dated, Alipur, the 24th June, 1981.

Copy in continuation of this Directorate endorsement no. 163/4939-65/ B/81 dated 09.04.81 forwarded to :-

- 1) The Settlement Officer,
- 2)
- 3) The Principal, West Bengal Survey Institute, Bandel.
- 4) The Office Superintendent.
- 5) The H.A. (I)/(II)/(III)/(IV)/(V)
- 6) A.S.O.I/II,
- 7) Gradation List Cell
- 8) Confidential Section

For information and guidance.

N.B. Lodh
For Director of Land Records & Surveys,
West Bengal.

Employment Policy Circulars

Government of West Bengal
Labour Department
Employment Cell

No.1460-EMP

Dated, Calcutta, the 9th July, 1981

MEMORANDUM

The principles to be followed in the matter of absorption of casual and such other categories of workers in the regular establishments have already been decided by Government as embodied in Labour Department Memo. No.1700-EMP dated 03.08.1979 read with Memo. No. 1650-EMP dated 28.08.1980. A question has now been raised as to whether these workers may be absorbed in a Group C or Group D post, or both. After careful consideration of the matter it has since been decided as under :-

Casual and such other categories of workers who were originally engaged as such primarily for the purpose of performing the duties and responsibilities normally attached to a Group D post shall be considered for absorption against any vacancy to a Group D post only, subject to fulfillment of other conditions laid down in the Memos referred to in the preceding paragraph. In no case shall such workers be considered for absorption against any vacancy to a Group C post, even if they possess the recruitment qualifications prescribed for a Group C post.

Instructions contained in this Memorandum shall apply to all Departments.

A.K. SEN
Chief Secretary

Employment Policy Circulars

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Government of West Bengal
Labour Department
Employment Cell

No.2210-EMP

Dated, Calcutta, the 23rd December, 1981

MEMORANDUM

The question of making suitable provision for enabling permanent and quasi-permanent State Government employees to register their names with the Employment Exchanges for the purpose of securing better employment under the Government/Public Sector Undertakings/Autonomous Bodies to higher posts has been engaging the attention of Government for sometime past. After careful consideration of the matter, the Governor has been pleased to decide as under :

2. Permanent/Quasi-permanent Government employees may be allowed to register their names with the Employment Exchanges for a higher post under the Government/Public Sector Undertakings/Autonomous Bodies on production of a 'No Objection Certificate' from their employers. The grant of 'No Objection Certificates' to such employees will be subject to the following conditions –

- (i) An employee should be registered only for a post higher than the one he is holding under the Government. In case of doubt as to whether the post for which a permanent/quasi-permanent employee intends to register himself with the Exchange is higher than the one he is holding, the decision of the head of office/department shall be final.
- (ii) On being selected by the Government Department/Public Sector Undertaking/Autonomous Body for the higher post, he may be treated as on deputation/foreign service for a period of one year. On the expiry of this period, he should either revert to the parent department or resign his post under the Government.
- (iii) Once an employee has been reverted to the parent department after spending a year outside, he should not be allowed to register his name once again for a period of at least two years.
- (iv) The Employment Exchange and the employee should simultaneously inform the Head of Office in which the employee is working of the fact of registration with the Exchange.

3. The Employment Exchanges should sponsor such permanent and quasi-permanent employees for higher posts under the Government/Public Sector Undertakings/Autonomous Bodies as are eligible on grounds of age, educational qualification, experience etc.

4. Under the existing orders contained in Finance Department (Audit Branch) Memo No. 917-F dated 16.03.1968 temporary State Government employees are already permitted to get their names registered with the Employment Exchanges on production of a 'No Objection Certificate' from their employers. They may be allowed to get their names registered in the same manner subject to the condition at para 2(iv) above. With regard to their submission, the Employment Exchanges should follow the same principles as indicated at para 3 above.

5. In case of any doubt as to interpretation and/or implementation of the decisions contained in this Memorandum, the matter shall be referred to the Labour Department.

6. All Departments should bring the above decisions to the notice of their attached and subordinate offices also.

A. K. SEN
Chief Secretary

**Government of West Bengal
Directorate of Health Services
Writers' Buildings, Calcutta**

No.HPA/G-505-79/556P.

Date, the 14th Dec, 1981

ORDER

In continuation of this Directorate Order No. HPA/G-595-79/567-P. dated 31.10.1979, it is clarified that "three Medical Officers of different branches" as mentioned at paragraph 2 of the above order will mean "three Specialist Medical Officers of different disciplines."

Henceforth any employee intending to retire from services on being permanently incapacitated for further service on medical ground within two years from the date of his normal retirement, should be asked to appear before the Standing Medical Board at Medical College and Hospital, Calcutta and should not be examined locally.

If it is found that sufficient normal leave is due at the credit of any employee to cover the gap between the actual date of retirement on medical ground and the date of normal retirement, such case should not be treated as a case of premature retirement on being permanently incapacitated for further service for the purpose of entitlement to the benefits attached to such retirement.

P. B. CHAKRABARTI
Director of Health Services,
West Bengal

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**Government of West Bengal
Office of the Collector, Burdwan
Establishment Section**

Memo. No.8708/Estt./

Date : 30.12.1981

To
The Secretary,
Board of Revenue, West Bengal,
Writers' Buildings,
Calcutta – 700001.

Sub : Appointment of Son/Daughter or near relation of a Government Servant who has been declared permanently disabled by the Medical Board.

A reference is invited to the G.O. No. 196(60)EMP. Dated 19.06.1978 in which Govt. has extended the benefit for entertaining the cases of the Sons/Daughter or near relations of the Govt. Servants, who have been declared permanently disabled by the Medical Board for employment.

Now, it is experienced that a good number of application has been submitted praying for employment under the coverage of the above Government Order and it is found that in most of the cases the Govt. servants who have been declared permanently disabled by the Medical Board, are at the verge of retirement.

In this connection, the undersigned is to state that there is no specific time schedule for entertaining these cases under the died in harness category in the same Govt. Order.

To avoid misuse of the Govt. intention a clear guideline may kindly be issued so that all such cases may be processed and disposed of quickly.

An early order is solicited.

Sd/- Illegible,
For Collector, Burdwan

**Government of West Bengal
Finance Department
Audit Branch**

No.10317-F.

Calcutta, the 31st December, 1981

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India and in supersession of this department notification No.5893-F, dated the 25th August, 1975, as subsequently amended, the Governor is pleased hereby to make the following rules namely :-

Rules

1. Short title and commencement : (1) These rules may be called the West Bengal Services (Raising of Age-limit) Rules, 1981.
(2) They shall come into force on the 1st day of January, 1982 and shall remain in force till the 31st December, 1986.
2. Raising of age-limit with additional chance to appear at examination : Notwithstanding anything contained in any rules regulating the recruitment to any service or post under the State Government :
 - (1) Where the upper age-limit for recruitment to such service or post is fixed at less than 30 years, such upper age-limit shall be raised to 30 years :
Provided that where recruitment to any service or post is made not through the Public Service Commission, West Bengal, but either through the Employment Exchange or from amongst the exempted categories enumerated in the Labour Department Circular No. 5120(60)-L.W., dated the 17th October, 1977 read with that Department Circular No. 129(60)-L.W., dated the 25th January, 1978, the age-limit shall be 35 years;
 - (2) Where recruitment is made on the basis of a competitive examination and the number of chances which a candidate can avail himself of his specified, such number of chances shall be increased by one.

By order of the Governor,
N. K. Zutshi
Joint Secretary to the
Government of West Bengal

Employment Policy Circulars

**Government of West Bengal
Office Of The Board Of Revenue, West Bengal
Section - EI, Branch - D.E.**

No.2417-DE

Calcutta, the 10th March, 1982

MEMORANDUM

Subject : Relaxation of essential qualification of knowledge of typewriting for filling up of the posts of L.D. Clerk in the reserved quota for disabled persons.

A question has been raised whether in respect of disabled persons, who are otherwise capable of performing the job of lower division clerks except capability of typewriting because of their physical deformity, the requisite qualification of 'knowledge of typewriting', can be waived for the purpose of their recruitment against the quota reserved for them.

2. The undersigned is directed by the order of the Governor to say that after careful consideration of the matter the Governor has been pleased to decide that the condition of knowledge in typewriting for recruitment to the posts of Lower Division Clerks in the District Collectorate and Commissioners' offices shall be relaxed in cases of appointment of disabled persons against the quota reserved for them.
3. This order issues with the concurrence of the Finance Department vide their u/o no. Gr. P 530 dated 04.03.1982.

4. The Accountant General, West Bengal is being informed.
5. Necessary amendment is being made in rule 65 of Board's Miscellaneous Rules, 1955.

D. GOSWAMI
Deputy Secretary,
Board of Revenue, West Bengal & (ex-officio) Deputy
Secretary to the Government of West Bengal,
Land and Land Reforms Department.

Employment Policy Circulars

**Government of West Bengal
Finance Department
Audit Branch**

No.3704-F

Calcutta, the 12th April, 1982

MEMORANDUM

Government have had under consideration for some time past the question of allowing relaxation of upper age limit to the discharged State Government employees for appointment to non-P.S.C. posts and services under this Government.

After careful consideration of the matter in all its aspects, the Governor has been pleased to decide that in respect of the posts and services under this Government appointments to which are made otherwise than on the basis of open competitive tests held by the Public Service Commission, West Bengal, the period of previous service of a person who was in the employment under this State Government for a continuous period of not less than six months and who was discharged otherwise than on reaching the age of superannuation or completing the period of service prescribed for retirement and as a result either of reduction of establishment in an office or of the office itself being wound up, may be deducted from his actual age and if the resultant does not exceed the prescribed maximum age limit for those posts by more than 3 years, he shall be deemed to satisfy the conditions in respect of the maximum age.

G. Venkataramanan
Secretary to the Government of West Bengal

Employment Policy Circulars

**Government of West Bengal
Labour Department
Employment Cell**

No. 620-EMP
EMP/3C-1/78

Calcutta, The 27th April, 1982

MEMORANDUM

The question as to whether the regular employees of the 1981 Census Operations attached to the office of the Director of Census Operation, West Bengal should be allowed the privilege of inclusion in the exempted categories for employment under the State Government has been under consideration of this Government for some time past.

2. After careful consideration of the matter it has been decided that on the analogy of the regular ex-Census employees of 1971 Census Operations the regular employees of the 1981 Census Operations who have put in at least six months' continuous service under the Directorate of Census Operations, West Bengal should also be included in the exempted categories so as to ensure their gradual absorption in regular service under this Government.

3. Accordingly it has also been decided that the words "ex-Census employees" appearing at sub-para 2(iv) of para - I of this department Circular letter No. 5120(60)-LW dt. 17.10.1977 shall, in addition to the ex-census employees of 1971, mean to include the census employees who worked in

connection with the 1981 census and shall get the facilities as provided therein on fulfilment of the required conditions that is, at least six months' continuous service in the previous job.

B. Sengupta
Joint Secretary

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**Government of West Bengal
Labour Department
Employment Cell**

No. 892-EMP
EMP/1.0.-1/82

Calcutta, the 6th July, 1982

From : Shri K. Dasgupta
Asstt. Secy. to the Govt. of West Bengal.

To
The District Magistrate,
Midnapore.

Sub: Compassionate appointment of the dependents of State Government employees dying in harness.

Sir,

I am directed to refer to your letter No. 4987-Estt. dated 18.12.1981 on the subject and to say as under :-

2. In terms of the employment policy of the State Government cases where on compassionate ground a son or a relation to a person dying in harness is to be offered a job, will have precedence over others in the matter of placement, whether a particular vacancy occurring at that time is a reserved one or not. This category of persons will have an over-riding priority in the matter of placement against vacancies arising under any of the employing Authorities. Accordingly, in the case of compassionate appointment an eligible candidate of one department where no berth is readily available may be provided with an appointment in any other department.

3. In the event of non-availability of berth for accommodating such a case of compassionate appointment in a particular department, the sponsoring department concerned will have to move all other departments for a berth and the department having vacancies in the exempted category of posts will provide employment to the son/daughter/near relation of the Govt. servant dying in harness and leaving the family in immediate need of employment assistance.

Yours faithfully,
K. Dasgupta
Assistant Secretary

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**Government of West Bengal
Finance Department
Audit Branch**

No.5874-F.

Calcutta, the 21st June, 1985

Subject : Recognition of the 10th Class Certificate from a Higher Secondary School in India as equivalent to School Final/Matriculation pass certificate for purpose of appointment to Services and posts under the State Government.

A reference is invited to Finance Department Memo. No. 175-F dated 09.01.1980 wherein the system of recognizing the 10th Class Certificate from a Higher Secondary School as equivalent to School Final/Matriculation pass certificate has been allowed to continue in the cases of those who may seek employment on the strength of such certificate issued before the abolition of Class-XI Schooling system i.e. before 01.01.1974.

2. The Governor is now pleased to decide that the system of recognizing the 10th Class pass Certificate of Higher Secondary School for the purpose of entry into service and future promotions to higher posts as mentioned above will cease to be operative with immediate effect.

This will not, however, affect those who are already in service on the strength of the Finance Department Order No. 133(52)-F dated 12.01.1963 read with No. 175-F dated 09.01.1980.

S. Ghosh
Deputy Secretary to the
Government of West Bengal

No.5874/1(225)-F.

Calcutta, the 21st June, 1985

Copy forwarded to :-

1. Director of Land Records & Surveys, West Bengal.
2. The District Magistrate/Dist. Judge _____

S. Ghosh
Deputy Secretary to the
Government of West Bengal

_____ ● _____
Copy of Memorandum No.666/15189/B/86-Pt., Dated, Alipore, the 10th November, 1987 from the Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal to the Settlement Officer, Cooch-behar.

Sub: Compassionate appointment of son/daughter etc. of a Govt. servant declared permanently invalid.

Ref: His No.423/C/11-24/87 dtd. 24.09.1987.

In continuation of this Dte. Memo No. 666/12144-152/B/86-Pt. dated 01.09.1987, this is to inform him that the case of employee in connection with the above noted matter who will retire within 2 (two) years from the date of his normal retirement should be referred to the standing Medical Board at Medical College Hospital, Calcutta, and the case of the employee whose services are more than two (2) years from the date of his normal retirement should be referred to the Chief Medical Officer of the District except Calcutta and Howrah. As regards Calcutta and Howrah Districts the case of the disablement (either his retirement is within 2 years or for more than 2 years) should be referred to the Medical Board at Medical College Hospital.

S. K. Roychowdhury
For Director of Land Records and
Surveys & Joint Land Reforms Commissioner,
West Bengal.

Memorandum No.666/15190-196/B/86-Pt.

Dated, Alipore, the 10th Nov' 1987.

Copy forwarded to the Settlement Officer, Howrah – Hooghly – Nadia for information in continuation of this Dte. Memo No. 666/12144-152/B/86-Pt. dtd. 01.09.1987.

S. Roychowdhury
For Director of Land Records and
Surveys & Joint Land Reforms Commissioner,
West Bengal.

_____ ● _____
**Government of West Bengal
Finance Department
Audit Branch**

No.10252-F

Calcutta, the 29th September, 1988

M E M O

Sub : Age and fee concession to (i) displaced persons from erstwhile East Pakistan who migrated to India (ii) repatriates of Indian origin from Burma and Sri Lanka (iii) repatriates from East African Countries and Vietnam (iv) displaced persons from erstwhile West Pakistan.

The undersigned is directed to refer to this Department Memo. No. 4638-F dated 18.05.1985 allowing upto 31.12.1987, the age and fee concession to (i) the displaced persons from erstwhile East Pakistan (now Bangladesh) and (ii) the repatriates of Indian origin from Burma and Sri Lanka, (iii) repatriates from East African Countries of Kenya, Uganda, Tanzania etc. and Vietnam, (iv) displaced persons from erstwhile West Pakistan, and to say that it has since been decided by Government that the existing concessions as sanctioned in this Department Memo. No.590-F dated 12.02.1965 should be extended for a further period upto 31.12.1988 subject to the terms and conditions stipulated in Memo No.4638-F dated 18.05.1985.

J.C. Ghosh
Deputy Secretary to the Government of
West Bengal.

No.10252/1(225)-F

Dated, the 29th September, 1988

Copy forwarded for information and necessary action to :-

- 1) The Director of Land Records & Surveys, West Bengal.

Sd/- Illegible
Deputy Secretary to the Government of
West Bengal.

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**Government of West Bengal
Directorate of Land Records and Surveys
and Joint Land Reforms Commissioner, West Bengal**

Memorandum No.461/2192-2250/BI/89,

Dated, Alipore, the 19th March, 1990

To

The District Land & Land Reforms Officer,

The Sub-Divisional Land & Land Reforms Officer,

Subject : Appointment of Casual workers in a perennial type of work.

His attention is invited to the employment policy of the Govt. as contained in Labour Departments circular no. 1700-EMP dated 03.08.1979 which inter-alia, prohibits employment of casual workers for a period exceeding 15 days from open market. It has come to the notice of this Dte. that different authorities of the erstwhile Settlement wing/Management wing have already employed casual workers from open market for a period exceeding 15 days in a perennial type of work in violation of the aforesaid prohibitory orders of the Govt. This is highly irregular. It is, therefore, impressed upon all concerned that the aforesaid Govt. orders are strictly adhered to in the matter of employment of casual workers and that the violation of the same is not resorted to under any circumstances.

It is pointed out that employment of casual workers in a perennial type of work through Employment Exchange is permissible in unavoidable circumstances. In such cases, he is requested to please send necessary proposal justifying the necessity / unavoidability of the deployment and obtain approval of this Dte. He is also requested to please ensure that no casual worker is employed to any type of work even through Employment Exchange under any circumstances without the approval of this Dte.

It is further pointed out that the casual workers (other than Punkha Pullers) could be absorbed against the particular regular vacancies in an establishment on fulfilment of the conditions as laid down in labour Deptt's circular no. 1700-EMP dated 03.08.1979 read with no.1650-EMP dated 28.08.1980 while the casual Punkha Pullers could be observed against regular vacancies ('D' Group posts) on fulfilment of the conditions as laid down in Labour Deptt's circular no. 436(25) EMP dated 30.06.1980. But it has come to the notice of this Dte. that the particulars of a good no. of casual workers/Punkha Pullers who do not satisfy the conditions as laid down in the aforesaid circulars and who could not thereby be absorbed against regular vacancies have been furnished to this Dte. unnecessarily. He is requested to please see that the particulars of those casual workers/Punkha Pullers who fulfil the usual conditions are only sent to this Dte. in the enclosed Pro-forma, for obtaining clearance from this Dte. He is also requested to please ensure that no casual worker/Punkha Puller is absorbed against a regular vacancy without the approval of this Dte.

The aforesaid instructions should be brought to the notice of all concerned for their information and compliance.

K.S. Rajendrakumar
Director of Land Records & Surveys
& Joint Land Reforms Commissioner,
West Bengal.

————— ● —————
Government of West Bengal
Office Of The Board Of Revenue, West Bengal
Section – B Group
Branch – GBIII

No. 3226-GBIII
19/90

Dated Calcutta, the 17/12.04.1990

To
The Director of Land Records and Surveys,
West Bengal.

Sub : Appointment of departmental candidates to non-promotional higher posts.
Ref : His Memo. No.810/248-249/B-I/89 dated 08.01.1990.

The undersigned is directed to say that the duly qualified departmental candidates may be considered for appointment in higher posts along with the other candidates sponsored by the Employment Exchanges provided they fulfil the conditions of eligibility as may be laid down in the relevant rules of recruitment prescribed for the posts. The question of age concession in respect of such departmental candidates does not arise.

S. Mallick
Assistant Secretary,
Board of Revenue, West Bengal

Memorandum of No.810/3971-4038/B-I/88.,

dated Alipore, the 07.05.1990

Copy forwarded to District Land and Land Reforms Officer, / Sub-Divisional Land and Land Reforms Officer,
for information and necessary action. The departmental candidates who fulfil the requisite qualification as per the relevant recruitment rules may be allowed to appear at the competitive examination for recruitment to the posts of L.D. Clerk, Amin, Bhumi Sahayak etc. For this purpose applications may be invited from all concerned.

S. Bandyopadhyay
For Director of Land Records and Surveys and
Jt. Land Reforms Commissioner, West Bengal

————— ● —————
Copy of Memo No. 4225-DE/153/90 dated, Calcutta, the 28/31st May, 1990 from the Secretary, Board of Revenue, West Bengal to the Director of Land Records & Surveys, West Bengal.

Sub : Deputation of staff to the Integrated set up scheme and filling up of vacancies in the Howrah Collectorate from the exempted categories candidates.

The undersigned is directed to send a copy of Memo No.311/Estt. dated 05.05.1990 from the District Magistrate, Howrah together with its enclosures on the above subject and to state that after careful examination of the issue the Board has decided that the candidates belonging to the exempted categories, mentioned in the enclosures to the letter cited above, will be offered appointment in suitable vacancies in the Integrated set up of Land Reforms Administration subject to availability of vacancies for exempted categories.

He is requested to satisfy himself about the eligibility of the candidates before issuing the letters of appointment. Further details, required, if any, may be sought for from the Collector of Howrah directly.

Memo No.132/6084/B-I/90

Dated : Alipore, the 19th July, 1990

Copy forwarded to the District Magistrate, Howrah for information. He is requested to kindly cause an enquiry as to the financial condition of the families of the deceased/retired Govt. employees and send an enquiry report in the enclosed proforma with specific comments on each case separately for consideration of the event of the cases.

I. Roy
For Director of Land Records & Surveys &
Joint Land Reforms Commissioner,
West Bengal.

————— ● —————
Government of West Bengal
Finance Department
Audit Branch

No.8811(16)-F

Calcutta, the 1st Sep, 1990

Sub : Ninth Finance Commission—Second Report for 1990-95 under para 10.12.(b) —
Regarding employment in the Govt. Sector during the Eight Plan period.

The undersigned is directed to forward herewith a copy of D.O. letter No.F 8(9)-FCD/90 dated 09.04.1990 from the Ministry of Finance, Department of Expenditure, Govt. of India and Finance Department No.1152 (100)FB dt.07.07.1990 for his information and taking necessary action in the matter.

Encl : As stated.

Sd/-Illegible
Deputy Secretary to the
Govt. of West Bengal
Finance Department

To
The Collector,.....

Kamal Pande
Joint Secretary (P.F.I)
Tel : 301 4811

Government of India
Ministry of Finance
Department of Expenditure

D.O. No.F8(9)—FCD/90

New Delhi, 9th April, 1990

The Ninth Finance Commission in its Second Report for 1990-1995 under para 10.12.(b) has made the following observation :-

“10.12.(b). There has been a fairly fact growth of employment in the Government Sector, particularly at the State level. Between 1979-80 and 1988-89, employment in the Government Sector, taking all States together, grew at the rate of 3.6. per cent (for the major States alone, the corresponding figure is 3.3 per cent). The result has been burgeoning increase in the salary bills. Therefore, it is essential to prevent the growth of government sector employment. There should be no increase in employment in the government sector (Centre and States) during the Eighth Plan period and the revenue Plan expenditure of the Eighth Plan should consist only of expenditure of the Eighth Plan should consist only of expenditure on materials except in relation to additional schools and hospitals to be started under the plan. If expenditure on additional staff is incurred in respect of such Plan schemes, that must be adjusted within the non-plan budget.”

2. I would request that the above observation of the Finance Commission may please be noted and necessary action taken. The Finance Commission Division may also be kept informed of the action taken in this matter.

With regards,

Yours sincerely,
Kamal Pande

- 1) Smt. B. Sen
Joint Secretary (A),
Deptt. of Personnel & Training
Ministry of Personnel, Public Grievances & Pensions,
North Block, New Delhi.
- 2) Smt. Janaki Kathpalia,
Joint Secretary (Budget),
Deptt. Of Economic Affairs,
Ministry of Finance,
North Block, New Delhi.
- 3) Shri K.V.R. Nair,
Special Secretary,
Planning Commission,
New Delhi.
- 4) Shri B.P. Varma,
Joint Secretary (PF-II),
Deptt. Of Expenditure
New Delhi.

Copy forwarded to Shri S.N. Roy, Finance Secretary, Government of West Bengal, Calcutta for necessary action.

S. Ramachandran
Director
Tel. 360174

**Government of West Bengal
Finance Department
Budget**

No.1152(100)-F.B.

Calcutta, the 7th July, 1990

MEMORANDUM

Sub: Ninth Finance Commission – Second Report for 1990-95 under para 10.12(b) –
Regarding employment in the Govt. Sector during the Eighth Plan period.

The undersigned is directed to forward herewith a copy of D.O. letter No.F. 8(9)-FCD/90 dated 09.04.1990 from the Ministry of Finance, Department of Expenditure, Government of India containing the observation of the Finance Commission regarding prevention of Growth of employment on the Government Sector for information and for taking necessary action in this matter.

S. Barma
Special Secretary to the
Government of West Bengal
Finance Department.

————— ● —————
**Government of West Bengal
Office of the Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Alipore, Calcutta – 700027**

Memo No.131/845/B-1/89

Dated, Alipore, the 19th March, 1991

To
The Secretary
Board of Revenue
West Bengal.

Sub : Appointment on compassionate ground of the dependants of the Govt. employee died-in-harness/retired on invalid ground.

In terms of the employment policy of the Govt. as contained in Labour Deptt.'s Circular No.196(60)EMP dt. 19.06.1978 the dependants of the Govt. employees declared incapacitated for

further service should be provided with employment to any post befitting their educational qualification provided they are in immediate need of employment assistance. In course of disposal of such cases it has come to the notice of this Dte. that certain Govt. employees from service on being permanently incapacitated within a very few months/days of their normal retirement and that the dependants of such employees have submitted applications for providing them with employment on grounds of their financial hardship arising out of the premature death/retirement on invalid ground of the employees concerned.

The existing employment policy referred to does not spell out the manner of determination of hardship involved in such cases. The degree of hardship of the dependants of the employees retired on invalid ground long before of their normal retirement cannot be the same as that of the dependants of the employees retired on invalid ground within a very few months/days of their normal retirement, obviously the hardship of the former group of dependants will be much greater than that of the late ones and as such the former ones deserve precedence in the matter of getting employment assistance. As the posts reserved for such categories are limited all the dependants of such Govt. employees could not be provided with employment.

In order to safeguard the intention of the Govt. policy in this regard, it is felt that the dependants of the employees retired on invalid ground within a very few months/days of their normal retirement should not get any relief in the shape of employment assistance as they are not supposed to suffer any financial hardship in the truest sense of the term.

In the circumstance, the Board of Revenue, W.B. may kindly consider if the labour Deptt. be moved to introduce certain restrictive measures in the matter so as to avoid misuse of the intention of the Govt.

K.S. Rajendrakumar
Director of Land Records & Surveys and
Jt. Land Reforms Commissioner West Bengal

Memo No.131/846-862/B-1/89

Dated, Alipore, the 19th March, 1991

Copy forwarded to the District Land & Land Reforms Officer,, for information.

T.K. Saha
for Director of Land Records & Surveys and
Jt. Land Reforms Commissioner, West Bengal

●

Government of West Bengal
Office of the Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Calcutta-700027

Memo No.131/1200-1216/B-1/89

Dated, Alipore, the 25th March, 1991

To
The District Land & Land Reforms Officer,

Sub : Proposal for appointment against the quota reserved for exempted category.

In course of scrutiny of the proposals from different district offices for appointment of the dependants of the employees retired on invalid ground it appears that in some cases the proposals do not indicate the date of normal retirement and actual retirement on invalid ground of the Govt. employees concerned. He is therefore requested to please ensure that henceforth the aforesaid particulars are invariably furnished with the proposals in this regard without which the cases shall not be considered.

T. K. Saha
for Director of Land Records & Surveys and
Jt. Land Reforms Commissioner, West Bengal

Copy of Memo No.3994-GBIII/150/89 dated, Calcutta, the 5th/15th June, 1991 from Government of West Bengal, Office of the Board of Revenue, Section-B(II)/ 'GBIII' Branch to the Director of Land Records and Surveys, West Bengal.

Subject : Appointment on compassionate ground of the dependants of the Govt. employees died in harness/retired on invalid grounds.

The undersigned is directed to refer to his Memo No.131/845/B-1/89 dated 19.03.1991 on the subject noted above and to state that the Labour Department Govt. of West Bengal was consulted in the matter. The views of the Labour Deptt. are as follows :-

"The benefit of compassionate employment to a near relation of a Govt. Servant for premature retirement on medical ground shall not be allowed in cases where loss in pensionary benefits between premature retirement and usual superannuation is insignificant. Such benefit shall be strictly confined to cases where there is no earning members in the family or there is no regular income/or earning members in the family. As such, no special dispensation can be made out in this case to justify "immediate need of assistance" being the pre-requisite to consider the merit of any case for compassionate reemployment. If such a case is considered, then the case of a Govt. employee on his normal superannuation has also to be considered. And in that event there will be absolutely no scope for lakhs of unemployed persons awaiting in the Live Register of Employment Exchange for 10-12 years for a single call to ever get a chance for employment. That is not and can never be the intention of the Govt. The extent employment policy also provides for only 30% of vacancies for exceptional cases formed as "exempted categories".

The fundamental policy of the State Govt. is to recruit personnel through Employment Exchange with a view to providing equal opportunity to all in the matter of employment. The Policy decision has been embodied in G.O. No. 5120(60) L.W. dated 17.10.77. The equity and justice and constitutional validity of the policy has also been upheld by the Supreme Court.

He is requested to act on accordingly and also issue suitable instruction to all concerned.

Sd/-Illegible
Special Secretary
Board of Revenue, West Bengal.

Memo No.131/2447-85/B-1/89

Dated, Alipore, the 16th July, 1991

Copy forwarded to The District Land & Land Reforms Officer,.....

for information and necessary action. This has reference to this Directorate endorsement no. 131/846-862/B-1/89 dated 19.03.1991. He is requested to please examine the merit of a case very meticulously and send a detailed enquiry report in the REVISED PROFORMA (enclosed herewith) to this Directorate for examination.

- ii) All Officers
- iii)-v)
for information.

T. K. Saha
for Director of Land Records and Surveys
& Jt. Land Reforms Commissioner, West Bengal

PROFORMA

Enquiry report on the petition of Shri/Smt. for employment assistance.

1	Name of the Govt. employee and the post held prior to death or retirement on invalid ground.	
2	Name of the office to which attached	
3	Date of death-in-harness/retirement on invalid ground	
4	Date of normal retirement	

5	a) Name of the person seeking employment assistance and his/her educational qualification.	
	b) His/her relationship with the Govt. employee	
	c) Whether the other members of the family have any objection to the employment of the member sought for employment assistance. (No Objection Certificate to be furnished)	

6	Name of members of the family of the Govt. employee, their ages, relationship with the Govt. employee and their livelihood			
	Name	Relationship with the Govt. employee	Age	Profession
				Monthly Income

7	a) Quantum of landed property owned by the Govt. employee.	
	b) Approximate annual income derived from such landed property	
8	Amount of pension that would have been admissible had the employee concerned retired on due date (normal retirement)	
9	Amount of Pension/family pension admissible to the Govt. employee / family admissible as on the date of death-in-harness/retirement on invalid ground.	
10	a) E.L. available to his credit on the date of normal retirement/retirement on invalid grounds.	
	b) Half pay leave available to his credit in case of retirement on invalid grounds.	
11	Whether there is any other source of income of the family. If so, the details of such sources and the income derived from such sources may please be stated.	
12	Whether the petitioner is in need of immediate employment assistance for the maintenance of the family with proper justification.	

Signature of the Enquiring Officer
and his designation

Specific comments of the D.L. & L.R.R.O. on the following points :-

- i) Whether the purpose of giving assistance to the family will actually be served by offering employment to the petitioner.
- ii) Whether the family of the deceased/incapacitated employee is in immediate need of employment assistance.

District Land & Land Reforms Officer

Government of West Bengal
Labour Department
Employment Cell

No.200(60)-Emp/Emp/2E-31/93

Calcutta, the 3rd August, 1993

From : The Chief Secretary to the Government of West Bengal.

To

- 1) The Commissioner,
- 2) The Member, Board of Revenue, West Bengal
- 3) The District Magistrate.

Sir,

In partial modification of the Labour Department Circular No.196(60)-Emp dated 19.06.1978 read with Labour Department Circular No.5120(60)-LW dated 17.10.1977, I am directed to state that the benefit of the offer of employment on compassionate ground to a 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 :-

- a) Such employee fulfils all the three 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 grounds; and
 - iii) He/She has two years of service or more left to reach the age of superannuation;
- b) the financial condition of the family is so acute as to make the appointment essential consequent upon the fall in income due to the voluntary retirement.

2. It is reiterated that none except a son/daughter/near relation already mentioned in Labour Department Order No.196(60)-EMP dt. 19th June, 1978 will be eligible for such appointment.

3. I am further directed to state that the employee or his wife/son/daughter/near relation shall apply to the controlling authority of the employee in the enclosed form along with a medical certificate. On receipt of the said application the controlling officer should form an enquiry committee consisting of Government officials not less than three in number. The committee so formed will make an enquiry about the genuiness of the claim as also the financial condition of the family of the employee.

The controlling officer will forward the said report of the 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 officer authorized by the Director of Health Services for the purpose. The application, the enquiry report and the certificate 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 whether the employee concerned should be declared permanently disabled in service. The whole process should be completed within the period of 90 days.

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

5. 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. The Labour Department will forward the case with its views to the Chief Minister for a decision.

Yours faithfully,
N. Krishnamurthi
Chief Secretary to the
Government of West Bengal

Application for Premature Retirement due to Permanent Incapacitation and Appointment for Son/Daughter/Wife/Near Relation on Compassionate Ground

PART - I

(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 belonging to SC/ST	
9.	Total emoluments (Pay & other allowances)	
10.	The reasons for being permanently incapacitated	
11.	Name, Registration No. and address of the registered medical practitioner whose certificate is enclosed	
12.	Is son/daughter/wife/husband/near relation seeking Government job on compassionate grounds ?	

Note :If answer to Sl.12 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	Education	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)	Movable & Immovable properties and income from it	
g)	Leave encashment benefit	
h)	Others	

3.	Name of the candidate for appointment	
4.	Whether fully dependent on the employee	
5.	Particulars of Employment Exchange Card (if registered)	
6.	Educational qualification & 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 dependent been appointed 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, my services may be terminated.

(Signature of the employee)

(Signature of the Candidate)

PART - III

Report of the Inquiry committee

PART - IV

Comments of the Controlling Office

PART - V

Report of medical examination arranged by DHS or conducted by Medical Officer/Board authorized by him.

(To be filled by the Office)

PART - VI

1.	Is any leave due to the employee ?	
2.	If so, details there of	
3.	Details of retirement benefits	
	As on the date of application	As on the normal date of retirement
	a) Pension -	a) Pension -
	b) Gratuity -	b) Gratuity -
	c) Others -	c) Others -
4.	Post of which employment is proposed	
5.	Is the post supposed to be filled up by the PSC or promotion ?	
6.	Is the vacancy reserved for SC/ST ?	
7.	Does a vacancy under exempted category for the post 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 records.	
12.	Personal recommendation of the appointing authority.	

(Signature of the appointing authority)

No.6156(19)-DE

Date : 19.10.1993

Copy forwarded to the :-

1. Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal.
2. District Land and Land Reforms Officer,
- for information and guidance.

Sd/-Illegible
Deputy Secretary,
Board of Revenue, West Bengal.

●

Government of West Bengal
Office of the Director of Land Records and Surveys
and Joint Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Alipore, Calcutta-700027

Memorandum No.136/313-30/B-I/91,

Dated : Alipore, the 2nd February, 1995

To
The District Land & Land Reforms Officer,

Sub : Filling up the vacancies from amongst the Ex-census workers and of the quota reserved for exempted categories.

Ref : This Dte's Memo. No.136/4088-4105/B-I/91 dt. 8.8.94.

It has come to the notice of this Dte. that the candidatures of Ex-census workers are being sponsored for consideration against the vacancies reserved for exempted categories by the different employment exchanges. But the portion of vacancies to be reserved for such category of persons has not been spelt out in any of the instructions/orders of the Labour Department or Directorate of Employment, West Bengal. The clarification as sought for on the above question has not yet been received from Board of Revenue, West Bengal. In absence of any such specification/clarification, all the 30% of the posts/vacancies in any cadre reserved for exempted category are being filled up from amongst the dependants of the Govt. employees died-in-harness/retired on invalid ground.

In this circumstances, there is hardly any scope to consider the candidatures of the Ex-census workers for appointment in any cadre against the vacancies earmarked for exempted categories until further instructions/orders either from this Dte. or from Govt.

The employment Exchanges may be kept informed of the position.

P. Bandyopadhyay
Director of Land Records and Surveys
& Jt. Land Reforms Commissioner,
West Bengal

Copy of no.2332-Apptt. dtd. 30th March / 5th April 1995 from the Board of Revenue, West Bengal to the Director of Land Records & Surveys & Joint L.R.C., West Bengal.

I am directed to invite your attention to the subject cited above and to say that no objection certificate for appearing in examinations conducted by the State P.S.C., U.P.S.C., S.S.C., is not required at the time of submitting applications in terms of Board's Memo. No. 6469-Apptt. dtd. 03.07.1992 (Copy enclosed). Only an intimation to appointing authority is sufficient.

No correspondence seeking 'No Objection Certificate' in the above matter need be made.

Memo. No.606/4000-4074/B-II/95

dated, Alipur, the 29th May, 1995

Copy forwarded to :-

- 1) The Dist. Land & Land Reforms Officer,
- 2) The S.D.L.L.R.O.
- 3) The Dy. Director of Land Ceiling.
- 4) O.S.D/A.R.T., Institution.

for information and necessary action. He is requested to please ensure that the application stating the fact of submission of application for appearing at any competitive Examination conducted by P.S.C/U.P.S.C/S.S.C. submitted by the officials in respect of whom he is not the appointing authority be obtained from the respective employees and sent to this Dte. for further action from this end.

As regards the employees in respect of whom he is the appointing authority the application for intimation of the fact of submission of application should be preserved in his office.

S.C. Bera
for Director of Land Records & Surveys
& Jt. Land Reforms Commissioner,
West Bengal.

Encl : As stated.

**Government of West Bengal
Office of the Board of Revenue, West Bengal
Section-BI, APPTT. Branch**

No.6449-Apptt.

Calcutta, the 3rd July, 1992

MEMORANDUM

The procedure of issuing "No Objection Certificate" in favour of the candidate employees under the control of the Board of Revenue, West Bengal appearing at the examinations conducted by the Public Service Commission, West Bengal, Union Public Service Commission and Staff Selection Commission has been under review of the Board for sometime.

It has now been decided after careful consideration, that the staff who are under the control of the Board need not seek any "No Objection Certificate" in respect of their candidature for the examinations conducted by the Public Service Commission, West Bengal, Union Public Service Commission and Staff Selection Commission, unless the rules of the said examinations prescribe furnishing of such "No Objection Certificate".

N.K. Raghupathy
O.S.D. (Ex-Officio), Secretary,
Board of Revenue, West Bengal (Ex-Officio),
Spl. Secy. to the Govt. of West Bengal
Land & Land Reforms Department

Memo. No. 6450(37)-Apptt.

Copy forwarded for information and necessary action to the Director of Land Records & Surveys, West Bengal.

Sd/- Illegible
Asstt. Secy., Board of Revenue, West Bengal.

**Government of West Bengal
Finance Department
Audit Branch**

No.11216-F.

Calcutta, 24.12.1996

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make the following amendment in the West Bengal Services (Raising of Age-limit) Rules, 1981, published with this department notification No.10317-F. dated the 31st December, 1981, as subsequently amended (hereinafter referred to as the said rules) :-

AMENDMENT

In sub-rule (2) of rule 1 of the said rules, for the words, figures and letters "the 31st December, 1996", substitute the words, figures and letters "the 31st December, 2001".

By Order of the Governor,
A. K. Chakraborty
Jt. Secy. to the Govt. of West Bengal

No.11216/1(250)-F.

Calcutta, 24.12.1996

Copy forwarded for information & necessary action to :-

1. The Board of Revenue, West Bengal
2. The District Magistrate/Judge.
3. The Supdt. of Police.
4. The Commissioner, Division.
5. The Secretary, Public Service Commission, W.B. 161A, S. P. Mukherjee Road, Calcutta - 700026.

Sd/- Illegible
Deputy Secretary, Finance Department

**Government of West Bengal
Finance Department
Audit Branch**

No.10317-F

Dated, Calcutta, the 31st December, 1981

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India and in super session of this department notification No.5893-F. dated 25th August, 1975, as subsequently amended, the Governor is pleased hereby to make the following rules, namely :-

RULES

1. Short title and commencement - (1) These rules may be called the West Bengal Services (Raising of Age-limit) Rules, 1981.
- (2) They shall come into force on the 1st day of January, 1982 and shall remain in force till (the 31st December, 1996) the 31st December 2001.
2. Raising of age-limit with additional chance to appear at examination - Notwithstanding anything contained in any rules regulating the recruitment to any service or post under the State Government :-
 - (1) where the upper age-limit for recruitment to such service or post is fixed at less than 30 years, such upper age-limit shall be raised to 30 years.

Provided that where recruitment to any service or post is made not through the Public Service Commission, West Bengal, but either through the Employment Exchange or from amongst the exempted categories enumerated in the Labour Department Circular No. 5120(60) L.W., dated the 17th October, 1977 read with that Department circular No.129(60) L.W., dated the 25th January, 1978 the age limit shall be 35 years;

- (2) where recruitment is made on the basis of a competitive examination and the number of chances which a candidate can avail himself of is specified such number of chances shall be increased by one.

By order of the Governor,
N. K. Zutshi,
Jt. Secy. to the Government of
West Bengal

●

**Government of West Bengal
Cabinet Secretariat**

C I R C U L A R

Cab. Circular No.4.

Calcutta, the 22nd June, 1998

Subject : Re-employment of Government Servants after retirement – Principles regarding.

1. In supersession of earlier circulars, on the subject, the Government have decided to lay down the following principles/procedures, to be followed for re-employment of Government Servants.
 - i) Unless special reasons exist, a Government employee shall cease to be employed after his present term of re-employment, even though, he has not attained the age of 60 years. A Government employee may, however, be re-employed, only on specific written orders of the Government. A Government employee should not be re-employed for his personal benefit and re-employment must be only in exceptional and unavoidable circumstances and subject to the procedure laid down in paras 2 and 3 of this circular.
 - ii) The Department/Officer concerned are to arrange substitutes well in advance for Government employees who are due to superannuate. Such attempts should normally begin between one year and six months prior to superannuation, depending on the nature of the post.
 - iii) No one should be re-employed if a serving officer can be found as a substitute. When a suitable serving officer is not available, the superannuated officer may be granted re-employment for six months and attempts should be made to select the substitute before the expiry of the six months period.
 - iv) If a Government employee with expert qualifications or experience be considered indispensable for any post, he may be re-employed for such time as may be necessary to fine/train up a substitute subject to the terms and conditions as laid down.
 - v) Government employees on deputation to State Government undertakings, Commissions, Corporations, etc. should not be kept in employment beyond 60 years of age without the prior approval of the Cabinet for which exceptional and unavoidable circumstances should exist. Provisions of sub-para (i) of para 1 above will also apply.
2. All proposals for re-employment, where special reasons exist, have to be sent with detailed justification, to the Cabinet Secretariat at least three months in advance.
3. The Cabinet Secretariat will then present the proposals to the Appointments Committee of the Cabinet for analysis and evaluation. The Appointments Committee may after considering the matter decide, either to reject the proposal or to forward the same with its recommendations for consideration by the Cabinet or act otherwise.
4. No case should be put up to the Cabinet for ex post-facto approval or as a Mention Case.
5. The provisions of this circular will take immediate effect. Those cases which are under process in accordance with the earlier circulars on the subject will cease and will have to conform to these provisions.
6. This should be circulated for the guidance of all concerned, sub-ordinate officers including Public Sector Undertakings, etc.

M. Gupta
Chief Secretary and Cabinet Secretary

Memo. No. Cabinet Circular No.4.

Dated the 22nd June, 1998

From the Cabinet Secretariat Department of this Government, West Bengal.

No.3782(11)-Estt.

Dated, 10/21.07.1998

Copy forwarded to the :-

1. Director of Land Records & Surveys,
35, Gopalnagar Road, Calcutta – 700027.
2. 1st Land Acquisition Collector, Calcutta,
5, Bankshall Street, Calcutta - 700001.
3. Rent Controller, Calcutta,
2 & 3, K.S. Roy Road, Calcutta – 700001.
4. Arbitrator, 24-Parganas, & Calcutta,
3, Tinkari Ghosh Lane, Calcutta – 700026.
5. Special Officer, Damodar Valley Project, Chnsurah, Hooghly.
6. Thika Tenancy Controller, Office of the Thika Tenancy Controller,
12B, Russel Street, Calcutta – 700071.
7. Thika Tenancy Controller, Howrah, New Collectorate Buildings, Howrah,
P.O. & Dist. Howrah.
8. Registrar & D.D.O. of this Department.
9. Director of Land Records & Surveys (Ex-Officio) West Bengal,
Boundary demarcation Unit, New Sectt. Buildings,
1st floor, Room No. 16, 1, K.S. Roy Road,
Calcutta – 70001.
For information and necessary action.
10. The District Establishment Branch of this Department.
11. Director Establishment Branch of this Department.

●

Government of West Bengal
Deptt. of Health & Family Welfare
G. A. Branch

No.HF/O/GA/1234/W-31/98

Calcutta, the 30th June, 1998

ORDER

The existing Central Medical Board is assigned with the work of medical examination (i) for determining medical fitness in respect of candidates of all categories selected for appointment in State Govt., Central Govt. and Undertakings of both State and Union Govts. (ii) for determining disability of physically handicapped persons (iii) in connection with commutation of pension, as and when necessary and (iv) for determining medical incapacitation to continue in service. Since it is hardly possible to deal with huge number of such cases with the existing infrastructure with the promptitude they deserve, Govt. has been considering for sometime past the question of decentralizing some work of the Central Medical Board by Constituting a few Zonal Medical Boards.

The undersigned is accordingly directed by order of the Governor to say that the Governor is pleased to constitute with immediate effect and in partial modification of the previous order, six Zonal Medical boards, as indicated below, each Zonal Medical Board consisting of five personnel of whom one will be the Superintendent of the concerned Hospital and the rest 4 (four) will be Medical teachers, not below the rank of Assistant Professor, one each from the disciplines of Ophthalmology, Medicine, Surgery and Orthopaedics and other concerned disciplines as required and assign to each of these Zonal Medical Boards the work mentioned against each of them below. In the case where Asst. Professor and even Lecturer in the discipline of Psychiatry is not available, Medical Officer having M.D. or D.P.M. qualification should be allowed to act as a member of the Board. Superintendent of the concerned Hospital shall act as Chairman and also convener of the Board so constituted.

Zone	Name of the Zonal Medical Board	Jurisdiction	Assignments
(1)	(2)	(3)	(4)
'A'	Zonal Medical Board, Bankura Sammilani Medical College and Hospital, Bankura.	District of Purulia, Bankura and Midnapore.	(a) Medical examination in connection with commutation of pension and where necessary (b) medical examination for determination of physical fitness of the employees of the State and Union Govts. and Govt. Undertakings of both Central and State Govts. seeking premature retirement on physical ground. In this case, the jurisdiction of the Zonal Medical Board will be determined on the basis of office address of the employees concerned.
'B'	Zonal Medical Board, Burdwan Medical College & Hospital, Burdwan.	Districts of Burdwan and Birbhum.	-do-
'C'	Zonal Medical Board, North Bengal Medical College & Hospital, Darjeeling.	Dists of Darjeeling, Jalpaiguri, Cooch-Behar, Uttar Dinajpur, Dakshin Dinajpur & Malda	-do-
'D'	Zonal Medical Board, N.R.S. Medical College & Hospital, Calcutta.	Calcutta and Dist. of South 24 Parganas.	-do-
'E'	Zonal Medical Board, Medical College and Hospital, Calcutta	Districts of Howrah & Hooghly	-do-
'F'	Zonal Medical Board, R.G. Kar Medical College & Hospital, Calcutta.	Districts of 24-Parganas (North), Nadia and Murshidabad.	-do-

The Governor is further pleased to direct that Central Medical Board located at Medical College & Hospital, Calcutta shall continue to do the work of (i) Medical examination for determining medical fitness in respect of candidates (Group 'A' & 'B') selected for appointment in State and Central Govt. offices and Undertakings of State and Union Govt. The said Board will also undertake medical examination of all candidates belonging to Group 'C' of offices of State Govt. and Central Govt. located in Headquarters/Calcutta.

2. The Governor is also pleased to direct that medical examination at the time of appointment of all Group 'C' employees of Central Govt. offices (outside Calcutta) and Regional Offices of State Govt. (outside Calcutta) will be done by the Chief Medical Officer of Health of the District concerned.

3. The Governor is further pleased to direct that medical examination for determining disability of physically handicapped persons will continue to be done in district Hospital and S.D. Hospitals of the District / Sub-division concerned. In the case of Calcutta, the existing system as contained in Order No. HF/O/GA/107/W-02-98 dated 15.01.1998 shall continue to operate until further orders.

4. The Governor is further pleased to direct that medical examination for appointment of Group 'D' Staff in Central and State Govt. (Outside Calcutta) and Undertakings of State and Central Govt. (outside Calcutta) will be done by the Chief Medical Officer of health of the district concerned on the basis of home address of the candidate(s). Medical examination for appointment of Group 'D' staff in Calcutta will be done by the Superintendents of Hospitals and/or Medical Officer in Charge of Dispensary, Writers' Buildings, Calcutta.

5. Notwithstanding what has been stated in the preceeding paragraphs, the candidates (in the case of appointment) and employees seeking premature retirement who have already attended the Standing Medical Board at Medical College, Calcutta for medical examination shall continue to attend the said Standing Medical Board till the medical examination is over and final report is given by the said Board.

6. The Zonal Medical Boards will meet twice in a fortnight in the concerned Hospital. In the case of emergency, the Boards shall sit as frequently as may be necessary. Selection of members of the Board will be made with the approval of Director of Health Services, West Bengal.

In the case of any dispute, decision of Director of Health Services and Ex-Officio Secretary shall be final.

7. The Governor is further pleased to direct that fees for medical examination per candidate including fresh candidates will be Rs.40/- (Rupees forty) only, in place of the existing Rs.16/- per candidate, out of which Rs.10/- (Rupees ten) only shall be deposited to Govt. through Reserve Bank of India draft or Treasury Challan under the head "2210-Medical Receipt Non-Plan-W.B." and the rest Rs.30/- (Rupees thirty) only shall be deposited to the Medical Board concerned, in cash, for distribution equally among the members of the Board including Chairman/Convenor. Physically handicapped candidates will not be required to deposit any amount either in cash or through Treasury Challan for the purpose. This is applicable in the cases of handicapped persons of both State and Central Govts.

No extra staff will be sanctioned for the business of the Medical Boards. This Department order circulated in letter no.HF/O/GA/901/W-31/98 dated 28.04.1998 is hereby cancelled.

Sd/-Illegible
Deputy Secretary

No.HF/O/GA/1234/W-31/98/1()

Calcutta, the 30th June, 1998.

Copy forwarded for information & necessary action to the :-

- 1) P.S. to Minister in Charge, Health & F.W. Deptt.
- 2) P.S. to Minister of State, Health & F.W.
- 3) Director of Health Services, West Bengal.
- 4) Project Director, & E.O., Secretary, Health & F.W.
- 5) Director of Medical Education, West Bengal.
- 6) Jt. Director of Medical Education, West Bengal.
- 7) Dy. Director of Medical Education, West Bengal.
- 8) Asstt. Director of Medical Education, West Bengal.
- 9) Jt. Director of Health Services (Admn), West Bengal.
- 10) Principal, Medical College, Cal/R.G. Kar Medical College, Cal. / N.R.S. Medical College, Calcutta / North Bengal Medical College, Darjeeling / Burdwan Medical College, Burdwan / Bankura Sammilani Medical College, Bankura.
He is requested to please detail the services of Specialist Medical Officer for constitution of the Medical Board for the purpose referred to hereinbefore.
- 11) Supdt., Medical College & Hospital, Cal/ R.G. Kar Medl. College & Hospital, Cal / N.R.S. Medical College & Hospital, Cal / North Bengal Medical College & Hospital, Darjeeling / Burdwan Medical College & Hospital, Burdwan / Bankura Sammilani Medical College & Hospital, Bankura.
He is requested to constitute the Medical Board in consultation with the Principal of the concerned Hospital.
- 12) P.A. to Principal Secretary, Health & F.W.
- 13) P.A. to Spl. Secy., Health & F.W.
- 14) P.A. to Family Welfare Commissioner, E. & O., Spl. Secy.
- 15) Chief Medical Officer of Health,
- 16) _____ all Deptts. of the Govt. of West Bengal.
- 17) Spl. Secy./Jt. Secy./Dy. Secy./O.S.D./Asstt. Secy. of all Branch of this Deptt.
- 18) _____ Branches of this Deptt.

Sd/- Illegible
Deputy Secretary

Government of West Bengal
Finance Department
Audit Branch

No.5536-F

Dated : 30.07.1998

From :
Shri S. P. Mukherjee
Deputy Secretary to the
Government of West Bengal.

To
The Secretary
Public Service Commission, West Bengal
161A, S.P. Mukherjee Road, Kolkata-700026.

Subject :Raising of upper age limit for direct recruitment.

Sir,

With reference to your letter No.913-P.S.C. dt. 03.06.1998 on the above subject, I am directed to state that under this Deptt. Memorandum No.3900-F dated 19.05.1998 upper age limit for direct recruitments to posts and services was raised from 30/35 years to 32/37 years in partial modification of the West Bengal Services (Raising of Age Limit) Rules, 1981 as subsequently amended.

2. As provided under sub-rule (1) of Rule 2 of the said rules the provisions of raising of age limit shall be applicable to the cases where the upper age limit for rectt. to posts/services was fixed at 30 years for recruitment through P.S.C. & 35 years for non P.S.C. recruitment.

As in the case of West Bengal Civil Service (Judicial) Examination, the upper age limit is already fixed at more than 30 years, this will not obviously come under the perview of F.D. Memo. No.3900-F dt. 19.05.1998. In other words, in terms of F.D. Memo No.3900-F dt. 19.05.1998, upper age limit has been raised only in respect of the posts/services coming under the perview of West Bengal Service (Raising of Age Limit) Rules 1981, not in all cases of direct recruitments.

3. Similarly, in the cases of physically handicapped persons, where the upper age limit for direct recruitment to posts/services has been fixed at 45 years there will be no further relaxation in the said age limit in pursuance of F.D. Memo. No. 3900-F dated 19.05.1998. However, in the case of Ex-serviceman, where there are special provision regarding age limit in Rule 5 of the Ex-serviceman (reservation of vacancies in the State Services and Posts Group 'C' and Group 'D') Rules, 1982 and also in the cases of the Scheduled Caste/Tribe, Backward Classes etc. will continue to enjoy the benefit of F.D. Memo. No. 3900-F dated 19.05.1998. This Department Letter No. 4050-F dated 27.05.1998 is modified to this extent.

Yours faithfully,
S.P. Mukherjee
Deputy Secretary to the
Government of West Bengal
Finance Department

————— ● —————
Government of West Bengal
Department of Health & Family Welfare
G. A. Branch

No.HF/O/GA/137/W-31/98

Dated, Calcutta, the 21st January, 1999

ORDER

The existing Central Medical Board is assigned with the work of medical Examination (i) for determining medical fitness in respect of candidates of all categories selected for appointment in State Govt., Central Govt. and undertakings of both State and Union Govts. (ii) for determining disability of physically handicapped persons; (iii) in connection with commutation of pension, as and when necessary and (iv) for determining medical incapacitation to continue in service. Since it is hardly possible to deal with huge number of such cases with the existing infrastructure with the promptitude

they deserve, Govt. has been considering for sometime past the question of decentralizing some work of the Central Medical Board by constituting a few zonal medical Boards.

The undersigned is accordingly directed by order of the Governor to say that the Governor is pleased to constitute with immediate effect and in partial modification of the previous order, six Zonal Medical Boards, as indicated below, each Zonal Medical Board consisting of five personnel of whom one will be the Superintendent of the concerned Hospital and the rest 4 (four) will be Medical teachers, not below the rank of Assistant Professor, one each from the disciplines of Ophthalmology, Medicine, Surgery and Orthopaedics and other concerned disciplines as required and assign to each of these Zonal Medical Boards the work mentioned against each of them below. In the case where Asstt. Professor and even Lecturer in the discipline of Psychiatry is not available, Medical Officer having M.D. or D.P.M. qualification should be allowed to act as a member of the Board. Superintendent of the concerned Hospital shall act as Chairman and also convenor of the Board so constituted.

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No extra staff will be sanctioned for the business of the Medical Boards. This Department order circulated in letter no.HF/O/GA/901/W-31/98 dated 28.04.1998 is hereby cancelled.

8. This order issues in partial modification of this Department Order No. HF/O/GA/1234/W-31/98 dated 30.06.1998 issued in this regard previously.

Sd/- Illegible
Deputy Secretary

_____ ● _____
Government of West Bengal
Land and Land Reforms Department
Establishment Branch
Writers' Buildings, Block-IV & V (1st Floor)
Calcutta-700001

No.6157(9)-Estt./LL/N-1M-1/99

Dated, Calcutta the 1st/3rd September, 1999

From :
Assistant Secretary to the
Govt. of West Bengal.

To : 1) The Director of Land Records & Surveys, West Bengal
"Survey Building", 35, Gopalnagar Road,
Post Office - Alipore, Calcutta - 700027.
2 to 9)

Subject : Grant of age concession to blind, deaf-mute and orthopaedically handicapped persons for appointment to posts/services filled through open competitive examination.

The undersigned is directed to send herewith a copy of endorsement No.2240/1(100)-SW, dated 21.07.1999 of the Social Welfare Department of this Government alongwith a copy of its enclosure on the subject noted above for information and taking necessary action.

Sd/-Illegible
Assistant Secretary to the
Govt. of West Bengal

Enclosure : As stated above.

Memo No.25/5192-5292/BI/99

Dated, Alipore 13th December, 1999

Copy forwarded to :-

- i) The District Land & Land Reforms Officer,
- ii) A R T I
- iii) Officers of this Directorate
- iv) The Dealing Assistants
- v) Guard File – BI Gr.
-for information and guidance.

S. C. Bera
for Director of Land Records & Surveys
and Joint Land Reforms Commissioner
West Bengal

Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)
North Block, New Delhi – 110001

No.43019/28/86-Estt(D)

February 1, 1999

OFFICE MEMORANDUM

Subject : Grant of age concession of blind, deaf-mute and orthopaedically handicapped persons for appointment to posts/services filled through Open Competitive Examination.

The undersigned has been directed to invite reference to the Department of Personnel and Training office Memorandum No.15012/6/77-Estt(D), dated January 28, 1978 and Office Memorandum No. 15012/5/92-Estt(D), dated July 27, 1995 (copies enclosed) on the aforementioned subject and to say that the question whether relaxation in the upper age limit should be granted to physically handicapped persons for appointment to various posts/services under the Central Government filled through open Competitive Examination has been considered in consultation with the Union Public Service Commission and the Comptroller and Auditor General of India. It has now been decided to allow relaxation of ten years (15 years for SC/ST and 13 years for OBC) in the upper age limit to blind, deaf-mute and orthopaedically handicapped persons for appointment to all civil posts/services under the Central Government filled through Open Competitive Examination.

K. K. Jha
Director (Establishment)

No.2240/1(100)-SW

Dated, Calcutta The 21st July, 1999

Copy of Govt. of India's Memo No.43019/28/86-Estt(D), dated 01.02.1999 forwarded for information and taking necessary action to :- 1) The Secretary to the Government of West Bengal, Land and Land Reforms Department.

Prithwish Patranabis
Deputy Secretary

Government of West Bengal
Land and Land Reforms Department
Branch – I.S.U.

Memo No.7909(34)-ISU

Dated, the 16th/28th December, 1999

- To : 1) The Director of Land Records & Surveys, West Bengal
35, Gopal Nagar Road, Alipore
Calcutta – 700027.
- 2) The District Land & Land Reforms Officer,
- 3) The Collector,

Sub : Regulation of Recruitment in State Govt. Establishment and some other establishments.

The undersigned is directed to refer to the above mentioned subject and to send herewith copies of notification no. 2536-L dated 03.11.1999 issued by the Law Department and Notification No. 921-Emp. Dated 10.11.1999 issued by Labour Department, Government of West Bengal for information and taking necessary action.

Sd/- Illegible
Assistant Secretary
Land & Land Reforms Department,
West Bengal

The Calcutta Gazette
Extraordinary
Published by Authority

Wednesday, November 3, 1999

Government of West Bengal
Law Department
Legislative

NOTIFICATION

No.2536-L.-3rd November, 1999.-The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information –

West Bengal Act XIV of 1999

THE WEST BENGAL REGULATION OF RECRUITMENT IN STATE GOVERNMENT ESTABLISHMENTS AND ESTABLISHMENTS OF PUBLIC UNDERTAKINGS, STATUTORY BODIES, GOVERNMENT COMPANIES AND LOCAL AUTHORITIES ACT, 1999

An Act to provide for the regulation of recruitment in State Government establishments and establishments of public undertakings, statutory bodies, Government companies and local authorities in West Bengal.

Whereas it is expedient to provide for the regulation of recruitment in State Government establishments and establishments of public undertakings, statutory bodies, Government companies and local authorities in West Bengal with a view to providing equal opportunity to all citizens in matters relating to employment or appointment to any post in any such establishment;

It is hereby enacted in the Fiftieth Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. (1) This Act may be called the West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

(4) It shall apply to all posts in State Government establishments and establishments of public undertakings, statutory bodies, Government companies and local authorities, other than the posts 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 constituted under the West Bengal College Service Commission Act, 1978, or
- c) the West Bengal Regional School Service Commission constituted under the West Bengal School Service Commission Act, 1997, in respect of any of the regions referred to in sub-section (2) of section 3 of the said Act, or
- d) any Municipal Service Commission constituted under any law for the time being in force, or
- e) the Co-operative Service Commission constituted under the West Bengal Co-operative Societies Act, 1983,

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 or by persons included in the exempted category.

2. In this Act, unless the context otherwise requires,-

- (1) “appointing authority”, in relation to any post in a State Government establishment or establishment of a public undertaking or statutory body or Government Company or local authority, means the authority empowered to make appointment to such post;
- (2) “Director of Employment” means the Director of Employment, Government of West Bengal;
- (3) “employment exchange” means any office or place established and maintained by the State Government for the collection and furnishing of information, either by the keeping of registers or otherwise, in respect of-
 - (a) persons who seek to engage employees,
 - (b) persons who seek employment, and
 - (c) vacancies to which persons seeking employment may be appointed;
- (4) “establishment” means-
 - (a) any office, or
 - (b) any place where any industry, trade, business or occupation is carried on;
- (5) “exempted category” means the category of persons seeking any job, declared by the State Government to be exempted category under section 3;
- (6) “Government company” has the same meaning as in clause (18) of section 2 of the Companies Act, 1956;
- (7) “local authority” has the same meaning as in clause (23) of section 3 of the Bengal General Clauses Act, 1899;
- (8) “notification” means a notification published in the Official Gazette;
- (9) “public undertaking” means any industry, trade, business or occupation owned, controlled or managed by –
 - (a) the State Government or any department of the State Government;
or
 - (b) a Government company, or
 - (c) a corporation established by or under a Central or State Act which is owned, controlled or managed by the State Government and in which not less than fifty-one per cent, of the paid up share capital is held by the State Government;

- (10) “registrant” means the person who, seeking any employment, has registered his name in the employment exchange and whose name exists in such register of the employment exchange as is in force for the time being;
- (11) “statutory body” means any board, corporation, or society, not being a local authority, set up under any law for the time being in force and the affairs of which are controlled by the State Government.
3. The State Government may, from time to time, by notification,-
- (a) declare any class or category of persons to be exempted category for the purpose of this Act,
- (b) reserve a percentage of vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company, or local authority, to be filled up by the persons from the exempted category,
- (c) prescribe the procedure for filling up the vacancies as aforesaid, and
- (d) provide for the relaxation of age-limit for the persons included in the exempted category.
4. After the commencement of this Act, all vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company or local authority shall be filled up by such persons as may be sponsored by an employment exchange.
5. Every appointing authority in any Government establishment or establishment of any public undertaking, statutory body, Government company or local authority shall notify to the employment exchange concerned, in the form of a requisition, every vacancy in any post in such establishment in accordance with the provisions of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, and the rules made thereunder, and shall state the qualifications, age, experience or any other requirement for filling up of such vacancy.
6. The employment exchange shall, on receipt of the requisition under section 5, submit to the appointing authority a list of registrants, other than the registrants who belong to the exempted category, in order of seniority determined on the basis of the length of the period of registration in that employment exchange and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time, and also in conformity with the qualification, age, experience or other requirement, if any, as stated in the requisition.
7. In order to enable the appointing authority to fulfil the requirements of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, the employment exchange concerned shall forward to the appointing authority a list of registrants belonging to the Scheduled Castes and the Scheduled Tribes and having qualifications, age, experience and other requirements in conformity with the rules of recruitment to the concerned posts, in order of seniority, that is to say, in order of the length of the period of registration amongst the registrants belonging to the Scheduled Caste and the Scheduled Tribe respectively and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time. It shall be the responsibility of the appointing authority to indicate clearly in the requisition the number of posts which are to be filled up by the candidates belonging to the Scheduled Caste and the Scheduled Tribe and the relaxations in the educational qualification and the age-limits for them.
8. In order to enable the appointing authority to fulfil the requirements of the West Bengal Commission for Backward Classes Act, 1993, the employment exchange concerned shall forward to the appointing authority a list of registrants belonging to the backward classes and having qualifications, age, experience and other requirements in conformity with the rules of recruitment to the concerned posts in order of seniority, that is to say, in order of the length of the period of registration amongst the registrants belonging to the backward classes, and in accordance with such principle of rotation as the Director of Employment may prescribe from time to time. It shall be the responsibility of the appointing authority to mention in the requisition the number of posts which are to be filled up by the candidates belonging to the backward classes and the relaxations in the educational qualification and the age-limits for them.
9. In order to enable the appointing authority to fulfil the requirements of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to in this section as the said Act), the employment exchange concerned shall forward to the appointing authority a list of registrants being persons with disability for each post reserved for them in

terms of the provisions of Chapter VI of the said Act and the rules made thereunder. It shall be the responsibility of the appointing authority to mention in the requisition the number of posts reserved for such candidates to enable the employment exchange to sponsor names from such, category.

10. The number of candidates submitted to the appointing authority shall be in such ratio as the appointing authority may prescribe :

Provided that the ratio shall not be less than 20 candidates for each vacancy.

11. The State Government may, by notification, prescribe the minimum age-limits, educational qualifications, and physical standards for filling up of such categories of vacancies in the posts in any Government establishment or establishment of any public undertaking, statutory body, Government company or local authority as may be specified in the notification.

12. The State Government may, from time to time, by notification exempt from all or any of the provisions of this Act such appointing authority, in respect of such category of post, and subject to such conditions, as may be specified in the notification.

13. Subject to the provisions of any other law for the time being in force, the State Government may, from time to time, by notification, revise the percentage of reservation for any category of registrants.

14. The State Government may, by notification, prescribe model rosters for recruitment to posts in Government establishments or establishments of public undertakings, statutory bodies, Government companies or local authorities in order to ensure that vacancies in such posts are filled up in accordance with the provisions of this Act and any other law for the time being in force providing for reservations for any class or category of persons specified therein.

15. If any appointing authority fails to comply with, or contravenes, any provision of this Act, such appointing authority shall be liable to such disciplinary action, and to such major punishment, as may be determined by the disciplinary authority under such rules as are applicable to such appointing authority.

16. Notwithstanding anything contained in this Act, no appointment made in any post in any State Government establishment or establishment of any public undertaking or statutory body or Government company or local authority after the coming into force of this Act shall be invalid if the process of filling up of such post has been initiated, and the names of candidates for filling up of such post have been collected, in accordance with the rules of recruitment to, or the procedure for filling up of, such post in force on the day immediately before the day on which this Act comes into force, and every such appointment shall be deemed to have been validly made as if this Act had not been passed.

By Order of the Governor,
S. Maitra
Special Officer & Ex Officio
Jt. Secy. to the Govt. of West Bengal.

The Calcutta Gazette
Extraordinary
Published by Authority

Wednesday, November 10, 1999

**Government of West Bengal
Labour Department**

NOTIFICATION

No.921-Emp.

Dated, the 10th November, 1999

In exercise of the power conferred by sub-section (3) of Section 1 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 hereby to appoint the 15th day of November, 1999, as the date on which the said Act shall come into force.

By order of the Governor,
V. Subramanin
Secretary to the Govt. of
West Bengal

**Government of West Bengal
Labour Department
Emp. Cell**

No.997(100)-EMP/6P-9/99

Dated : 28.12.1999

From :
Assistant Secretary to the
Government of West Bengal

To
Finance Department,
Government of West Bengal.

Subject : Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995—Reservation of Vacancies.

Ref : This Department Memo No.344 (100)-Emp. dated 16.04.1999

Sir,

It has been brought to the notice of this Department that some Departments/Offices of this Government are not aware of this Deptt. Memo. No. 344(100)-Emp. dated 16.04.1999 in the matter mentioned above.

I am, therefore, directed to send herewith a copy of the said Memo, for your information and necessary action.

Yours faithfully,
Sd/- Illegible
Assistant Secretary

**Government of West Bengal
Labour Department
Emp. Cell**

No.344(100)-Emp./1M-43/94.

Dated : 16.04.1999

NOTIFICATION

In pursuance of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, it is hereby notified that the 3% reservation for Persons with Disabilities (Physically Handicapped) in Para 6 and 7 of this Department Circular Letter No. 500(100)-Emp/1M-43/94, dated 7th October, 1997, would be implemented as follows :-

Each reserved vacancy for persons with disabilities in each block of 33 points would be filled up by persons suffering from (i) Blindness or low vision, (ii) Hearing impairment and (iii) Locomotor disability or cerebral palsy.

All appointing authorities should ensure filling up of reserved vacancies by persons with the prescribed disabilities.

M. Gupta
Chief Secretary

●
**Government of West Bengal
Labour Department**

No.165-EMP/1M-78/97

Dated, 02.03.2000

MEMORANDUM

Sub : Inclusion of some class of persons in the "Exempted Categories".

The Labour Department Memo No.351-EMP, dated 21.09.1990, Ex-Census Enumerators/Supervisors of 1981-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 were allowed for inclusion in the "Exempted Categories".

2. The question as to whether the ex-census workers who had worked as Enumerators/Supervisors in connection with 1991-Census Operation should also be allowed the same privilege of inclusion in the "Exempted Categories" had been under consideration of the Government for some time in the past. After consideration of the matter the following decisions have been taken :

- a) Ex-Census workers who had worked as Enumerators/Supervisors in connection with 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 may be included in the "Exempted Categories".
- b) Relaxation of Upper-age limit for entry into Govt. Service may be granted to the concerned ex-Census Enumerators/Supervisors etc. on their inclusion in the "Exempted Categories" in the same manner as such relaxation was granted earlier to persons already included in "Exempted Categories".
- c) Persons holding the so-called Discharge Certificate shall not be considered for inclusion in the "Exempted Categories" since such certificates granted by certain Census Officials in certain cases do not conform to the Census frame work communicated by the Directorate of Census Operations, West Bengal.

3. Provisions contained in this Memorandum or any other Memo. previously issued on the subject do not confer any right or give any guarantee to a person to get an employment under the Govt. Submission & Placement of persons included in the "Exempted Categories" shall depend on the availability of vacancies reserved for these categories of persons and the suitability of a person for a post to be determined by the appropriate authority in the process of selection test / interview etc.

4. All such persons as mentioned at para 2(a) of the memo may submit their applications for the purpose of enrolment of their names in Exempted categories with supporting documents to "Exempted Category Cell" under the Directorate of Employment, West Bengal, 67, Bantinck Street, Calcutta – 700069 within 30th June, 2000.

5. Applications received after the cut off date i.e. 30th June, 2000 will not be entertained.

6. Suitable notification under section 3 of the West Bengal Regulation of the Recruitment in State Govt. Establishments and Establishments of Public Undertakings, Statutory Bodies, Govt. Companies and Local Authorities Act, 1999 (West Bengal Act, XIV of 1999) will be issued in due course.

Sd/- Illegible
Principal Secretary,
Labour Department

————— ● —————
Government of West Bengal
Labour Department
Emp. Cell

No.180-EMP/IM-9/2000

Dated, 09.03.2000

NOTIFICATION

The West Bengal Regulation of Recruitment in State Government Establishments and Establishments of Public Undertakings, Statutory Bodies, Government Companies and Local Authorities Act, 1999 provides for compulsory recruitment through Employment Exchange under Section 4 of the Act, excepting the posts as mentioned at Section 1(4) of the said Act.

The question of making suitable provision for enabling duly qualified departmental candidates who are working as regular employees under the same appointing authority to be considered for appointment in higher Post has been engaging the attention of government for some time past. After careful consideration of the matter, the Governor has been pleased to decide that duly qualified departmental candidates who are working as regular employees under the same appointing authority may also be considered for appointment in higher post along with the candidates sponsored by the Employment Exchange provided such departmental candidates fulfil the conditions of eligibility as laid down in the relevant rules of recruitment prescribed for the posts.

Provision contained in this notification is made as exemption in exercise of the power conferred under section 12 of the said Act and shall apply to all establishments which come under the purview of the aforesaid Act.

By order of the Governor
H.K.S. Jhala
Secy. to the Govt. of West Bengal

●
Government of West Bengal
Labour Department

No.295(100)-Emp.

Dated : 12.05.2000

From
The Principal Secretary to the
Government of West Bengal,
Labour Department.

To
The Principal Secretary,
Finance Department.

Sir,

In the existing employment policy of the Government there is a provision for giving special preference for jobs to the candidates hailing from the families who have been uprooted from their places of residence or whose main source of income has been affected due to loss of agricultural land as a result of acquisition of the land by the Government on or after 17.10.1977 for the purpose of development. Such category of persons are included in the "Exempted Categories" for whom there is a reservation of 30% (thirty percent) of Vacancies of the posts.

In para 3.3 of Labour Department Circular No. 130(60)-LW, dated 25.01.1978, the line of action in the matter of employment of this category has been prescribed.

It has been brought to the notice of the Government that in many cases the eligible persons under this category are not getting reasonable opportunity in the matter of employment in and around the area of acquisition of land owing to non-availability of suitable vacancies. After careful consideration of the matter and keeping in view the need to extend reasonable opportunity in the matter of employment to all persons included in the exempted categories it has been decided as follows:-

1. The District Magistrate concerned shall prepare a list of eligible persons belonging to the exempted category of land losers in terms of the circulars issued from time to time by the Labour Department in this respect. The District Magistrate shall forward the list of such eligible persons to the Director of Employment, West Bengal.
2. The District Magistrate, concerned, shall also advise the eligible persons to enroll their names in the Exempted Category Cell of the Directorate of Employment, West Bengal at 67, Bentinck Street, Calcutta - 700069, by producing supporting papers.
3. 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 list of eligible persons included in other exempted categories.
4. Sponsoring of names of candidates, enrolled in the Exempted Category Cell, will be made by the Director of Employment against vacancies reserved for the exempted categories on the basis of requisition to be submitted by the appointing authorities. The provision for statutory reservation for the Scheduled Castes, Scheduled Tribes, Backward Classes and persons with Disabilities should also be followed.
5. The appointing authorities will send requisition for names of candidates to the Director of Employment for filling up vacancies reserved for the exempted categories.

Yours faithfully,
Sd/- Illegible
Principal Secretary

Government of West Bengal
Deptt. of Women & Child Development
and Social Welfare
Writers' Buildings, Calcutta – 700001

No. 2284(90)-SW
13-B-28/96

Dated : June 16, 2000

From :
The Chief Secretary, Govt. of West Bengal,
Writers' Buildings, Calcutta – 700001.

To
The Principal Secretary,
Finance Department,
Government of West Bengal.

Sub : Filling up of vacancies reserved for persons with Disabilities (Physically Handicapped persons) and Ex-servicemen in the offices under the administrative control of Govt. of West Bengal.

Sir,

I am directed to refer to para 6 and 7 of the Labour Department's Circular No.500 (100)-Emp/1M-43-94 dated 07.10.1997 on the above subject and to say with regret that guidelines prescribed in the circular in the matter of reservation of vacancies for persons with Disabilities and Ex-Servicemen have not been implemented strictly. There is statutory reservation for physically handicapped candidates at the rate of 3% of total vacancies. Besides there is reservation for 5% vacancies in Gr. 'C' posts and 10% vacancies in Gr. 'D' posts for Ex-Servicemen. The points of reservation for the above mentioned categories in the 100-point roster should be maintained in the manner prescribed in para 7 of Labour Department circular referred to above. I am, therefore, to request you to ensure implementation of the aforesaid provisions strictly in your office and in the offices subordinate to your office.

Yours faithfully
M. Gupta
Chief Secretary

●
Government of West Bengal
Office of the Director of Land Records & Surveys
& Jt. Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Calcutta-700027

Memo No.129/4059-76/BI/2000

Dated, Alipur the 17th August, 2000

From :
S. Suresh Kumar, IAS
Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, W.B.

To :
The District Land & Land Reforms Officer,
Bankura/Bardhaman/Birbhum/Darjeeling/
Haora/Hugli/Jalpaiguri/Kochbehar/Malda/
Medinipur/Tamluk/Murshidabad/Nadia/
Purulia/North 24 Parganas / South 24 Parganas/
D. Dinajpur / U. Dinajpur.

Sub: Filing up of the prescribed proforma given in Labour Deptt.'s Letter No.567(100)Emp. Dated 18.11.1997 for appointment on compassionate ground/appointment of dependants of employees invalidated on health grounds.

Ref : Dte.'s Memo. No.129/2073-2091/BI/93 dated 04.06.98/22/07/98.

A number of difficulties had cropped up regarding the disposal of these applications as the petitions have been received very late or the proforma report has been submitted very late or sufficient space has not been given in the proforma to give an adequate written reply for the query raised or

inadequate information had been supplied due to which the Directorate had been forced to raise a query. To remove these difficulties, the subject matter of the proforma had been retained and sufficient space has been provided between the points to ensure that no separate sheets or notes need to be attached. This proforma should be circulated in the enquiry team. From the 15.08.2000 all enquiries to be conducted shall be in this formats without fail.

We have also received a number of queries seeking clarification which shall be addressed to as stated below :-

(A) Composition of the Enquiry Team : The jurisdiction area of the place of posting of the deceased should be the determining factor. The composition of the enquiry team shall be composed of the concerned BL&LRO, SDL&LRO (as head) and any SRO-II available in the district Head Quarter. It is not necessary that only one SRO-II shall have to be earmarked. An SRO-II can be earmarked for each Sub-Division if necessary.

(B) Receipt of the Application and it's Disposal : Application on a plain paper should be obtained from the ex-employee's family within 30 (thirty) days from his death as some form of contact would be maintained with his/her family in connection with the funeral rites and it shall be despatched to the DL & LRO by special messenger. The employee's family should be warned that non-submission of the application within six months would make it liable for rejection as the delay would be counter to the claim of urgent financial assistance.

After receipt, the DL&LRO shall constitute an enquiry committee with the composition as mentioned above within 7 (seven) days.

The Enquiry Committee shall conduct the enquiry and submit their report at Part III in the proforma given within 30 days.

The DL&LRO shall personally scrutinize all the entries made in the proforma report and shall ensure that every point has been answered and if no information needs to be provided then not applicable shall be written. The DL&LRO after being satisfied that the report is satisfactory and after applying his mind shall give necessary comments recommending/not recommending the report. The complete report shall be sent to the Directorate within 7 (seven) days. However, copies of the report shall not be handed to the applicant under any circumstances.

(C) Conduct of the Enquiry : Adequate seriousness and importance should be given to the enquiry as it should clearly screen out non-deserving candidates. Delay in submission of petition seeking employment shall have to be adequately explained.

A thorough enquiry into the financial condition of the petitioner and the other dependants including their source of income/livelihood of the former employee shall have to be made and mentioned. No issue should be left untouched. The details of death/retirement benefits including under revision as per ROPA 98 shall be clearly mentioned without fail. Any Will registered/un-registered made out by the ex-employee before his death if available shall be inspected and the details relating to the assets shall be confirmed with the statements of the family members.

S. Suresh Kumar
Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, W.B.

Memo No.129/4077/BI/2000

Dated, Alipore, the 17th August, 2000

Copy forwarded to :

The Principal Secretary to the Govt. of West Bengal, Land & Land Reforms Deptt., Writers' Buildings, Calcutta - 70001 for his kind information.

S. Suresh Kumar
Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, W.B.

**[Annexure of Labour Department's
Circular No. 567(100) Emp Dated 18.11.1997]
Proforma Regarding Employment of Dependant
of Govt. Employees dying while in Service**

PART - I

(To be filled in by the Applicant)

1.	(a)	Full Name of the deceased employee (in Capital Letters)	
	(b)	Designation of the ex-employee	
	(c)	Name of the office with address to which posted prior to death	
	(d)	Date of birth of the deceased employee	
	(e)	Date of death of the deceased employee	
	(f)	Date of Superannuation	
	(g)	Date of Joining the Govt. Service	
	(h)	Total length of service rendered	
	(i)	Whether belonging to SC/ST/OBC/PH	
	(j)	Monthly salary drawn by the deceased in the last month (total emoluments i.e. Pay & Other Allowances)	Basic Pay Total Emoluments
	(k)	Approx. salary if fixed under ROPA, 1998	Basic Pay Total Emoluments
	(l)	Whether the pay is fixed as per any High Court litigation, if so in what scale of pay.....	
2.	(a)	Full Name of the candidate praying for appointment on compassionate ground (in Capitals)	
	(b)	His/Her relationship with the ex- employee	
	(c)	Date of birth of the applicant [attested copy of School leaving certificate / Admit Card to be enclosed]	
	(d)	Educational Qualifications	
	(e)	Whether fully dependent on the ex- employee	
	(f)	Whether any other dependant has been appointed on compassionate ground	
	(g)	Particulars of employment exchange Card (if registered) [attested copy to be enclosed]	
	(h)	Whether received any financial assistance under any self employment scheme such as SESRU, SEEUY, PMRY	
	(i)	Whether able to type @ 30 W.P.M. (In English)	
	(j)	Two passport size photographs of the candidate duly authenticated by the competent authority (one of which to be affixed on the space marked)	Photo

P A R T – II
(To be filled in by the applicant)

1.		Particulars of total assets left (owned/received/entitled to)	
	(a)	Family Pension	Basic : Total As on
	(b)	(i)Death Gratuity	
		(ii)G.P.F. Balance	
		(iii)Group Insurance	
		(iv)L.I.C. Policies, NSS, NSC, Shares, etc. (including P.L.I.)	
		(v)Encashment of leave	
		(vi)Movable and immovable properties, their description and annual income therefrom by the family.	
		(vii)Any other assets	
		(viii)Place of residence (whether tenanted or owned)	
2.		Brief particulars of liabilities if any (Documentary evidence to be enclosed)	

3. Particulars of all dependants of the deceased :									
Sl. No.	Name	Age	Share in the Property	Educational Qualifications	Relationship with the deceased	Living Separately or with family	Marital Status	Particulars of occupation/employment. (If already employed)	Gross Salary (if employed)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

4. Signature / L.T.I. of the other dependants of the family giving "No Objection" in favour of this applicant 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 a future date, my service may be terminated.

Date :

Signature of the Candidate

Shri/Smt.....is known to me and the particulars mentioned are correct.

Date :

Signature of a permanent Govt. employee.

Office Address

Designation :

P A R T - 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 :

P A R T - IV

1.	(a)	Name of the deceased	
	(b)	Designation	
	(c)	Total emoluments last drawn (Pay & allowances)as on[Date of death]
2.	(a)	Name of the Candidate	
	(b)	His/Her relation with the deceased	
3.	(a)	Family Pension	Basic Total As on
	(b)	Amounts received/entitled to received from Govt. as death benefits including others (in total)	
	(c)	Amounts received/entitled to receive from other sources such as L.I.C. 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)	Whether the post is reserved for S.C./S.T./B.C.	
	(e)	Is the vacancy reserved for E.C. ?	
	(f)	Post for which employment is proposed	
	(g)	Is the post supposed to be filled up by the P.S.C. or promotion ?	
	(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 records.	
	(k)	Decision of the appointing authority as to whether employment should be provided or not.	

Date :

Signature of the Appointing Authority

————— ● —————
Government of West Bengal
Finance Department
Audit Branch

No.2334(250)-F

Kolkata, the 20th Feb, 2001

Sub : Half-Yearly Departmental Examination in Bengali of Probationary Lower Division Assistants whose mother tongue is not Bengali, May, 2001.

M E M O

In forwarding herewith a copy of the letter No.331-PSC(I) dated 16.02.2001 from Public Service Commission, West Bengal with enclosure No.I & II the undersigned is directed to request to send the

names and particulars of the intending candidates in the enclosed proforma (Enclousre-II) for the above mentioned Examination direct to the Public Service Commission, West Bengal by the 21st March, 2001 at the latest.

Sd/- Illegible
Assistant Secretary to the
Government of West Bengal
Finance Department.

Enclou : As stated

To
The.....Deptt./Dte.
.....
.....

**Public Service Commission, West Bengal
161A, S.P. Mukherjee Road, Calcutta-700026**

No.331-P.S.C.(I)

Kolkata, the 16th February, 2001

From :
Shri S. Patra, Deputy Secretary
Public Service Commission, West Bengal.

To :
The Secretary to the Government of West Bengal
Finance (Audit) Department, Writers' Buildings,
Calcutta - 700001.

Sub : Half-Yearly Departmental Examination in Bengali of Probationary Lower Division Assistants, whose mother-tongue is not Bengali, May, 2001.

Sir,

I am directed to say that in terms of Rule 14 of the rules for the regulation of recruitment to the Clerical Services of the Secretariat and certain other offices of the Government of West Bengal as amended by the Finance (Audit) Department Notification No. 3943-F, dated the 16th August 1982 and No. 9045-F dated the 26th July, 1983 the next Half Yearly Division Assistants recruited through the Clerkship Examination, whose mother tongue is not Bengali, will be held by the Commission on the 17th May, 2001 in its Examination Hall at 161A, S.P. Mukherjee Road, Kolkata - 700026. The Examination will be held in two Parts viz. Part - I (Written) and Part - II (Oral). Candidates passing in one part shall not be required to appear in the same part again. Details relating to the two parts of the examination are given in a statement enclosed (Enclou-I).

I am, accordingly, to request you to be so good as to issue a circular to the Departments and offices concerned requesting them to forward to the Commission direct the names and particulars of the L.D. Assistants, whose mother tongue is not Bengali and who are eligible and willing to appear at the ensuing departmental examination. The cases may be forwarded to this office in the enclosed proforma (Enclou-II) by the 21st March, 2001 at the latest. Names received after the 21st March, 2001 may not be entertained by the Commission. The time-table of the examination will be communicated to the candidates through their respective Departments/Offices in due course.

Yours faithfully
Sd/- Illegible
Deputy Secretary

Enclou : As above.

ENCLOSURE -I

Details relating to the two parts of the Departmental Examination in Bengali of Probationary L.D. Assistants, whose mother tongue is not Bengali.

Part-I(Written) :	Total Marks	Pass Marks	Time
A. Dictation from prescribed Texts.	10		7 minutes for dictation & 3 minutes for revision
B. i) Translation from Bengali to English	10		1½ hours :
ii) Translation from English to Bengali	10		
iii) Letter Writing	10		
	40	20	

Part-II (Oral) :-

C. Simple Conversation.

The Standard of Examination shall not be higher than that of class VIII of the Board of Secondary Education, West Bengal.

The following books are prescribed :-

- i) Kishalaya () for Class-III-Omitting the portion of Arithmetic, published by the Education Directorate of the West Bengal Government.
- ii) Patha Parichaya () Part-IV by Rabindranath, published by the Viswa-Bharati.

Selected Pieces :

- i) Vidyasagar Janani
- ii) Library (Since Amended)
- iii) Gangar Sobha
- iv) Jiban Smriti
- v) Mela
- vi) Sampatti Samarpan.

ENCLOSURE - II

Proforma for reporting names of eligible Probationary L.D. Assistants whose mother tongue is not Bengali intending to appear at the Departmental Examination in Bengali to be held in May, 2001.

Sl. No.	Name of the L.D. Assistants	Mother tongue	Deptt./Office where employed	Year of the Clerkship Examn. on the results of which appointment	Whether already passed in		Whether intends to appear in		Remarks
					Part-I	Part-II	Part-I	Part-II	
1	2	3	4	5	6	7	8	9	10

**Government of West Bengal
Labour Department
Employment Cell**

No. 170(100)-EMP
IM-40/2000

Dated, Kolkata, the 18th April, 2001

From : The Principal Secy.,
Govt. of West Bengal.

To :
The Principal Secy/The Secretary,
Land & Land Reforms Department, Govt. of West Bengal.

Sub : Model 100-point Roster—Filling up of the vacancies reserved for Exempted Categories.

Sir,

I am directed to state that as per existing employment policy of the Government 30% of the vacancies which are filled up by direct recruitment, excepting the posts filled up through Public Service Commission and other Service Commission, are reserved for the candidates belonging to Exempted Categories. But it has been brought to the notice of the Govt. that in many cases appointing authorities do not comply with this requirement.

I am therefore directed to say that all the vacancies meant for Exempted Categories should be filled up by the candidates belonging to Exempted Categories by obtaining names of such candidates from Exempted Category Cell under the Directorate of Employment, West Bengal at 67, Bentinck Street, Kolkata - 700069 except the cases of employment on compassionate grounds viz. death in

harness and premature retirement for permanent incapacitation as mentioned in the Chief Secy's circular letter no. 500(100)-EMP dated 07.10.1997.

This may please be brought to the notice of all appointing authorities concerned.

Yours faithfully,
Sd/- Illegible
Principal Secretary

●

**Government of West Bengal
Land and Land Reforms Department
Establishment Branch
Writers' Buildings, Kolkata – 700001**

No.3729(8)-Estt./LL-N-IM-1/99

dated, 4th June, 2001

To
The Director of Land Records & Surveys, West Bengal,
35, Gopalnagar Road, Alipur, Kolkata – 700027.

Sub : Model 100-Point Roster—filling up of the vacancies reserved for Exempted categories.

The undersigned is directed to send herewith a copy of memo. no.170(100)-EMP dated 18.04.2001 issued by the Labour Department of this Govt. on the subject noted above for information and taking necessary action.

Sd/- Illegible
Asstt. Secy., to the Govt. of West Bengal.

Memo. No.25/5792-5812/BI/2000

Dated, Alipur, the 24th July, 2001

Copy with a copy of its enclosures forwarded for information and necessary action to :-

- 1-18) Dist. Land & Land Reforms Officer,
- 19) Dy. Director of Surveys, West Bengal.
- 20) Dy. Director, U.L.C.

S. Khaddar
for Director of Land Records & Surveys
& Jt. Land Reforms Commissioner,
West Bengal.

●

**Government of West Bengal
Finance Department
Audit Branch**

No.9315-F.

Kolkata, the 5th October, 2001

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make, with immediate effect, the following amendment in the West Bengal Services (Fees for Recruitment) Rules, 1990, published with this department notification No.10860-F, dated the 31st October, 1990 (hereinafter referred to as the said rules) :-

AMENDMENTS

In the said rules, for the proviso to rule 2, substitute the following proviso :-

“Provided that these rules shall not apply in the cases of recruitments to such posts and services to be made through the Public Service Commission, West Bengal, on the basis of such advertisements as are issued on or after the date of issue of this notification and the Public Service Commission, West Bengal, shall, for the purpose of conducting various competitive examinations, charge fees at such rate as may be specified by order of the Government of West Bengal, issued from time to time.”

By Order of the Governor,
Samar Ghosh
Secy. to the Govt. of West Bengal.

No.9315/1/(75)-F

Kolkata, the 5th October, 2001

Copy forwarded for information and necessary action :-

1. The Secretary, Public Service Commission, West Bengal,
161-A, S.P. Mukherjee Road, Kolkata – 700016.
2. _____, Department.

Sd/-Illegible
Deputy Secretary to the
Government of West Bengal,
Finance Department

●

**Government of West Bengal
Finance Department
Audit Branch**

No.9356-F

Kolkata, the 8th October, 2001

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make, with immediate effect, the following amendments in the rules for the regulation of recruitment to the clerical Services of the West Bengal Secretariat and certain other offices of the Government of West Bengal, published with this department notification No.2083-F dated the 21st July, 1954, as subsequently amended (herein after referred to as the said rules) :-

AMENDMENTS

In the said rules :-

- 1) in rule 14,-
 - a) for the words and figure, “Part I : Preliminary Examination”, wherever they occur, substitute the words “Preliminary Examination”.
 - b) for the words and figures “Part II : Final Examination”, wherever they occur, substitute the words “Final Examination”.
 - c) for the words and figures “100 questions each for the General Studies and Arithmetic, the duration of the examination being 2½ hours” substitute the words and figures “50 Questions each for General Studies and Arithmetic, the duration of the examination being 1 hour and 30 minutes”.
- 2) Appendix A, in rule 3, under the heading “General Studies and Arithmetic”, for the words “matters of common experience and current events”, substitute the words “matters of common experience including everyday science, current events”.

By Order of the Governor
Samar Ghosh
Secy., to the Govt. of West Bengal.

No.9356/1(250)-F

Kolkata, the 8th October, 2001

Copy forwarded to **2) Dte. of Land Records & Surveys, W. Bengal.

S.K. Chakraborty
Dy., Secy., to the Govt. of West Bengal.

●

**Government of West Bengal
Finance Department
Audit Branch**

No.9316-F

Kolkata, the 5th October, 2001

MEMORANDUM

In terms of Rule 2 of the West Bengal Services (Fees for Recruitment) Rules, 1990 since amended by this Department notification No. 9315-F dated 05.10.2001 the system of charging fees for application for recruitment to different posts/services to be made through the Public Service

Commission, West Bengal has been re-introduced. Pursuant to this, the Governor has been pleased to decide that fees for various recruitment examinations/selections conducted by the Public Service Commission, West Bengal may be charged according to the following scale :-

1)	For recruitment examinations/selections for the posts/services carrying the scale of pay of Rs.8000-13,500/- and above	-	Rs.200/- per candidate
2)	For recruitment examinations/selections for the posts/services carrying the scale of pay above Rs.3350-6325/- and below Rs.8000-13,500/-	-	Rs.150/- per candidate
3)	For recruitment examinations/selections for the posts carrying the scales of pay of Rs.3350-6325/- and below	-	Rs.100/- per candidate

2. The mode of collecting fees for recruitment examinations/selections prescribed here in above from the applicants may be fixed by the Public Service Commission, West Bengal.

3. The Public Service Commission, West Bengal may charge an amount of Rs.20/- per application Form from the candidates in respect of different recruitment examinations/selections.

By order of the Governor,
Samar Ghosh,
Secy. to the Govt. of West Bengal.

●

**Government of West Bengal
Finance Department
Audit Branch**

No.9759-F

Kolkata, the 18th October, 2001

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make the following amendment in the West Bengal Services (Determination of Seniority) Rules, 1981 published with this Department notification n.1882-F, dated the 11th March, 1981 (hereinafter referred to as the said rules) :-

A M E N D M E N T

After sub-rule (4) of rule 5 of the said rules, insert the following sub-rule :-

“(5)Notwithstanding anything contained in the foregoing provisions of this rules, if a candidate belonging to the Scheduled Caste or Scheduled Tribe is promoted to an immediate higher post or grade against a reserved vacancy earlier than his senior General or other Backward Classes candidate and the said General or other Backward Classes candidate is promoted later to the said higher post or grade, the General or other Backward Classes candidate shall regain his seniority in the immediate higher post of grade over the said Scheduled Caste or Scheduled Tribe candidate promoted earlier to the said immediate higher post or grade”.

By order of the Governor,
B. K. Saha,
Joint Secretary to the
Government of West Bengal
Finance Department

No.9759/1 (350)-F.

Kolkata, the 18th October, 2001

Copy forwarded for information and necessary action to :-

1. The Director of Land Records and Surveys, West Bengal.

S. K. Chakraborty
Deputy Secretary to the
Government of West Bengal
Finance Department

Government of West Bengal
Labour Department
Emp. Cell
Writers' Buildings, Kolkata – 700001

No.308(100)-Emp.

Date : 04.09.2002

From :
The Special Secretary to the
Government of West Bengal.

To: 1) The Chief Secretary.
2) The Principal Secretary/Secretary,
_____, Department.
3) The Commissioner, _____ Division.
4) The District Magistrate,

Sub : Gazette Notifications regarding Exempted Categories.

Sir,

I am directed to send herewith two copies of each of the Notifications Nos. 301-Emp. dated 21.08.2002, No. 302-Emp. dated 21.08.2002 and No.303-Emp. dated 21.08.2002 published in the extra-ordinary issue of the Kolkata Gazette for information.

2. The Departments are requested to arrange for wide circulation among the Sub-Ordinate Offices (Directorates / Local Bodies / Undertakings / Govt. Companies under the Control of the Departments) for information and necessary action.

Yours faithfully,
Sd/-Illegible
Special Secretary

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 employment 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 at 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 authorized by the said Directorate.
- c) Persons holding 'Discharge Certificate' only shall not be considered for inclusion in the "Exempted Categories" since certificate 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/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 (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 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. Dependents of persons who died in harness : None except wife/son/daughter/near relation to 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 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 or 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 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 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 filing 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 the 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 cases 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 – Dependants of a person, who died in harness;
- (b) Exempted Category – Dependants 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. Chkrabarti
Principal Secy. to the Govt. of West Bengal.

Annexure-A
Proforma Regarding Employment of Dependant
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 employee (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 dependant 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)	Whether able to type @ 30 W.P.M. (In English)	:	
	(j)	Two passport size photographs of the candidate duly authenticated by the competent authority (one of which to be affixed on the space marked)	:	<div style="border: 1px solid black; width: 80px; height: 60px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> Photo </div>

PART - II

(To be filled in by the Applicant)

1.	Particulars of total assets left (owned/received/entitled to) :	
(a)	Family Pension	: Basic : Total : As on :
(b)	(i) Death Gratuity	:
	(ii) G.P.F. Balance	:
	(iii) Group Insurance	:
	(iv) Encashment of Leave	:
	(v) L.I.C. Policies, (including P.L.I.)	:
	(vi) Movable and immovable properties, and annual income therefrom by the family.	:
	(vi) 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 giving the "No Objection" in favour of this applicant 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 a future date, my service may be terminated.

Date :

Signature of the Candidate

Address of the Candidate :

Shri/Smt.is known to me and the particulars mentioned are correct.

Date :

Signature of a permanent Govt. employee of the same of office

Office Address :

Designation

P A R T - 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 :

P A R T - IV

(To be filled in by the office)

1.	(a)	Name of the deceased	:	
	(b)	Designation	:	
	(c)	Total emoluments last drawn (Pay & allowances)	:as on
2.	(a)	Name of the Candidate	:	
	(b)	His/Her relation with the deceased	:	
3.	(a)	Family Pension	:	Basic Total : as on
	(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.C. 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 records.	:	
	(k)	Decision of the appointing authority	:	

Date :

Signature of the Appointing Authority

ANNEXURE B

Application for Premature Retirement due to Permanent Incapacitation and Appointment for Son/Daughter/Wife/Near Relation on Compassionate Ground

PART I

(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 enclosed	:	
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	:	Photo
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 appointed 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 :

Signature of Candidate

1) Signature
Name & Designation

Name & Address

2) Signature
Name & Designation

PART III

Report of the Inquiry Committee.

PART IV

Comments of the Controlling Officer

PART V

1. Report of medical examination arranged by DHS or conducted by Medical Officer/Board authorized 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 employees	:	
2.	If, so, details thereof	:	
3.	Details of retirement benefits :		
	As on the date of application		As 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

Government of West Bengal
Finance Department
Audit Branch

No.5336-F

Kolkata, the 21st May, 2004

NOTIFICATION

In exercise of the power conferred by the provision to article 309 of the Constitution of India, the Governor is pleased hereby to make the following amendment in the West Bengal Services (Determination of Seniority) Rules, 1981, published with this department notification No. 1882-F dated the 11th March, 1981, as subsequently amended (hereinafter referred to as the said rules) :-

Amendment

Omit sub-rule (5) of rule 5 of the said rules.

2. This notification shall be deemed to have come into force from the 18th October, 2001.

By Order of the Governor
P. K. Dasgupta
Special Secretary to the
Government of West Bengal

**Government of West Bengal
Finance Department
Audit Branch**

No.5337-F

Kolkata, the 21st May, 2004

MEMORANDUM

Sub : Amendment of the West Bengal Services (Determination of Seniority) Rules, 1981.

Pursuant to the decision of the Government of India regarding seniority of SC/ST Officers promoted early vis-à-vis General/OBC candidates promoted later and orders of a larger bench of the Hon'ble supreme Court, the West Bengal Services (Determination of Seniority) Rules, 1981 were amended by the Finance Department Notification No.9759-F dated 18.10.2001. By way of this amendment, after sub-rule (4) of Rule 5 of the said rules, sub-rule (5) was introduced to the effect that seniority of the senior General/OBC Government employees, promoted later than their junior SC/ST officers promoted earlier as per reservation rules shall regain seniority in such higher posts/grades over the said SC/ST candidates promoted earlier.

2. Consequent upon the 85th amendment of the Constitution of India followed by the earlier decision of the Government of India withdrawing the benefit of restoration of seniority of General/OBC candidates, the operation of Finance Department Notification No.9759-F dt.18.10.2001 amending the WBS (Determination of Seniority) Rules, 1981 as aforesaid was kept in abeyance in terms of this Department Memo No.3180-F dt.14.03.2002. Now under F.D. Notification No.5336-F dt.21.05.2004, the West Bengal Services (Determination of Seniority) Rules, 1981 has been further amended deleting the sub-rule (5) of Rule 5 of these rules retrospectively with effect from the date of its inception under the said notification dt.18.10.2001.

3. In pursuance of the amendment of the Rules under Notification No.5336-F dt.21.05.2004, the Governor has been pleased to decide as follows :-

- (i) SC/ST Government employees on promotion as per rules of reservation/roster shall be entitled to consequential seniority also. General/OBC employees promoted later shall be junior to SC/ST employees promoted earlier.
- (ii) Seniority of the Government employees determined according to sub-rule (5) of Rule 5 of the WBS (Determination of Seniority) Rules, 1981 as introduced under Notification No.9759-F dt. 18.10.2001 during the period from 18.10.2001 to 14.03.2002 i.e. the date of keeping the operation of the notification in abeyance shall be revised as if the said sub-rule were never in existence.
- (iii) On the basis of the revised seniority, concerned promotee officers belonging to SC/ST shall be considered for due service benefits like promotion, pay etc. with retrospective effect from the date of promotion of the General/OBC employees who became junior as per revised seniority, on notional basis, subject to fulfilment of other eligibility criteria or selection by the Public Service Commission, West Bengal, where necessary. The notional benefits will, however count towards pensionary benefits in respect of the retired persons.
- (iv) Except seniority, other consequential benefits like promotion, pay etc. already allowed to the General/OBC candidates during the period shall continue as personal to them.

By Order of the Governor
P.K. Dasgupta
Special Secretary to the
Government of West Bengal

Government of West Bengal
Labour Department
Employment Cell
Writers' Buildings, Kolkata – 700001

No.97-Emp.

Dated, Kolkata, the 6th June, 2005

NOTIFICATION

In exercise of the powers conferred by clause (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, the Governor has been pleased to lay down the following principles and procedures to be followed in dealing with the issue of appointment on compassionate ground to the dependants of employees who die in harness, or who retire prematurely on being declared permanently incapacitated.

2. One of the dependants of an employee who dies in harness or who retires prematurely on being declared permanent incapacitated may be offered appointment on compassionate ground subject to the fulfillment of the following conditions :

- i) the employee has died, or retired on being permanently incapacitated before completing 20 years of services or before attaining the age of 50 years, whichever is earlier.
- ii) the family of the deceased or the retired employee, as the case may be, is in need of immediate assistance and appointment of dependant of the employee is absolutely essential for survival of the family.

For the purpose of appointment on compassionate ground in terms of this notification, a dependant shall mean spouse, a son or an unmarried daughter who was solely dependant on the earnings of the deceased or the retired employee.

3. No appointment on compassionate ground shall be offered to a dependant of an employee who dies in harness or who retires prematurely on being declared permanently incapacitated after completing 20 years of service or after attaining 50 years, whichever is earlier. The dependants of such an employee may be allowed the following reliefs if the family is in need of immediate assistance and a dependant of the employee would have otherwise been eligible for appointment on compassionate ground but for the employee completing 20 years of service or attaining the age of 50 years, whichever is earlier, at the time of death or premature retirement.

- (1) Ex-gratia grant equivalent to –
 - (i) 45 days emoluments for each completed years of the continuous service limited to the total emoluments that the employee would have drawn at the prevailing level of his emoluments for the residual period of his service,

Or

- (ii) An amount equivalent to 35 days emoluments for each completed year of continuous service plus 25 days emoluments for each remaining year of the residual period of service limited to the total emoluments that the employee would have drawn at the prevailing level of his emoluments, for the residual period of his service,
whichever is higher.

For the purpose of payment of ex-gratia grant in terms of this notification, the residual period of service means the period of service that the employee would have had but for his death or premature retirements.

- (2) Family pension, where applicable, at the rate of 50 percent of pay last drawn, for 7 years or till the employee would have retired on attaining the age of superannuation but for his death, whichever is later. No such enhanced family pension would be admissible after the date on which the employee would have attained the age of 65 years.

4. Notwithstanding anything contained in para 1, the dependants of an employee who die in harness, or who retire on being declared permanently incapacitated, before completing 20 years of service or before attaining the age of 50 years, whichever is earlier, may opt for the reliefs enumerated in para 3 in lieu of appointment on compassionate ground.

5. A dependant of an employee who dies in harness, or retires on being declared permanently incapacitated may apply to the appointing authority through the Head of the Office of the employee in the prescribed proforma as Part – I & Part – II of Annexure – ‘A’ of this Department Notification No.303 – Emp. Dated 21.08.2002 alongwith a copy of death certificate / Part – I and Part – I Annexure – ‘B’ of this Department aforesaid notification alongwith a medical certificate, as the case may be, praying for employment on compassionate ground or financial relief. On receipt of such application, the appointing authority shall form an enquiry committee comprising not less than three senior officials of the Department to which the employees belonged. The committee so formed shall make enquires about the genuineness of the prayer as well as the financial condition of the family of the deceased or the prematurely retired employee and submit a report within one month as Part – III of Annexure – A / Annexure – B of this Department aforementioned notification to the Nodal Committee set up in the Labour Department of the State Government.

6. The Nodal Committee referred to in para 5 above will be headed by a designated Special Secretary in the Labour Department and will include a Joint Secretary of the Finance Department and one Joint Secretary of each of the concerned Administrative Departments. Whose proposals are to be considered. The Nodal Committee shall generally meet once in a month, or as necessary, so that there is no delay in consideration of proposals. While examine the recommendations received from different Departments, the Nodal Committee shall ascertain the financial status of the families of the deceased or the retired employees carefully and give its recommendation regarding the need for immediate financial assistance for the respective families. Where the Nodal Committee is of the view that one of the dependants of the deceased or retired employee should be offered employment on compassionate ground in terms of this notification it shall also recommend the name of the suitable dependant, who may not necessarily be the dependant who made the application.

7. The recommendations of the Nodal Committee will be placed before the Principal Secretary / Secretary, Labour Department who will pass orders regarding the eligibility of persons for appointment on compassionate ground or for financial reliefs, as the case may be, with the approval of the Minister-in-Charge of Labour Department.

8. The Labour Department will forward the name of persons found eligible for appointment on compassionate ground to one or more of the following Departments, for appointing them against available vacancies:-

- 1) Health & Family Welfare Department.
- 2) School Education Department.
- 3) Higher Education Department.
- 4) Mass Education & Extension Department.
- 5) Home (Police) Department.
- 6) Jails Department.

9. Unless there are exceptional reasons, the Department to which the name of a person is forwarded by the Labour Department in terms of para 8 will issue the order of appointment after observing usual formalities. If for exceptional reasons, it is not possible to accommodate the person in any of the Departments mentioned in para 8, appointment may be made against available vacancies in any other Department.

10. The list of families found eligible for financial relief will be forwarded by the Department to the concerned administrative Department of arranging payment of ex-gratia grant and other admissible relief.

11. Notwithstanding anything contained elsewhere in this notification, one of the dependants of an employee who dies or retires on being declared permanently incapacitated for further service as a result of accident, or in a violent incident, in the course of performance of duties shall be entitled to the benefit of appointment on compassionate ground irrespective of the number of years of service rendered by the employee, or the age of the employee, at the time of death or retirement.

12. In case of death while in-service, the existing benefits of waiver of recovery of outstanding house building advance and/or interest on such advance shall continue. Similar waivers shall be allowed in case of other advances sanctioned by the Government.

13. This notification shall come into force from the date of issue and shall have effect notwithstanding anything to the contrary contained in any previous notification, circular, order or memorandum on the subject.

14. Application received from dependants of employee who died in harness or retired on being declared permanently incapacitated prior to the date of coming into force of this notification shall be dealt with in accordance with the provisions of this notification.

15. Notwithstanding anything contained in para 13 and 14 of this notification, cases in which verification rolls had been issued before the issue of this notification, to a dependant of an employee who died in harness or who retired on being declared permanently incapacitated from service, after due processing in accordance with the policy and procedure which was applicable to such cases prior to the date of coming into force of this notification, shall continue to be dealt with in accordance with the pre-existing policy and procedure.

16. Approval of the Appointment Committee of the Cabinet will not be required for offering appointment in terms of this notification.

17. This notification is issued with the concurrence of the Finance Department vide U.O. No. 2079 Group - 'P' (Service), dated 01.06.2005.

Asok Gupta
Chief Secretary to the
Government of West Bengal.

No.97/1(100)-Emp.

Dated : 06.06.2005

Copy forwarded for information and guidance to -

1. The Principal Secretary/Secretary, _____
2. The Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata - 700001.
3. The Commissioner, _____
4. The District Magistrate, _____
5. The Director of Employment, West Bengal.
6. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phers Lane, Kolkata - 700012.
7. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, Jahar Buildings, Hyde Lane, Kolkata - 700012.
8. The Director of Treasuries & Accounts, West Bengal, New India Assurance Buildings, 4, Lyons Range, (2nd & 3rd Floor), Kolkata - 700001.
9. _____

Sd/- Illegible
Joint Secretary to the
Government of West Bengal

_____ ● _____
Government of West Bengal
Labour Department
Employment Cell
Writers' Buildings, Kolkata - 700001

No.131-Emp.

Dated, Kolkata, the 26th August, 2005

C O R R I G E N D U M

In the Labour Department's Notification No.97-Emp, dated 06.06.2005 for the words - "in which verification rolls had been issued before the issue of this Notification" appearing in para-15, substitute the following, viz :-

"in which report of Departmental Enquiry Committee recommending such appointment has been received by the Government before the issue of this notification".

Amit Kiran Deb
Chief Secretary to the
Government of West Bengal

Government of West Bengal
Finance Department
Audit Branch

No.8305-F

Kolkata, the 26th September, 2005

MEMORANDUM

For some time past, the State Government has been following the policy of filling up non-P.S.C./non-promotional posts on contract basis generally for one year initially with the approval of the Appointment Committee of the Cabinet (ACC) in each individual case. The contract-appointments of these employees are also being renewed from time to time. Since, however, the job attached to these posts are perennial in nature, the above policy has been reviewed. On the basis of review, the Governor has been pleased to decide as under :-

- i) The non-P.S.C. / non-promotional posts, in general, may be filled up on regular basis with the approval of Finance Department and the ACC. For the purpose, steps should be taken for filling up of the vacant posts following the usual rules and methods of recruitment for the posts.
- ii) There shall be no further appointment on contract basis against regular vacancies, or engagement of private agencies for getting the jobs associated with regular posts done, except in the following cases, where,
 - a) the posts are required to be filled up exclusively for time bound projects;
 - b) the posts require specialized, scientific or technical qualification; and
 - c) the situations are of specific exigencies as may be decided by the Cabinet.

2. The Governor has been further pleased to decide that the employees who are initially recruited on contract basis following the norms, rules and methods as applicable to the relevant posts, may, if still continuing in contract-service, be brought under regular establishment, subject to the above principles, against regular vacancies in which they have been initially appointed with the approval of ACC. Consultation with Finance Department will be necessary in such cases.

P.K. Dasgupta
Special Secretary to the
Government of West Bengal
Finance Department

No.8305/1(500)-F

Kolkata, the 26th Sept., 2005

Copy forwarded for information and necessary action to :-

1. The Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata -700001.
2. The Director of Treasuries & Accounts, West Bengal, New India Assurance Buildings, 4, Lyons Range, 2nd & 3rd Floor, Kolkata - 700001.
3. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata - 700012.
4. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, Jahar Building, P-1, Hyde Lane, Kolkata - 700073.
5. The District Magistrate/Judge _____
6. The Commissioner, _____
7. The Accounts Officer, West Bengal Secretariat, Writers' Buildings, Kolkata - 700001.
8. The Accounts Officer, West Bengal Secretariat, Jalsampad Bhawan, Bidhannagar, Kolkata - 700091.
9. The Treasury Officer _____
10. The Sub-Divisional Officer _____
11. The Superintendent of Police _____
12. The Suptdg./Ex-Engineer _____

13. The Principal, Industrial Training Institute _____
14. The _____
15. The Secretary, Finance Department _____

-It is requested that this MEMO, may be circulated to all offices under their control.

P.K. Dasgupta
Special Secretary to the
Government of West Bengal
Finance Department

— • —
The Kolkata Gazette
Extraordinary
Published by Authority

**Government of West Bengal
Labour Department
Employment Cell**

MEMORANDUM

No.28-Emp.—8th February 2006.- It was stipulated in Labour Department's Corrigendum No.131-Emp, dated 26.08.2005, that applications for appointment on compassionate grounds in respect of which the report of Department Enquiry Committee recommending such appointment had been received by the Government before 06.06.2005, should be dealt with on the basis of State Government policies and procedures in force before issue of Labour Department Notification No.97-Emp., dated 06.06.2005. Queries have been made by few State Government Departments as to whether the cases in respect of which the reports of the Department Enquiry Committee were received by the Heads of the Directorates/Regional Offices and not by the Administrative Department would also come under the purview of this Department aforementioned corrigendum or not.

After careful consideration of the matter, it is hereby clarified that the procedures laid down in para-A of this Department notification No.303-Emp., dated 21.08.2002, should be strictly followed in the matter of submission of the Departmental Enquiry Report. It is, therefore, reiterated that cases in respect of which enquiry reports were submitted by the Enquiry Committee to the Appointing Authority, prior to 06.06.2005, will be dealt with in terms of this Department's Corrigendum No. 131-Emp., dated 26.08.2005.

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

— • —
**Government of West Bengal
Office of the Director of Land Records & Surveys
and Joint Land Reforms Commissioner, West Bengal
35, Gopalnagar Road, Alipur, Kolkata – 700027.**

Memo No.122/44/B-I/07/8

Dated, Alipore, the 9th January, 2008

To
The District Land & Land Reforms Officer,
Paschim Medinipur.

Sub : Regarding mentioning the amount of financial assistance in the 3 (three) man enquiry committee's report.

Ref : His Memo No.6376/A-58/III/06 dated 15.11.2007.

In appears that the three man committee recommended for financial relief for an amount of Rs.1,71,378/- in favour of the dependants of Late Lakshman Banerjee, the ex-employee.

But the three man committee is not empowered to specify any amount of financial relief. The question regarding admissibility of financial relief and the amount of relief be decided by the Government.

He is therefore directed to ensure that the three man enquiry committee report is limited to the extent specified in G.O. No. 97 dated 06.06.2005 and 133 dated 01.10.2007.

This is for information and taking necessary action.

B.P. GOPALIKA
Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal

Memo No.122/45 (17)/B-I/07/8

Dated, Alipore, the 9th January 2008

Copy forwarded to :

District Land & Land Reforms Officer, _____ for information and guidance.

Sd/- Illegible
For Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal

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Government of West Bengal
Labour Department
Employment Cell
Writers' Buildings, Kolkata - 700001

No. 30-Emp.

Dated, 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 Notification No.69-Emp. dated 26.06.2007 and 133-Emp. dated 10.10.2007. 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 dependent of a Government employee shall mean wife/husband/son/unmarried daughter, who is/was solely dependant on the Government employee.

3. One of the conditions that needs to be fulfilled for offering appointment on compassionate grounds is that the family of deceased or prematurely retired employees 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 is satisfied.

- (a) The monthly income of the family falls below 80 percent 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 employee) 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 along with 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 dependants 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

————— ● —————
Government of West Bengal
Cabinet Secretariat
Writers' Buildings, Kolkata - 700001

No.1-C.C.(R.)/11

Date : 3rd August, 2011

C I R C U L A R

Sub :Procedure to be followed in cases of re-employment proposals.

It was decided in the Cabinet meeting held on 20th July, 2011 that, all the proposals of re-employment should be sent by the Departments after obtaining the approval of the Minister-in-Charge to the Secretary, P. & A.R. Department. Provided that proposals related to Departments which are

under the charge of the Chief Minister will be sent to the Secretary of the P. & A.R. Department with the approval of Addl. Chief Secretary / Pr. Secretary/Secretary of the Department as the case may be. The proposals will be examined by a Screening Committee headed by the Chief Secretary, The Pr. Secretary, Finance Department & the Secretary, P. & A.R. Department are the two other members. The recommendations of the Screening Committee on the said proposals would be sent to Finance Minister and then to the Chief Minister for approval. The concerned Departments will issue necessary orders on re-employment after approval of the Chief Minister.

All departments are to follow this procedure in cases of all re-employment proposals in future.

Samar Ghosh
Chief Secretary & Cabinet Secretary

No.1/1-C.C.(R.)/11

Dated : 3rd August, 2011

Copy forwarded for information and necessary action to the Additional Chief Secretary / Principal Secretary / Secretary _____, Department.

Sd/-Illegible
Joint Cabinet Secretary

————— ● —————
Government of West Bengal
Land & Land Reforms Department
Writers' Buildings, Kolkata – 700001

No.8432(23)-B-III-ISU/2P-171/11

Date : 14.12.2011

To

- 1) The Commissioner (All Divisions)
- 2) The D.L.R.S., W.B.
- 3) The District Magistrate & Collector (All Districts)
- 4) The Collector, Kolkata.

Sub : Filling up and Recruitment in different categories of posts from retired employees.

Sir,

I am enclosing herewith a copy of Finance Department No.10935-F(P) dated 05.12.2011 on the above subject for necessary action. I am also directed to request you to kindly fill up different categories of posts under your control by following the modalities as stated therein as per existing Rules.

Yours faithfully,
Sd/-Illegible
Joint Secretary to the Govt. of
West Bengal.

————— ● —————
Government of West Bengal
Finance Department

No.10935-F(P)

Date : 05.12.2011

MEMORANDUM

In view of severe shortage in clerical staff/field staff/Extension Officers in District, Block and Panchayat levels, filling up of a least key posts in those levels were under active consideration of Government for some time past. After careful consideration of the matter it has been decided to fill up vacancies in different categories and at different levels in the manner as detailed below from retired employees on contract basis on a consolidated contractual remuneration as follows :-

Rs.10,000/- for Group 'C', Rs.12,000/- for Group 'B' and Rs.15,000/- for Group 'A' per month or the remuneration applicable to a reemployed employee as per G.O. No.3951-F dated 27.05.2009 whichever is minimum.

1) Posts for which District Magistrate is the Appointing Authority :-

(a) Clerical Posts :-

The vacancies in large Districts consisting of 15 blocks or more and small Districts with less than 15 blocks will be filled up as follows :-

Large Districts –	11 x 200	= 2200
Small Districts –	7 x 120	= 840
Kolkata Collectorate -		20
Total		= 3060

In large districts with 15 or more blocks, 100 posts are to be filled in Collectorate and 100 in LR set up. In smaller districts 60 posts each are earmarked for Collectorate and LR set up.

b) Field Posts.

Departments	Designation	No. of Posts
Panchayat & Rural Development	SAE (RWP)	30
Panchayat & Rural Development	Nirman Sahayak	700
Panchayat & Rural Development	GP Secretary	388
L & LR Deptt.	Draftsman	170
L & LR Deptt.	Amin	1038
Total		2801

2) Posts for which Deptt./Dte. are appointing Authority.

Posts at Block/GP Level under Deptt./Dte. will be filled up as follows :-

Departments	Designation	No. of Posts
Agriculture	Assistant Agriculture Extension Officer	146
Panchayat & Rural Development	Panchayat Development Officer	59
Land & Land Reforms	Revenue Inspector	1462
Women & CD & SW	Block Welfare Officer	118
Food & Supplies	Sub Inspector of Food	1497
Total		3282

3) Mode of Recruitment :-

(a) Open advertisement seeking application from retired employees in the prescribed format giving 15 days notice is to be published in at least two newspapers one in English and one in Bengali having wide circulation.

(b) A selection Committee would be constituted at District Level comprising of following Officials.

i) An ADM to be nominated by District Magistrate as Chairperson.

ii) ADM & DL & LRO and

iii) A Senior Officer from the Collectorate, preferably Senior Deputy Collector or any other officer nominated by the District Magistrate as Member Secretary.

(c) The Committee would verify the past service records of the Employees / Officer and interview them to verify their physical fitness and mental alertness. Based on the recommendations of the Committee, District Magistrate/ADM & DLLRO (as the case may be) will issue contract appointment for a period of 1 (one) year.

(d) The Department/Directorate would follow the same procedure as above for the posts for which they are the appointing authority and similar recruitment committee would be set up at State Level for processing the cases of re-employment.

(e) The Department would issue detailed guidelines from their end to the respective appointing authorities laying down the modalities of recruitment for filling up the posts as mentioned herein above.

Sd/-Illegible
Joint Secretary

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Government of West Bengal
Finance Department
Audit Branch
Writers' Buildings, Kolkata – 700001

NOTIFICATION

No.1832-F(P)

Dated : 01.03.2013

In exercise of the power conferred by the proviso to article 309 of the Constitution of India and in partial modification of notification No.6060-F, dated the 25th June, 1979, the Governor is hereby pleased to make the following rules, namely :-

RULES

1. Short title and commencement.- (1) These rules may be called the West Bengal Services (Appointment, Probation and Absorption of Group C Employees) Rules, 2013.

(2) They shall come into force with effect from the 1st day of March, 2013.

2. Application.- (1) These rules shall apply in case of appointment to any post or cadre or service or category belonging to Group C.

(2) These rules shall not apply to –

(a) part-time workers, casual labourers, daily labourers, master roll workers and seasonal laborers;

(b) such other categories of persons as may be specified from time to time by Government by notification in the Official Gazette;

(c) cases of appointment on promotion.

3. Definitions.- In these rules, unless the context otherwise requires,-

(1) "Appointment on probation" means appointment on trial before absorption;

(2) "Government" means the Government of West Bengal;

(3) "Probationer" means a Government employee appointed on probation.

4. Mode of appointment.- On or after the date of coming into force of these rules, all appointments on entry into posts or cadre or service or category belonging to Group C in the Government service, shall be on probation for a period of three years.

5. Absorption after probation.- A Government employee shall be absorbed on regular basis on satisfactory completion of the period of probation and for this purpose, the performance of the concerned employee shall be reviewed after completion of each year:

Provided that where passing of departmental or other examination like computer skill etc. is essential under any existing rules of the concerned Group C post, the concerned employee shall have to pass the same within the period of probation :

Provided further that in case such Government employee fails to pass the departmental or other examination within the period of probation, the period of probation may be extended for further period of one year on the request of the employee.

6. Discharge on non-satisfactory performance during the period of probation.- In case of non-satisfactory performance or failing to pass the departmental examination or other examination as mentioned in rule 5, the Government employee concerned may be discharged.

7. Selection procedure.- Selection shall be made on the basis of competitive examination to be conducted by the Staff Selection Commission, West Bengal or the Public Service Commission, West Bengal (Clerkship Examination only), as the case may be, by way of following the procedures mentioned in the relevant recruitment rules of the concerned Group C posts or cadre or service or category.

8. Drawal of salary during the period of probation.- During the period of probation only the entry point pay i.e. Basic Pay plus Grade Pay of the concerned Group C posts or service or cadre or category shall be allowed with annual increment @ 3% per annum and medical allowance, if any.

9. Treatment of probation period after absorption.- (1) After absorption on successful completion of the period of probation and passing of such departmental examination wherever applicable, an employee shall be allowed to draw pay in the regular scale related to the concerned posts or service or Cadre or category from date of confirmation.

(2) The period of probation shall be counted for pensionary benefit and shall not be counted for Modified Career Advancement Scheme (MCAS) or for promotion.

10. Leave during period of probation.- Leave during period of probation shall be allowed as per rule 213 of the West Bengal Service Rules, Part I, applicable for contractual appointment.

By Order of the Governor
H.K. Dwivedi
Secy. to the Govt. of West Bengal

No.1832/1(500)-F(P)

Dated : 01.03.2013

Copy forwarded for information and necessary action to :-

- 1) The Accountant General (A&E) West Bengal,
Treasury Buildings, Kolkata – 700001.
- 2) The Director of Treasuries & Accounts, West Bengal, New India Assurance Buildings, 4, Lyons
Range, Kolkata – 700001.
- 3) The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I,
81/2/2, Phears Lane, Kolkata – 700012.
- 4) The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II,
P-I, Hyde Lane, Jawahar Buildings, Kolkata – 700073.
- 5) The Pay & Accounts Officer, Kolkata Pay & Accounts Office-III,
I.B. Market, Sector – III, Salt Lake, Kolkata – 700091.
- 6) The Secretary, Public Service Commission, 161A, S.P. Mukherjee Road,
Kolkata – 700026.
- 7) The District Magistrate/Judge, _____
- 8) The Sub-Divisional Officer, _____
- 9) The Treasury Officer, _____
- 10) The, _____, Deptt./Dte.
- 11) The Commissioner, _____
- 12) The Superintendent of Police _____

Sd/- Illegible
OSD & E.O. Joint Secretary to the
Government of West Bengal
Finance Department