

XVI. DEPARTMENTAL PROCEEDING

Standard form of Charge Sheet in West Bengal Services (CCA) Rules, 1971

Government of West Bengal
..... **Department**
.....**Buildings**
Kolkata.....

No. _____

Dated, Kolkata, the -----

MEMORANDUM

The undersigned proposed to hold an enquiry under Rule 10 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, against Shri _____ (Designation). The substance of imputations of misconduct and misbehaviours in respect of which the enquiry is proposed to be held is set out in the articles of charges (Annexure-I).

1. A statement of imputation of misconduct and misbehavior in support of each article of charge is enclosed (Annexure II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).
2. Shri _____ is directed to submit within seven days of the receipt of this Memorandum a written statement of his defence to the Inquiring Authority and also to state whether he desires to be heard in person.
3. He is informed that an enquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny article of charges.
4. Shri _____ is further informed that if he does not submit his written statement of defence on or before the date specified in paragraph 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of the rules/orders/directions issued in pursuance of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, the Inquiring Authority may hold the inquiry against him ex parte.

The receipt of this Memorandum may be acknowledged.

Name and Designation of
Disciplinary Authority

No.

Date.....

Copy with the copy of Annexure-I,II,III and IV forwarded to _____ (name and designation of Charged Officer).

His copy has been sent to _____, who will deliver the relevant papers to him under proper acknowledgement.

Encl: As stated.

(Signature)

No.

Date.....

Copy forwarded to :-

1. I.A
2. P.O.

(Signature)

No.

Date.....

Copy with the copy of enclosures forwarded to the :-

1. _____

He will please arrange for delivering the Memo. alongwith its Annexure-I, II, III, IV to _____ (name and designation of C.O.) under proper acknowledgement receipt

and the receipt may be sent to the office immediately for transmission of the same to the Inquiring Authority well in time.

(Signature)

No.

Date.....

Copy forwarded to the O.S.D. & E.O. Dy. Secretary, Vigilance Commission W.R.T. his letter No. dated

Government of West Bengal
..... **Department**
.....**Buildings**
Kolkata.....

No.

Dated, Kolkata, the

ORDER

In exercise of the power conferred by clause (i) of Sub-rule (4) of Rule 10 of West Bengal Services (Classification, Control and Appeal) Rules, 1971, the undersigned hereby appoints Shri _____, Commissioner for Departmental Enquiries/Dy. Commissioner for Departmental Enquiries, Vigilance Commission as the Inquiring Authority to enquire into the charges framed against Shri _____ (designation) under _____ Deptt's Memorandum No. _____ Dated _____

(Signature of D.A.)

Memo No.

Copy forwarded to Shri _____, Commissioner for Departmental Enquiries/Dy. Commissioner for Departmental Enquiries, Vigilance Commission for information and necessary action.

He is also requested that the work of enquiry into the aforesaid departmental proceedings may be taken up immediately.

(Signature)

Memo No. _____/

Copy forwarded for information and necessary action to:

1. P.O.
2. C.O.
3. Secretary, Vigilance Commission, W.B.
4. Others concerned.

(Signature)

Government of West Bengal
..... **Department**
.....**Buildings**
Kolkata.....

No.

Dated, Kolkata, the

NOTIFICATION

Whereas the Governor is of the opinion that for the purpose of the departmental Proceedings drawn up under this Department's Memorandum No. _____, dated _____ against Shri _____, (Designation), it is necessary to Summon Witness, and call for documents from any class or category of persons having any kind of dealing with the said Shri _____ on any occasion whatsoever in connection with the custody, transfer or movement or in any other way referred to in the articles of charges.

Now, therefore, in exercise of the power conferred by Sub-Section(1) of Section 4 of the Departmental Proceedings (Enforcement of Attendance of Witness and Production of Documents) Act, 1973, the Governor is hereby pleased to authorize Shri _____, Deputy

Commissioner for Departmental Enquiries, Vigilance Commission, W.B. who has been appointed as the Inquiring Authority to enquire into the charges framed against Shri _____ to exercise the power specified in Section 5 of the said Act in relation to any person with the aforesaid class or category of persons.

By order of Governor

(Signature of Disciplinary Authority)

No. _____

Copy forwarded for information and necessary action to:

1. I.A.
2. P.O.
3. C.O.
4. Secretary, Vigilance Commission, W.B.
5. Others concerned.

(Signature)

Government of West Bengal
..... **Department**
..... **Buildings**
Kolkata.....

No. _____

Kolkata, the

ORDER

In exercise of the power conferred by clause (ii) of Sub-rule (4) of rule 10 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, the undersigned hereby appoints Shri _____, Inspector of Police, Vigilance of Commission (H.Q.) as the Presenting Officer to present on behalf of the Disciplinary Authority the case in support of the article of charges framed against Shri _____, (designation) under _____ Deptt's Memorandum No. _____ / Dated _____

(Signature of D.A.)

Memo No. _____

Copy forwarded to Shri _____, Inspector of Police, Vigilance Commission, for information and necessary action.

(Signature)

Memo No. _____

Copy forwarded for information and necessary action to:

1. I.A.
2. Secretary, Vigilance Commission, W.B.
3. C.O.
4. Others concerned.

(Signature)

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Government of West Bengal
Finance Department
Audit

MEMORANDUM

No.3772(200)-F/FIA-3(28)/67

Calcutta , the 4th November, 1967.

Delays in disciplinary proceedings are wasteful of time and money. They are also unfair to the delinquent Government servant and lead to administrative inefficiency. Disciplinary proceedings are

usually preceded by an investigation of an informal character, and there is a tendency for the investigation stage to be unduly protracted. The officer immediately superior to the officer initiating the enquiry should guard against such a tendency. In case in which the Vigilance Commission has been consulted or in which the Commission itself has made the investigation, it formulates the specific charges against the public servants concerned and also recommends who should hold the formal enquiry in the subsequent disciplinary proceedings. In such cases there should be no delay at all in serving the charges against the accused and in appointing the Enquiring Officer. Once it is finally decided to undertake a formal disciplinary proceedings it will be necessary to observe the following procedure to satisfy the requirements of reasonable opportunity guaranteed by Article 311 of the Constitution:

- (1) The accused-officer should be told in the form of written charges exactly what he is alleged to have done and on what evidence, oral or documentary, the allegations are based.
- (2) He should have an opportunity to inspect the documentary evidence, to test the oral evidence by cross-examination and to furnish such evidence as he may wish to adduce in his own defence.
- (3) If it is decided that the officer should be dismissed, removed or reduced in rank, he has to be given a further opportunity to show cause, if any, against the actual punishment proposed.

There is nothing in these minimum requirements which must lead to unnecessary protracted proceedings or to a failure to secure just punishment to the guilty:

Provided the enquiring officer gives time and effort, confines the attention to the main point at issue and firmly resists any attempt by the accused-officer to introduce irrelevancies or to adopt deliberate dilatory tactics, there is no reason why satisfactory expedition in disposal should not be achieved without departing from the prescribed procedure. For avoidance of delay in future, the following time-schedule should be observed as closely as possible in dealing with disciplinary cases-

- (a) The charge or charges should be handed over to the charged-officer within seven days from the date of taking the decision to start formal proceedings. A decision should also be taken within that period whether the officer should be placed under suspension pending enquiry.
- (b) The delinquent's written statement of defence should ordinarily be required to be submitted within a fortnight and in no case should the period of more than one month be allowed.
- (c) The enquiry including the oral examination of the witness should be completed within a month of the submission of the written statement. In case of outstation witness the time may be extended to three months.
- (d) The report of the enquiring officer where he is not himself the punishing authority should be submitted within seven days of the closing of the enquiry to the punishing authority or to the Vigilance Commission, if it has so advised.
- (e) The punishing authority should make his provisional decision within a fortnight of the date of receipt of the report of enquiry or receipt of the advice of the Vigilance Commission on the report.
- (f) The delinquent should be asked to show cause against the proposed punishment of dismissal, removal or reduction in rank, within ten days of the provisional decision.
- (g) Where a reference to Public Service Commission is necessary, a report should be obtained within six weeks from the date of receipt of the final explanation of the delinquent.
- (h) Final orders should be passed within a fortnight from the date of receipt of the final explanation of the Government servant or the advice of the Commission as the case may be.

It should be impressed upon all concerned that both public interest as well as humanitarian consideration demand that no avoidable delay should occur in the disposal of disciplinary cases and any failure to give such case due priority is itself regarded as a dereliction of duty and should be suitably dealt with.

S. R. Das
Additional Secretary to the Government of
West Bengal.

Government of West Bengal
Home Department
(General Administration)

MEMORANDUM

No.179-GAC(Vig)

Dated Calcutta, the 16th June 1971

In departmental proceedings against Government servants the Vigilance Commission has to be consulted according to the instructions issued from time to time. The function of the Vigilance Commission is advisory in nature. The disciplinary authority is, however, required to apply its own mind to the report of the Enquiry Officer and come to its decision on the issue of the charges and punishment to follow. The disciplinary authority may or may not accept the report of the Enquiry Officer or the advice of the Vigilance Commission. In case of non-acceptance of the Commission's advice, the prescribed procedure is to be followed. In any case, the final decision is to be the decision of the disciplinary authority.

In the second "show cause" notice or in the final order of punishment there should therefore be no reference to the observation or the advice of the Vigilance Commission. If the disciplinary authority allows itself to be influenced by any outside authority the proceedings are liable to be struck down in a court of law.

This should be circulated to all Directorates and subordinate offices.

N. C. Sen Gupta
Chief Secretary to the Government of
West Bengal

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Government of West Bengal
Home Department
(General Administration)

MEMORANDUM

No.104-GAC(Vig)

Calcutta, the 14th March 1972

Sub : Procedure for arriving at a decision overriding the recommendations of the
Vigilance Commission

In continuation of this Department Resolution No.221-GAC, dated 4th March, 1965 and in modification of subsequent circulars (i) Home (GA) Memo No.1393-GAC, dated 14th September, 1965 and (ii) Home (GA) Corrigendum No.2291-GAC, dated 13th December, 1966, the Governor is pleased to direct that the following procedure should be observed in dealing with the recommendations of the Vigilance Commission:

(1) The Vigilance Commission's recommendation should receive careful consideration by Departments, Directorates, etc.

(2) In a case where the disciplinary authority is Government (Governor) and where advice tendered by the Commission in exercise of its own power or in consequence of a reference to the Commission by Government is not proposed to be accepted, orders of the Minister-in-Charge should be obtained before non-acceptance of such advice. A second reference should thereafter be made to the Commission explaining the reasons for non-acceptance of the recommendations and inviting further observations, if any, within a fortnight from the date of receipt of the second reference by the Commission.

After a fortnight has elapsed, the matter should be placed before the Minister-in-charge again with further views of the Commission if any, for his opinion if his original decision stands and if so, the case should be referred to the Public Service Commission, if necessary, as required under Art. 320(3)(C) of the Constitution read with the proviso thereto. Before any final decision is arrived at, after compliance with the constitutional requirements and the procedure for imposing any penalty, the case should be referred with a self-contained summary which should indicate the advice given by the Vigilance Commission and the reasons stating grounds for non-acceptance of the advice, to the Chief Minister through Chief Secretary. Final orders should be issued by the department concerned in accordance with the decision reached by the Minister-in-Charge with the approval of the Chief Minister. Action taken on the recommendations of the Commission will be communicated to it by the department

concerned. During the President's Rule such decision will be taken by the Secretary in-charge of the department after obtaining the orders of Governor through Chief Secretary.

(3) In a case where a disciplinary authority is an authority subordinate to Government, the above instructions should be followed mutatis mutandis. In other words, where the disciplinary authority after carefully considering the recommendations of the Commission and applying its own mind is unable to accept the recommendations of the Commission, the reasons for non-acceptance of the recommendations should be communicated to the latter for its further observation, if any, within a fortnight from the date of receipt of this reference by the Commission. Any further observation received within a fortnight of the receipt of the second reference by the Commission should be considered again by the disciplinary authority and thereafter a final decision should be recorded by him. No reference to Government or the Minister-in-Charge of the department concerned is necessary at this stage. Action taken on the recommendations of the Commission should be communicated to it by the disciplinary authority. It will be open to the Commission to move the Government if it so desires, to review such order in accordance with the provisions contained in Rule 22 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971.

By order of the Governor,

N. C. Sen Gupta
Chief Secretary to the Government of
West Bengal.

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Government of West Bengal
Home Department
(General Administration)

MEMORANDUM

No.174-GAC(Vig)

Calcutta, the 15th March, 1973.

Reference is invited to this Department Memo No.698-GA, dated the 11th February, 1966 (copy enclosed for ready reference) in which all investigating officers of the Anti-Corruption Bureau of the Vigilance Commission, West Bengal, have been authorised, in the course of investigations entrusted to them, to examine and interrogate any employee of the State Government or to obtain written statement from him without any permission from or the presence of the head of the department or any superior officer of the employee and also to inspect and obtain Government office papers required in the course of their investigations without any reference to the head of the department concerned or any superior officer of the Department/Directorate/Office. It has also been stipulated therein that where the officers in-charge of such papers have legitimate doubts about the advisability of making over such papers to the investigating officers of the Anti-Corruption Bureau of the Vigilance Commission, they should make immediate arrangements for sealing such papers and keeping them in safe custody pending the directions of the appropriate authority which should be promptly obtained. Where those are current papers required for day-to-day work, relevant entries as indicated by the investigating officer should be marked and signed both by the investigating officer and the officer in-charge of the papers and special care should be taken to ensure that the papers are not lost or mutilated subsequently.

2. It has been reported by the Vigilance Commission, West Bengal, that in spite of the above instructions, difficulties are being experienced by the investigating officers of the Anti-Corruption Bureau of the Vigilance Commission, West Bengal, in carrying out their investigations smoothly. It is requested that the instructions contained in this Department Memo No.698-GA, dated the 11th February 1966 should be strictly followed by all concerned so that the investigating officers of the Anti-Corruption Bureau of the Vigilance Commission can conduct their investigations without any hindrance. Attention of all Directorates and subordinate offices should also be drawn to the instructions contained in the Memo. quoted above.

By order of the Governor
A.NIYOGI,
Chief Secretary to the Government of
West Bengal

**Government of West Bengal
Home Department
(General Administration)**

MEMORANDUM

No.590-GAC(Vig)

Calcutta, the 28th August, 1974

The questions whether a Government servant against whom departmental proceedings have been instituted may be permitted to engage a legal practitioner to present his case at the enquiry has been considered by Government.

2. According to the All India Services (Discipline and Appeal) Rules a member of an All India Service against whom departmental proceedings have been instituted may take the assistance of any other Government Servant to present the case on his behalf, but he may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the Disciplinary Authority is a legal practitioner or the Disciplinary Authority, having regard to the circumstances of the case, so permits.

There is, however, no provision in this regard in the West Bengal Services (Classification, Control and Appeal) Rules.

3. According to Article 311(2) of the Constitution no Government servant shall be dismissed, removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. The "reasonable opportunity" has been interpreted by High Courts in the light of the principles of natural justice and it has been held that so long as the principles of natural justice have been observed, a refusal to engage a lawyer will not amount to a denial of "reasonable opportunity". Accordingly, under this Department Memo No.2479-GA, dated 15th June 1960, the Inquiring Officer in a disciplinary case was given the discretion to allow representation by a lawyer according to the merits and circumstances of individual cases.

4. Government have considered the matter again and have decided as follows :-

The engagement of a lawyer in a departmental proceedings is not ordinarily to be allowed unless the Disciplinary Authority, having regard to the circumstances of a case permits so specifically. Whether a lawyer should be allowed or not to represent a Government servant against whom departmental proceedings have been instituted will depend on the nature of the charges and the ability of the person concerned to appreciate and answer them adequately. For example, in a case where the facts and the mass of evidence are very complicated and intricate points of law are involved, which it is difficult for the person concerned to understand and so to prepare his defence adequately, the permission to engage a lawyer will be a "reasonable opportunity". The permission to engage a lawyer will be given by the disciplinary authority in consultation with the Vigilance Commission in cases processed through the Vigilance Commission.

5. All heads of departments may be informed.

B.R. GUPTA
Chief Secretary to the Government of
West Bengal.

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**Government of West Bengal
Home Department
General Administration**

MEMORANDUM

No.201-GAC(Vig)

Calcutta, the 8th March, 1975.

A reference is invited to this Department Memorandum Nos.179-GAC-(Vig), dated 16th June 1971 and 399-GAC(Vig) dated 16th July 1974, in which all Disciplinary Authorities of Government servants were instructed not to refer to or quote any advice of the Vigilance Commission, West Bengal, in the orders or notices served upon Government servants involved in disciplinary proceedings cases processed through the Commission. The same procedure should be followed with regard to all communications to such Government servants also in matters relating to preliminary investigation, warning, transfer, etc. as may be ordered on the Commission's advice. Copies of the Commission's

letter should, in no case, be sent to any Government servant about whom the Commission has been holding any preliminary investigation or formal enquiry. All communications in such matters should be self-contained, without any reference to any communication or advice of the Vigilance Commission. If any Disciplinary Authority wishes to endorse to the Vigilance Commission any copy of such communication for its information, there should be no mention about that in the main communication sent to the Government servant. In other words, he must not get any inkling or idea that a copy of the letter addressed to him is being sent to the Vigilance Commission with reference to any communication from the latter. It is absolutely necessary that the above instructions are scrupulously followed for maintaining the strictest secrecy of the advice, recommendation or opinion given by the Vigilance Commission to different authorities in disciplinary matters relating to corruption, malpractices, etc. to avoid the position of the Vigilance Commission being questioned or affected in any way.

2. This should be circulated to all Directorates and subordinate offices.

B. R. Gupta,
Chief Secretary to the Government of
West Bengal.

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Government of West Bengal
Land Utilisation & Reforms and Land & Land Revenue Department

NOTIFICATION

No. 624 L.R.,

Dated Calcutta, the 1st February 1977.

In exercise of the power conferred by Rule 7(1) of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, the Governor is pleased to empower the authority specified in column 3 of the table below to place a government servant specified in column 1 thereof under suspension, provided that where the order of suspension is made by the authority specified in column 3 thereof, such authority shall forthwith report to the appointing authority the circumstances in which the order was made :

TABLE

Title of service or post.	Appointing Authority	Authority empowered to make an order of suspension.
1	2	3
Special Revenue Officer, Grade II	Board of Revenue, West Bengal	Director of Land Records & Surveys, West Bengal.
Land Reforms Officer, Sub-Divisional Land Reforms Officer or Sub-Divisional Compensation Officer.	Secretary, Board of Revenue, West Bengal.	Collector of the district.
Officers of the West Bengal Subordinate Land Revenue Services, Grade I, except Kanungo, Grade I.	Secretary, Board of Revenue, West Bengal.	Collector of the district.
Circle Inspector (Land Reforms)	Secretary, Board of Revenue, West Bengal.	Collector of the district.

By Order of the Governor,
J. C. Talukdar
Member
Board of Revenue, West Bengal & (ex-officio)
Secretary to the Government of West Bengal, Land
Utilization & Reforms and Land &
Land Revenue Department.

Memo. No.1545 (39)-A&P

Calcutta, the 1st February, 1977

Copy forwarded to –

- 1) The Jt. Secretary, Finance Deptt. of this Govt.
- 2) The Commissioner, _____ Division, _____
- 3) The District Magistrate, _____

- 4) The Addl. Dist. Magistrate (L.R.) _____
- 5) The Director of Land Records & Surveys, West Bengal.
- 6) The 1st L.A. Collector, Calcutta.
...for information.

Board of Revenue, West Bengal,
A&P Branch,

J.R. Saha
Secretary
Board of Revenue, West Bengal.

Promotion denied during pendency of disciplinary proceedings, courts can interfere, - Withholding of promotion on the ground of pendency of departmental enquiry would amount to inflicting of punishment and it would be contrary to Article 16 of the Constitution of India - **A.P. Naidu v General Manager, South Central Railway**, (1983) 1 LLJ 156 AP.

When disciplinary proceedings are initiated and when they are yet to be completed, there is no knowing whether the petitioner can be found guilty of the charges that may be framed against him and he cannot before that be punished through withholding of promotion or non-consideration of his case for promotion. In either case it amounts to imposition of punishment, violating both the letter and spirit of Article 311 of the Constitution of India. Therefore the pendency or contemplated initiation of the disciplinary proceedings against a person must be considered to have no effect on his right for being considered for promotion-*K. Somaiah v Zonal Manager, Postal Department*, (1979) 1 Serv LR 50.

Government of West Bengal
Office of the L.U. & R. and L. & L.R. Department
L. R. Branch

No. 2806-LR
55/75

Dated, Calcutta the 27th May, '77

NOTIFICATION

In exercise of the power conferred by Rule 7(1) of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, the Governor is pleased to empower the authority specified in column 3 of the table enclosed, to place the officers of the West Bengal Subordinate Land Revenue Service, Grade-I as specified in column I thereof, under suspension, provided that where the order of suspension is made by the authority specified in column 3 thereof, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

By Order of the Governor
J.C. Talukdar
Member,
Board of Revenue, West Bengal &
(ex-officio), Secretary to the Govt.
of West Bengal, Land Utilization & Reforms and Land
and Land Revenue Department

Memo No.7476(42)-A&P

Calcutta, the 27th May, 1977

Copy forwarded to :

- 1) The Joint Secretary to the Govt. of West Bengal,
Finance Department.
- 2) The Commissioner, _____ Division _____
- 3) The Deputy Secretary,
Land Utilisation & Reforms and Land and Land Revenue Department of this Govt.
- 4) The Collector/Dy. Commissioner, _____
- 5) The Addl. Dist. Magistrate (LR), _____
- 6) The Director of Land Records & Surveys, West Bengal.
- 7) The 1st L.A. Collector, Calcutta.
- 8) The Special Officer, Damodar Valley project,
Land Acquisition, Chinsurah.
- 9) The Rent Controller, Calcutta
for information and necessary action.

J. R. Saha
Secretary
Board of Revenue, West Bengal

TABLE

(Notification No.2806-L.R. dt. 27.05.77)

Title of Post belonging to West Bengal Subordinate Land Revenue Service, Grade-I. 1	Appointing authority. 2	Authority empowered to make an order of suspension. 3
Kanungos, Gr.I, employed in the Directorate of Land Records and Surveys, West Bengal.	Secretary, Board of Revenue,	Director of Land Records and Surveys, West Bengal.
Kanungos, Gr.I working as Enquiring Officers in the L.U. & R. and L.& L.R.Deptt.	-Do-	Deputy Secretary, L.U. & R. and L. & L. R. Department.
Kanungos, Gr.I, working as Enquiring Officers in the Land Acquisition Office, Calcutta.	-Do-	1 st Land Acquisition Collector, Calcutta.
Kanungos, Gr.I, employed in the office of the Competent Authority, Calcutta under Urban Land (Ceiling and Regulation) Act, 1976.	-Do-	Competent Authority, Calcutta.
Kanungos, Gr.I, and Land Acquisition Kanungos employed in the Land Acquisition offices of districts.	-Do-	Collector/Dy. Commissioner of the district.
Kanungos,Gr.I, and Land Acquisition Kaungos employed in the Land Acquisition offices under the Special Officer, Damodar Valley Project, Land Acquisition, Chinsurah.	-Do-	Special Officer, Damodar Valley Project, Land Acquisition, Chinsurah.
Kaungos, Gr.I, employed as Inspector in the office of Rent Controller, Calcutta.	-Do-	Rent Controller, Calcutta.
Kanungos, Gr.I, employed as Assistant Administrative Officer, Evacuee Property Management, Nadia.	-Do-	Collector, Nadia.
Kanungos, Gr.I, employed under Competent Authorities appointed under Urban Land (Ceiling and Regulation) Act, 1976.	-Do-	Competent Authorities under Urban Land (Ceiling and Regulation) Act, 1976.

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

No.5630-F.

Calcutta, the 4th June, 1980

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 rules relating to the duties, rights and obligations of persons appointed to public services or posts in connection with the affairs of the State :-

RULES

1. Short title, application and commencement :-

(1) These rules may be called the West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980.

(2) They shall apply to all employees of the Government of West Bengal :

Provided that nothing in these rules shall apply to persons appointed to any All India Service and members of the Police and Jail staff falling under the purview of the Jail Code.

(3) They shall be deemed to have come into force with effect from the 1st day of June, 1980.

2. Definition. - In these rules, unless there is anything contrary to the context, -

- (a) "appointing authority", in relation to a Government employee, means the authority empowered to make appointment to the service or post held by him for the time being;
- (b) "Government" means the Government of West Bengal;
- (c) "Government employee" means a person appointed to a service or post in connection with the affairs of the State ;
- (d) "members of the family", in relation to a Government employee, means the wife or husband, as the case may be, and the child or the step-child of the Government employee ;
- (e) "public servant" has the same meaning as in the Indian Penal Code (45 of 1860);
- (f) "state" means the State of West Bengal.
- (g) "strike" means strike as defined in clause (q) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947).

3. Duties :- The following shall be the duties of a Government employee –

- (1) every Government employee shall bear in mind that he is a public servant; he shall faithfully discharge his duties, shall always behave courteously with the members of the public or colleagues with whom he has to come in contact in the discharge of his duties as a public servant and shall always try to help them in all possible ways through quick and faithful discharge of the duties assigned to him;
- (2) every Government employee shall in the discharge of his duties rise above all personal, political and other considerations and maintain integrity, impartiality and devotion to duty;
- (3) every Government employee shall, notwithstanding his personal views on any matter relating to State policy and programme, carry out faithfully the duties and responsibilities entrusted to him as a public servant ;
- (4) every Government employee shall practice, promote and encourage collective functioning in the interest of the administrative efficiency and apply his personal initiative to the efficient discharge of his duties;
- (5) when in the discharge of his duties a Government employee is called upon to decide a matter in which he or a relation of his is financially or otherwise interested, every such Government employee shall, at the earliest opportunity, bring this fact in writing to the notice of the authority to whom he is subordinate;
- (6) every Government employee (other than a Group D employee) shall once in every year, submit in the prescribed form to the appointing authority a return of movable and immovable property and other assets owned, acquired or inherited by him or any member of his family.

4. Rights – The following shall be the rights a Government employee :-

- (1) every Government employee shall have the right to form associations/unions/federative bodies of the employees :
- (2) every Government employee shall have full trade union rights including the right to strike. The right to strike shall, however, be subject to compliance with the provisions laid down in Appendix 1 ;

Note - The right to strike shall not, however, be available to the members of the W.B.C.S. (Executive and Judicial) and other allied executive, administrative, medical, engineering and educational services;

- (3) every Government employee shall enjoy full democratic rights except being a member of any political party.

Explanation – These rights do not however include any which is prohibited under the law of the land;

(4) any Government employee may, with prior intimation to the authority and subject to the conditions laid down in clause (7) of rule 5 of these rules, participate in a radio or television programme;

provided that nothing should be said in such programmes which –

- (a) incites communal and/or parochial feelings,
- (b) goes against the unity and integrity of the country;

(5) any Government employee may contribute any literary or scientific writing or write any letter to any newspaper or periodical, subject to the provisions laid down in clause (4).

5. Obligations. – Every Government employee shall have the following obligations :-

(1) no Government employee shall commit any misconduct as laid down in section 5 of the Prevention of Corruption Act, 1947 (2 of 1947) or take any gratification other than the legal remuneration or obtain valuable things without consideration or for consideration which he knows to be inadequate, from persons concerned in proceedings or business transacted by such Government employee as detailed in section 161 and section 165 of the Indian Penal Code (45 of 1860);

(2) no Government employee shall, except with prior sanction of the appointing authority, acquire or dispose of any immovable property by lease, mortgage, sale, gift or otherwise either in his own name or in the name of any member of his family where such transaction is conducted otherwise than through a regular or reputed dealer. The same condition shall apply in the case of sale or purchase of movable property exceeding rupees 5,000/- in value.

Note- The movable or immovable properties owned by the members of the family of the Government employee which are either acquired by them from out of their own funds or inherited by them will not come under the provisions of this clause or clause (6) of rule 3 of these rules ;

(3) no Government employee shall lend money to, or obtain loan from, any member of the public, business house or a trader with whom he has to deal in his official capacity either directly or indirectly;

Note- A co-operative society shall not, however, come within the purview of this clause;

(4) no Government employee who has a wife/husband living shall contract another marriage without obtaining previously the dissolution of the first marriage in accordance with any law for the time being in force notwithstanding such second marriage is permissible under any personal law of the community to which he or she belongs ;

(5) no Government employee shall employ or engage any subordinate for any private, domestic or personal service or for any purpose other than official business ;

(6) no Government employee shall use or permit any other person to use a Government vehicle or a safe or any other Government property for any purpose other than official business;

(7) no Government employee shall except in accordance with any general or special orders of the Government communicate directly or indirectly to officials not concerned or non-official person or to the press any secret document or information that may come to his knowledge in course of his public duties;

(8) no Government employee shall –

- (a) violate any law relating to intoxicating drinks or drugs,
- (b) consume or be under the influence of any intoxicating drink or drug during the course of his duty and/or in any public place ;

(9) no Government employee shall, without the previous sanction of the appointing authority, accept either directly or indirectly on his own behalf or on behalf of any other person any gift of more than trifling value ;

Note - Gifts in conformity with religious or social customs shall not come within the purview of this clause;

- (10) no Government employee shall, while on leave, accept any service or employment ;
- (11) no Government employee shall, except with the previous sanction of the Government, engage in any trade or undertake any employment other than his public duties or carry on directly or indirectly any business or undertaking excepting in the case of honorary work of social and charitable nature or co-operative societies,
- 6. Submission of petitions and memorials :** (1) Any Government employee or a group of employees desiring to place a claim or seeking redress of his or their grievance in any matter connected with the service condition shall ordinarily address the authority at the lowest level competent to deal with the matter or the authorities superior to the officer against whose order or action redress is being sought for. If the employee or the group of employees does not receive within a fortnight any intimation of the action taken or of the redress given by the said authority, or is not satisfied with the action taken or the redress given by the said authority, the employee or the group of employees may directly address higher authorities, including the Minister, seeking interview or intervention.
- (2) Any Government employee desiring to apply for any other post shall apply through his appointing authority who shall, unless there is any disciplinary proceedings pending against the Government employee, forward the application to the addressee.
- A Government employee may, if necessary, send an advance copy of an application direct to the addressee.
- 7. Interpretation :-** If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.
- 8. Repeal and savings :-** (1) The West Bengal Government Servants' Conduct Rules, 1959, is hereby repealed.
- (2) Notwithstanding such repeal, anything done, or any act committed or any omission made by any Government employee before the coming into force of these rules, the rules which were in force when the thing was done, the act was committed or the omission was made, shall be deemed to continue and to have always continued to apply.
9. Any violation or infringement of these rules shall be deemed to be a good and sufficient reason within the meaning of rule 8 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, for imposing penalties.

Appendix I

[See rule 4(2)]

Procedure to be followed before going on strike.

1. No employee shall go on strike without –
- (i) completing the process of conciliation or negotiation in the manner laid down hereunder; and
- (ii) giving notice of at least 14 days to the appropriate authority and the strike shall not commence before expiry of the period of notice. For public utility services (as detailed below) the period of notice shall be 30 days.

Note - The following services shall be included in the category of Public Utility Services :

- (1) All Services directly connected with the running of hospitals.
- (2) Fire Brigade – operational services.
- (3) Drinking Water Supply – operational services.
- (4) Milk Supply - operational services.
- (5) Ration Shops of the Food and Supplies Department.
- (iii) Matters over which Government employees can go on strike should relate to conditions of service and work, welfare of the employees and improvement of efficiency and standard of work.

2. The following shall be the process of negotiation or conciliation :-
- (a) There shall be a State Negotiating Body under the State Government. The body shall be headed by a Senior Officer of the Government of the rank of Secretary of a Department and shall consist of four other members not below the rank of Joint Secretary of a Department. The Body shall function under the direct control and supervision of the Chief Secretary.
- (b) The Body shall have a separate establishment of its own and shall be entrusted with the task of holding negotiation with Association/Unions/Federative bodies on the grievances of the employees both of general nature or of departmental or sectional character.
- (c) The Unions/Associations/Federative Bodies after exhaustion of negotiation with the appropriate departmental or Ministerial level shall place their points of grievances to this Negotiating Body in writing on receipt of which the Negotiating Body shall call the aggrieved party and may also call the authorities concerned for negotiation and settlement of the grievances. The Negotiating Body shall not take more than 30 days except with mutual agreement of the Body and the aggrieved party to complete the negotiation. It shall be the responsibility of the Negotiating Body to make its recommendation to the appropriate authority and settle the grievances within the period of 30 days.
3. If the negotiation fails and no settlement of the grievances is reached within the stipulated period noted above, the Federative Bodies/Unions/Associations may serve a strike notice to the Appropriate Authorities under intimation to this Body mentioning the points of grievances.
4. On receipt of the strike notice the Negotiating Body may take further initiative to resolve the dispute and make all efforts to that effect by arranging discussion between the aggrieved party and the authorities concerned. In case of failure of such discussion the aggrieved party shall have the right to give effect to the strike notice.
5. When a strike, which commences after the procedure laid down hereinbefore has been complied with, continues for more than a fortnight, the Appropriate Authority shall refer the disputes/grievances to a Board of Arbitrators, the composition of which may be by agreement between the parties. If, however, there is no agreement between and amongst the parties regarding the composition of the Board of Arbitrators, such a Board of Arbitrators shall be nominated by the Government which shall consist of not more than three members, majority of whom shall be other than government employees.
6. The Board of Arbitrators shall hear all the parties to the dispute and give its award within a period of one month.
7. As soon as the grievances/disputes leading to the commencement of a strike are referred by the Appropriate Authority to a Board of Arbitrators, the strike shall be called off forthwith.

By order of the Governor
A. K. Sen
Chief Secy. to the Govt. of West Bengal

Dated, Calcutta, the 4th June, 1980

No.5630/1(225)-F.

Copy forwarded for information to :-

1. The Director of Land Records & Surveys, W.B.
... for information to :-

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

MEMORANDUM NO.163/8736-65/B/80

dated, Alipore the 26th/30th June, 1980.

Copy forwarded for information to :-

I-IX) The Settlement Officer,

S. Ghosh
for Director of Land Records and Surveys,
West Bengal

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

NOTIFICATION

No.5719-F – 9th June 1980 – 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 amendments in the West Bengal Services (Duties, Rights and Obligations of the Government employees) Rules, 1980, published under this department Notification No. 5630-F, dated the 4th June 1980 (hereinafter referred to as the said rules), with effect from the date on which the said rules came into force :

Amendments

In Appendix I to the said rules,-

- (1) in paragraph 5, for the words “continues for more than a fortnight, the Appropriate Authority shall”, substitute the words “continues for more than a reasonable period, the Appropriate Authority may”, and
- (2) for paragraph 7, substitute the following paragraph :

“7. After the grievances/disputes leading to the commencement of a strike are referred by the Appropriate Authority to a Board of Arbitrators, the Government by an order may prohibit continuance of the strike”.

A.K. Sen,
Chief Secretary to the Govt. of West Bengal

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

No.8984-F

Calcutta, the 23rd August, 1988.

Sub : West Bengal Services (Classification, Control and Appeal) Rules, 1971 —
Suspension of Government employees involved in cases of dowry deaths.

The undersigned is directed to say that sub-rule(1) of rule 7 of W.B.S.(C.C.A.) Rules, 1971 provides inter alia that a Government employee may be placed under suspension where a disciplinary proceeding against him is contemplated or is pending or where a case against him in respect of any Criminal offence is under investigation, enquiry or trial. Sub-rule (3) of the same rule lays down that a Government employee shall be deemed to have been placed under suspension by an order of the appointing authority with effect from the date of his detention if he is detained in custody, whether on Criminal charge or otherwise, for a period exceeding forty-eight hours.

2. As Government takes a very serious view of offences against women, Government has reviewed the provisions in the rule in regard to placing a Government employee under suspension if he is accused of involvement in a case of “dowry death” as defined in Section 304-B of the Indian Penal Code. The section reads as follows :-

“304-B(1) Where the death of a woman is caused by any burn or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband, or in connection with any demand for dowry such death shall be called “dowry death” and such husband or relative shall be deemed to have caused her death.

Explanation : For the purpose of this sub-section “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961.”

3. If a case has been registered by the police against a Government employee under section 304-B of the Indian Penal Code he shall be placed under suspension in the following circumstances by the competent authority by involving the provisions of sub-rule (1) of Rule 7 of W.B.S.(C.C.A.) Rules, 1971.

- (i) If the Government employee is arrested in connection with the registration of the police case, he shall be placed under suspension immediately irrespective of the period of his detention.
- (ii) If he is not arrested, he shall be placed under suspension immediately on submission of a police report under Sub-section (2) of Section 173 of the Code of Criminal procedure, 1973 to the Magistrate, if the report prima-facie indicates that the offence has been committed by the Government employee.

A. K. Roy
Joint Secretary to the
Government of West Bengal.

No. 8984/1(350)-F

Calcutta, the 23rd August, 1988.

Copy forwarded for information and necessary action to

- 1) The Director of Land Records and Surveys, 35, Gopalnagar Road,
Alipore, Calcutta-27.

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

Memo.No.163/18494-530/B/87

Dated, Alipore, the 4th October, 1988.

Copy forwarded for information and necessary action to :-

- 1) The Settlement Officer,
2) to 6) *****

I. Roy
for Director of Land Records and Surveys
and Joint Land Reforms Commissioner,
West Bengal

●

Government of West Bengal
Office of The Board of Revenue, West Bengal
Section-B(I) : Apptt.- Branch

No. 13101-Apptt.
101/89

Dated, Calcutta, the 18th October, 1989.

To
The Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

Consequent upon the introduction of Integrated set-up of Land Reforms Administration in West Bengal under Land and Land Reforms Deptt.'s Notification No. 727 L. Ref. dated 21.7.88 by amalgamation of the erstwhile Management and Settlement Wings, the undersigned is directed by the order of the Governor to say that the Governor has been pleased to prescribe Appointing, Disciplinary and Appellate Authorities in respect of different posts under Integrated set-up of Land Reforms Administration as detailed in the list enclosed.

Necessary amendment in Schedule-I to the West Bengal Services (Classification, Control and Appeal) Rules, 1971 will be made by the Finance Deptt. in due course.

This order issues with the concurrence of the Finance Department vide their u/o No. Group "P" No. 2834 dated 15.9.89.

Sd/- Illegible
Secretary,
Board of Revenue, West Bengal & (Ex-officio)
Jt. Secretary to the Govt. of West Bengal,
Land and Land Reforms Department.

Copy forwarded for information and necessary action to :

- 1) The Land & Land Reforms Department.
- 2) Finance (Audit) Department
with reference to the u/o note dated 15.9.89 in Board's
file No. 101/89-Apptt.
Necessary amendment in Schedule-I to the West Bengal Services (Classification, Control and
Appeal) Rules, 1971 may please be made early under intimation to the Board of Revenue, West
Bengal.
- 3) Section EI / BII / BIII / of Board's Office.
- 4) The District Land & Land Reforms Officer,
.....
- 5) The Collector,
.....

Md. Nooruddin
Assistant Secretary,
Board of Revenue, West Bengal.

Appointing, disciplinary & appellate authorities in respect of posts under Integrated Set up

Sl. No.	Description of post	Appointing Authority	Authorities empowered to impose penalties & the penalty which they may impose with reference to item Nos.(i) to (viii) of Rule 8 of W.B. Services (C.C. & A) Rules, 1971.		Appellate Authority
			Authority	Penalties	
1.	All Group 'C' posts carrying Scale of pay of Rs.300-685/- and below in the district and all Group 'D' posts in the district excluding the posts where appointing authority has been specified in the recruitment rules.	D.L.L.R.O.	D.L.L.R.O.	All	D.L.R & S., West Bengal
2.	Revenue Inspectors	D.L.R. & S, West Bengal.	D.L.R. & S, West Bengal	All	Land Reforms Commissioner.
3.	Revenue Officers	Secretary, Board of Revenue, West Bengal	Secretary, Board of Revenue, West Bengal	(i) to(iii)	Land Reforms Commissioner, West Bengal.
			Land Reforms Commissioner, West Bengal.	(iv) to (vii)	Member, Board of Revenue, West Bengal.
4.	Assistant Compensation Officers.	Secretary, Board of Revenue, West Bengal	Land Reforms Commissioner, West Bengal.	All	Member, Board of Revenue, West Bengal.

Md. Nooruddin
Assistant Secretary,
Board of Revenue, West Bengal.

Government of West Bengal
Office of the Board of Revenue, West Bengal
Section – BI, Branch – A&P.

No.2303 – A&P
 3A-25/88-A&P(Pt. II).

Dated, Cal., the 16th May'96.

ORDER

In cancellation of order no.13101-Apptt. dated 18.10.89 issued by the Board of Revenue, West Bengal regarding Appointing, Disciplinary and Appellate Authorities in respect of the posts under the Integrated set-up the Governor has been pleased to specify Appointing, Disciplinary and Appellate Authorities in respect of different posts under the Integrated set up of Land Reforms Administration as detailed in the list enclosed.

K.L. Mukhopadhyay
 Special Officer & Secretary,
 Board of Revenue, & Ex-Officio Joint Secretary to
 the Govt. of West Bengal,
 Land and Land Reforms Department.

No.2303/1(42)- A&P.

Dated, Cal., the 16th May, 1996.

Copy forwarded for information and necessary action to :

1. The Land and Land Reforms Department.
2. The Secretary, Public Service Commission, West Bengal
3. Finance (Audit) Department.
4. The Director of Land Records & Surveys & Joint Land Reforms Commissioner, West Bengal.
5. The Collector, -----
6. The District Land and Land Reforms Officer, -----
7. Section EI/BII/BIII of Board's office.

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

Appointing, Disciplinary and Appellate Authorities in respect of different posts under Integrated set up.

Sl. No.	Description of posts	Appointing Authority	Authority empowered to impose penalties under Rule 8 of W.B.S. (C.C.& A) Rules 1971	Appellate Authority
1	2	3	4	5
1.	Special Revenue Officer, Grade-I	Secretary to the Govt. of W.B., L.& L.R. Deptt.	Secretary to the Govt. of W.B., L.& L.R. Deptt.	Governor as persona designata
2.	Special Revenue Officer, Grade-II	-do-	-do-	-do-
3a)	Members of West Bengal Subordinate Land Revenue Service Grade-I.	Secy. Board of Revenue, W.B. and Jt. Secy. to the Govt. of W.B. L.& L.R. Deptt.	Secy., Bd. of Rev., W.B. and Jt. Secy. to the Govt. of W.B. L.& L.R. Deptt.	-do-
b)	Members of West Bengal Subordinate Land Revenue Services Grade I on deputation to other Deptt./Dte.	-do-	-do-	-do-
4.	Revenue Inspector / Circle Inspector / Kanungo II continuing as such for whatever reason.	Director of Land Records & Surveys, West Bengal	Director of Land Records & Surveys, West Bengal.	Secy. to the Govt. of W.B. L.& L.R. Deptt.
5.	All Group 'C' posts and all Group 'D' posts in the districts excluding the posts where appointing authority has been specified in the recruitment rule.	District Land & Land Reforms Officer.	District Land and Land Reforms Officer.	Director of Land Records & Surveys, W.B.

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

No. 9174-F

Dated, 20/9/1999

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 Government Servants' Conduct Rules, 1959, published under this department Notification no. 2988-F dated the 7th August, 1959, as subsequently amended (hereinafter referred to as the said rules).

AMENDMENT

In the said rules, after rule 4A of the said rules, insert the following rule :-

“4B. Prohibition of sexual harassment of working women –

No Government employee shall indulge in any act of sexual harassment of any woman at her work place and every Government employee, who is in charge of a work place, shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation. : For the purpose of this rule “sexual harassment” shall include such unwelcome sexually determined behaviour whether direct or otherwise, as –

- a) physical contact or advance ; or
- b) demand or request for sexual favour ; or
- c) sexually coloured remark ; or
- d) showing any pornography ; or
- e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.”

By order of the Governor
A. Gupta
Principal Secretary
to the Govt. of West Bengal

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

No. 9173-F.

Dated : 20/9/1999.

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 (Duties, Rights and Obligations of the Government Employees) Rules, 1980, published under this department Notification No. 5630-F, dated the 4th June, 1980, as subsequently amended (hereinafter referred to as the said rules):-

A M E N D M E N T

In rule 5 of the said rules, -

- (1) in clause (12), for the words “or otherwise”
substitute the words “or otherwise, “ and
- (2) after clause (12) add the following clause :-
“13) no Government employee shall indulge in any act of sexual harassment of any woman at her work place and every Government employee, who is in charge of a work place, shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation – For the purpose of this rule, “sexual harassment” shall include such unwelcome sexually determined behaviour, whether direct or otherwise, as :-

- (a) physical contact or advance ; or
- (b) demand or request for sexual favour ; or
- (c) sexually coloured remark ; or
- (d) showing any pornography ; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.”

By order of the Governor,
A. Gupta
Principal Secretary
to the Government of West Bengal

————— ● —————
**Government of West Bengal
Home (P&AR) Department
Vigilance Cell**

No. 667 (50)-P&AR (Vig.)

Dated, Calcutta the 2nd June 2000.

From : Shri M. Gupta, IAS
Chief Secy. to the Govt. of West Bengal.

To : The Secretary, Finance Department.

It has been brought to the notice of this Govt. that very often Heads of different Departments/Directorates have been writing directly to the District Magistrate/District Vigilance Officers on issues relating to vigilance matters.

Such direct reference by the Departmental/Directorate heads to the District Magistrate/District Vigilance Officers in vigilance matters causes unnecessary delay in disposal of such matters as the District Magistrates are not empowered to take decisions on their own without the approval of the Vigilance Commission, West Bengal.

In order to avoid such unnecessary delay in disposal of vigilance matters, it has been decided that no reference be made to the District Magistrate/District Vigilance Officers directly by the Heads of Departments/Directorates. Such references may be made only to the Vigilance Commission, if required.

The Directorates and the offices under your Deptt. may kindly be instructed accordingly.

Yours faithfully,
M. Gupta
Chief Secretary to the
Government of West Bengal

————— ● —————
**Government of West Bengal
Home (P&AR) Department**

No. 974-PAR (Vig)

Calcutta, the 25th July, 2000.

From : Shri Manish Gupta
Chief Secretary to the
Government of West Bengal.

To : The Principal Secretary/Secretary
Finance Department.

On careful consideration, it has been decided that henceforth the **Cadre Controlling Authority** (CCA), in the respective Government Department, will issue ‘Vigilance Clearance’ to the Officers belonging to the respective services for the following purposes :

‘A’

- (i) For Granting NOC (No Objection Certificate) for obtaining of passports.
- (ii) For according permission to travel abroad either in a personal or official capacity.
- (iii) For awarding promotion.
- (iv) For recommendation of medal/award, and
- (v) For voluntary retirement/retirement.

The above will not apply in the following cases :

‘B’

- (a) Officers under suspension.
- (b) Officers in respect of whom disciplinary/criminal proceedings have been instituted and are pending.
- (c) Where the Disciplinary Authority has taken a decision to institute disciplinary proceedings against the Officer.

Manish Gupta
Chief Secretary

————— ● —————
**Government of West Bengal
Vigilance Commission
Bikash Bhavan, Bidhan Nagar
Calcutta-700091**

No. 4574(50) / V / MA-8/99(S).

Calcutta, the 11th August 2000.

From : The Secretary, Vigilance Commission
West Bengal

To : Shri A. Gupta, IAS
Principal Secretary & Secretary to the
Government of West Bengal
Finance Department.

Sub : Vigilance matters pending at different stages.

Sir,

I am directed to refer to the subject noted above and to state that the Commission is actively considering to assess the number of Vigilance matters pending at different stages, viz. (1) for submission of preliminary enquiry, (2) for finalization of charges, (3) for appointment of Inquiring Authority and/or Presenting Officer, (4) for action taken report on the recommendation of the Commission for punishment of charges Officers etc.

In view of the above the Commission requests that the Disciplinary Authorities under your Deptt. in respect of various charged Officers may kindly be instructed to intimate the particulars of such cases citing the file No., name of the charged Officer and the stage at which the matter is pending.

This may kindly be treated as urgent.

Yours faithfully,
Sd/-Illegible
Secretary
Vigilance Commission, W.B.

————— ● —————
**Government of West Bengal
Vigilance Commission
Bikash Bhavan, Bidhan Nagar
Kolkata-700091**

No. 514-V / IC - 1 / 2000

Kolkata, the 31st Jan. 2001

CIRCULAR

Sub : Permission to engage Legal Practitioner by a Charged Officer — Procedure thereof.

It has been observed by the Vigilance Commission that in a number of occasions some of the Disciplinary Authorities allow the Charged Officer to engage legal Practitioner to present his case at the

enquiry being conducted by the Inquiring Authorities appointed by the Disciplinary Authority without any prior consultation with the Vigilance Commission.

In this context, Chief Secretary's Circular No. 590-GAC (Vig.) dated 28.08.1974 may kindly be referred to. It has been inter alia, provided therein that the permission to engage a lawyer, by the Charged Officer should not be given by the Disciplinary Authority without consultation with the Vigilance Commission.

The circular may be strictly complied with.

R. Kar
Vigilance Commissioner, West Bengal

————— ● —————
Government of West Bengal
Personnel & Administrative Reforms Department
Vigilance Cell

No. 851(66)-P&AR (Vig.)

Dated, Kolkata, the 7th July, 2006

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

To : The Principal Secretary
Finance Department
Writers' Buildings, Kolkata-700 001.

Sub : Issuance of Appointment Letters of Inquiring Authority and Presenting Officer expeditiously for expeditious disposal of Departmental Proceedings recommended by the Vigilance Commission, West Bengal.

Sir,

The Vigilance Commissioner, West Bengal has recently written to the Chief Secretary of this Government regarding expeditious disposal of Departmental Proceedings against impugned Govt. Officials recommended by the Vigilance Commission, West Bengal. The Vigilance Commission is of the view that the principal cause for inordinate delay in the completion of the departmental proceedings is non-receipt of appointment letters of IAs and POs as recommended by the Vigilance Commission from the respective disciplinary authorities inspite of several written reminders from the Vigilance Commission, West Bengal.

In the circumstances, I am directed to request you kindly to look into this matter and issue suitable instructions to the Officers dealing with Vigilance matters to ensure that appointment letters of IAs and POs are issued at least within a month from the date of receipt of the recommendation from the Vigilance Commission, West Bengal.

Yours faithfully.
Sd/- Illegible
Special Secretary to the
Government of West Bengal

————— ● —————
Government of West Bengal
Land and Land Reforms Department
A & P Branch
Writers' Buildings, Kolkata - 700001

No. 1051-A&P/3A-5/07

Dated 20th February, 2007.

From : Dr. P.K. Agrawal, IAS,
Land Reforms Commissioner, West Bengal and
Principal Secretary, L & L R Department.

To : Shri B.P. Gopalika, IAS,
Director of Land Records and Surveys and
Joint Land Reforms Commissioner, W.B.

Sub : Issue of Show-cause notice before drawing up a Departmental Proceedings against any government employee.

Sir,

With reference to above I am to bring your kind notice that it is often seen that the copy of the show-cause notice along with a reply of the incumbent concerned is not sent with the proposal for starting a departmental proceeding to this department.

In this connection I am to further add that natural justice demands, a show-cause notice should be issued to the incumbent concerned before framing charges against him for any mis-conduct or mis-behaviour in respect of which the enquiry is being proposed against him.

So, considering the gravity and importance of issuing such show-cause notice in connection with a departmental proceedings against a government employee, I would request you to kindly ensure that before sending a proposal for a departmental proceedings such show-cause notice was issued and a reply thereto has been received within the stipulated time. The copy of the show-cause notice along with the reply thereto may also be enclosed along with other papers with the proposal of starting a departmental proceedings.

Yours faithfully,

Dr. P. K. Agrawal
Land Reforms Commissioner, West Bengal and
Principal Secretary,
Land and Land Reforms Department.

●

Government of West Bengal
Land and Land Reforms Department
Section-BI, Branch-A&P

Memo No. 2606-A&P/IA-5/06

Dated 20.04.2007

From : Shri K. Bandyopadhyay,
Joint Secretary to the Govt. of West Bengal,
Land & Land Reforms Department.

To : The Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal,
35, Gopal Nagar Road, Kolkata – 700 027.

Sub : Withdrawal of suspension in respect of the employees released on bail.

Ref.: Your Memo. No. 39/1305/Con/06 Pt-1 dated 27.11.2006.

Sir,

With reference to above I am directed to inform you that considering the respective provisions of West Bengal Services (Classification, Control and Appeal) Rules, 1971, it is not possible on the part of this department to issue any general order for withdrawing suspension, without examining the detail case history of the criminal case for which the concerned Government employee was detained in the custody exceeding 48 hours and subsequently released on bail.

So before allowing reinstatement after withdrawing the suspension, in respect of such Government employees, it is necessary to examine if the concerned employee was detained in the custody beyond 48 hours in connection with the criminal case relating to "moral issue". Accordingly, case-wise examination is found necessary as cases not related with "moral issues" may however, deserve proper attention in connection with their reinstatement in the service withdrawing the suspension – as such action may become mandatory in some cases.

So considering the gravity of the issue, I am further directed to request you to kindly send proposal to this department with case-wise detailment for issuing necessary orders in connection with withdrawal of suspension in respect of such government employees subsequently released on bail. While sending the proposal the copy of necessary documents relating to the criminal case may also be sent with the proposal so that the nature of the case could be ascertained with the added information that if the charge-sheet has been submitted by the police and the latest development of the case.

This is for your kind information and necessary action.

Yours faithfully
K. Bandyopadhyay
Joint Secretary to the Govt. of West Bengal.

Copy forwarded to the District Land & Land Reforms Officer, for his information and taking action.

Mobaswer Ali Baidya
for Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal.

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Government of West Bengal
Finance Department
Audit Branch

No. 4652-F

Kolkata, the 18th June, 2007.

MEMORANDUM

A question has been raised from different quarters as to what will be the quantum of dearness allowance admissible to a Government employee placed under suspension in terms of rule 71 of the WBSR-1 and whether merger of 50% of the subsistence allowance paid to the employee under suspension will be done for computing the amount of dearness allowance with effect from 1st April, 2007 on the analogy of F.D. Memo. No. 2415-F dated 27.3.07 read with No. 2416-F dated 27.3.07.

After careful consideration of the matter, the undersigned is directed by order of the Governor to say that since subsistence allowance will be equal to the leave salary which the Government employee would have drawn if he had been on half-pay, the rate of dearness allowance will be on such amount of subsistence allowance and if the subsistence allowance is increased or decreased, as the case may be, under clauses (i) or (ii) of sub-rule 71 of the WBSR-1, the rate of dearness allowance will be based on the increased or decreased amount of such subsistence allowance.

The undersigned is further directed to say that with effect from 1st April, 2007, for the purpose of computing dearness allowance on the amount of subsistence allowance admissible to a Government employee under suspension, 50% of the amount of subsistence allowance will be merged with the admissible subsistence allowance and dearness allowance will be paid at the rate as admission under F.D. Memo. No. 2416-F dated 27.3.07 taking into account the amount of subsistence allowance and 50% of the said amount taken together.

P. K. Dasgupta
O.S.D. & ex-officio
Special Secretary to the
Government of West Bengal
Finance Department

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The Kolkata Gazette
Extraordinary
Published by Authority

Government of West Bengal
Finance Department
Audit Branch

NOTIFICATION

No. 1440 – F. – 20th February, 2008. – 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 amendments to the West Bengal Services (Classification, Control and Appeal) Rules, 1971, as subsequently amended (hereinafter referred to as the said rules) :-

AMENDMENT

In the said rules –

- (1) For the words “Government servant”, wherever they occur substitute the words “Government employee” ;

(2) In PART II, -

(a) For rule 4, substitute the following rule :-

“4. Classification of services. – (1) All the services and posts under the Government shall be classified as follows :-

(i) West Bengal State Service, Group A ;

(ii) West Bengal State Service, Group B ;

(iii) West Bengal State Service, Group C ;

(iv) West Bengal State Service, Group D.

(2) If a service consists of more than one grade, different grades of such service may be included in different groups.” ;

(b) For rule 5, substitute the following rule :-

“5. Constitution of State Services and Classification thereof or posts held by Government employees. – The West Bengal State Services, Group A, Group B, Group C and Group D shall consist of the services or grades or posts carrying a pay or a scale of pay as detailed in the Table below :-

The Table

Sl.	Description of services and posts	Classification of posts and services
1.	All services and posts carrying a pay or a scale of pay with the maximum above Rs. 10,175/-	Group A
2.	All services and posts carrying a pay or a scale of pay with the maximum of Rs. 10,175/- or below but above Rs. 7050/-	Group B
3.	All services and posts carrying a pay or a scale of pay with the maximum of Rs. 7050/- or below but above Rs. 4400/-	Group C
4.	All services and posts carrying a pay or a scale of pay with the maximum of Rs.4400/-	Group D

Provided that the Government may, by special order, include any class or classes of Government employees in a service higher than that prescribed in the above Table and may, by order issued from time to time, change the maximum of the above pay or scale of pay for the purpose of classification of services and posts:

Provided further that the classification of an employee shall not undergo any change on the ground of eventual movement to higher scale of pay owing to operation of the Career Advancement Scheme or any other non-functional elevation.

Explanation – For the purpose of this rule, -

(a) The word ‘pay’ has the same meaning as in sub-clause (i) of clause (28) of rule 5 of the West Bengal Services Rules, Part I; and

(b) The expression ‘scale of pay’ includes the revised scale of pay mentioned in the West Bengal Services (Revision of Pay and Allowance) Rules, 1998 or any subsequent rules to be made in this regard.”

(3) In PART III, for rule 6, substitute the following rules :-

“6. Appointment to Group A services and posts – All appointments to the West Bengal State Services and posts belonging to Group A, shall be made by the Governor;

Provided that the Governor may, by a general or a special order and subject to such conditions as he may specify in the order, delegate to any authority subordinate to him the power to make such appointments.

6A. Appointments to other services and posts – All appointments to the West Bengal State Services and posts belonging to Group B, Group C and Group D, shall be made –

(a) by the authority specified in that behalf by a general or a special order of the Governor ; or

(b) where no such order has been made, by the authorities specified in this behalf in the Schedule.”;

- (4) In PART V, in rule 9, for the words and figures “Disciplinary Authorities – Subject to the provisions of rules 10 to 13, any of the penalties specified in rule 8 may be imposed on –
- (i) a member of the West Bengal State Service, Class I or Class II, by the Governor ; and
 - (ii) a member of the West Bengal State Service, Class III or Class IV, by the authorities specified in corresponding entries in column 3 of Schedule 1 ;”

substitute the following words, figures, letters and brackets :-

“Disciplinary Authorities – (1) The Governor may impose any of the penalties mentioned in rule 8 on any Government employee.

(2) Without prejudice to the provisions of sub-rule(1) any of the penalties specified in rule 8 may be imposed on –

- (a) a member of the West Bengal State Service, Group A, by the Governor, or by any other authority empowered in this behalf by a general or special order of the Governor ; and
- (b) a member of the West Bengal State Service, Group B, Group C or Group D, by the respective appointing authorities or any other authorities specified in the Schedule, where applicable.”

(5) In PART VI,-

(a) for the rule 14, substitute the following rule :-

“14. Orders against which no appeal lies – Notwithstanding anything contained in this part, no appeal shall lie against –

- (i) any order made by the Governor ;
- (ii) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension ;
- (iii) any order passed by an inquiring authority in the course of an inquiry under rule 10.”;

(b) for rule 15, substitute the following rule :-

“15. Orders against which appeal lies – Subject to the provisions of rule 14, a Government employee may prefer an appeal against all or any of the following orders, namely :-

- (i) an order of suspension made or deemed to have been made under rule 7 ;
- (ii) an order imposing any of the penalties specified in rule 8 whether made by the disciplinary authority or by any appellate or revising authority ;
- (iii) an order enhancing any penalty, imposed under rule 8 ;
- (iv) an order which –
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of Service as recognized by rules or by agreement ;
 - (b) interprets to his disadvantage the provisions of any such rule or agreement ;
- (v) an order –
 - (a) reverting him while officiating a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty ;
 - (b) reducing or withholding the pension or denying the maximum pension admissible to him under the rules ;
 - (c) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof ;

- (d) determining his pay and allowances –
 - (i) for the period of suspension, or
 - (ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time scale or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post ; or
- (e) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation – In this rule, -

- (i) the expression ‘Government employee’ includes a person who has ceased to be in Government service ;
- (ii) the expression ‘pension’ includes additional pension, gratuity and any other retirement benefit.”

(c) for rule 16, substitute the following rule :-

“16. Appellate Authority – (1) A Government employee including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in rule 15 to the authority specified in this behalf either in the Schedule or by a general or special order of the Governor or, where no such authority is specified –

- (a) where such Government employee is or has been a member of the West Bengal State Service, Group A, to the Governor, where the order appealed against is made by any other authority ;
- (b) where such Government employee is or has been a member of the West Bengal State Service, Group B, Group C or Group D, to the authority to which the authority making the order appealed against is immediately subordinate,

(2) notwithstanding anything contained in sub-rule (1),-

- (a) an appeal against an order in a common proceeding held under proviso to sub-rule (2) of rule 9, shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate ;

Provided that where such authority is subordinate to the Governor in respect of a Government employee for whom Governor is the Appellate Authority in terms of sub-clause (ii) of clause(a) of sub-rule(1), the appeal shall lie to the Governor ;

- (b) Where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the Appellate Authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate,” ;

(d) for rule 17, substitute the following rule :-

“17. Period of limitation of appeals – No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellants ;

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellants had sufficient cause for not preferring the appeal in time.” ;

(e) for rule 18, substitute the following rule :-

“18 Form and contents of appeal -(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments (thereon together with the relevant records to the Appellate Authority without an avoidable delay, and without waiting for any directions from the appellate Authority.”;

(f) for rule 19, substitute the following rule :-

“19. Consideration of appeal - (1) In the case of an appeal against an order of suspension, the Appellate Authority shall consider whether in the light of the provisions of rule 7 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 8 or enhancing any penalty imposed under the said rule, the Appellate Authority shall consider -

(a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice.

(b) whether the findings of the disciplinary authority are warranted by the evidence on the record ; and

(c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe ; and pass orders -

(i) confirming, enhancing, reducing or setting aside the penalty ; or

(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case ;

Provided that -

(a) the Commission shall be consulted in all cases where such consultation is necessary ;

(b) if such enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (iv) to (viii) of rule 8 and an inquiry under rule 10 has not already been held in the case, the Appellate Authority shall, subject to the provisions of rule 11, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 10 and thereafter on a consideration of proceedings of such inquiry, make such orders as it may deem fit ;

(c) if the enhanced penalty which the Appellate Authority proposes to impose is one of the penalties specified in clauses (iv) to (viii) of rule 8 and an enquiry under rule 10 has been held in the case, the Appellate Authority shall make such orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty ; and

(d) on order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of rule 10 of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in rule 15, the Appellate Authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable,” ;

(g) For rule 20, substitute the following rule :- ‘

“20. Implementation of orders in appeal – The authority which made the order appealed against shall give effect to the orders passed by the Appellate Authority.” ;

(h) Omit rule 21 ;

(6) In PART VII, -

(a) For rule 22, substitute the following rule :-

“22. Revision – (1) Notwithstanding anything contained in these rules :-

(i) the Governor, or

(ii) the head of a department directly under the State Government in the case of a Government employee serving in a department or office (not being the Secretariat), under the control of such head of a department, or

(iii) the appellate authority, within six months or the date of the order proposed to be revised, or

(iv) any other authority specified in this behalf by the Governor, by a general or special order, in such general or special order ;

may, at any time, either on his or its own motion or otherwise, call for the records of any inquiry and revise any order made under these rules from which an appeal is allowed but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary and may –

a) confirm, modify or set aside the order ; or

b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed ; or

c) remit the case to the authority which made the order or to any other authority directing such authority to make such inquiry as it may consider proper in the circumstances of the case ; or

d) pass such other orders as it may deem fit ;

Provided that no order imposing or enhancing any penalty shall be made by any revisional authority unless the Government employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed, and where it is proposed to impose any of the penalties specified in clauses (iv) to (viii) of rule 8 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses and if an inquiry under rule 10 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in rule 10, subject to the provisions of rule 11, and except after consultation with the Commission where such consultation is necessary ;

Provided further that no power of revision shall be exercised by the head of department unless –

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced until after –

(a) the expiry of the period of limitation of an appeal ; or

(b) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules” ;

(b) for rule 23, substitute the following rule :-

“23. Review – The Governor may, at any time, either on his own motion or otherwise, review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice ;

Provided that no order imposing or enhancing any penalty shall be made by the Governor unless the Government employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose or enhance any of the penalties specified in the rule 8 sought to be reviewed to any of other penalties and if an inquiry under rule 10 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 10 subject to the provisions of rule 11 and except after consultation with the Commission where such consultation is necessary.”

2. This notification shall come into force with effect from the 20th February, 2008.

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

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An Opinion of Ld. L.R., West Bengal.

Perused the PUD. The proposal has been floated by the Land and Land Reforms Department, Government of West Bengal that one SLP be filed before the Apex Court as against the Division Bench judgement of our Hon'ble Court passed in connection with WPST No. 550/2010 (Nirmal Chandra Saha Vs. State of West Bengal) which was disposed of on 16.12.2010.

On scrutiny of the file it appears that the writ petitioner retired prior to the imposition of the sentence and the Departmental proceeding naturally continued after his retirement. The Hon'ble Court took up this point also in its decision dated 16.12.2010.

The main thrust of the Hon'ble Court is on the point whether any pecuniary loss was caused to the Government due to the mis-conduct of the present Appellant. The Hon'ble Court was satisfied that in the charge-sheet there was no charge of causing pecuniary loss to the Government. In the précis of this case there is also no mention that due to the act of that Appellant the Government suffered pecuniary loss. In two decisions of our Hon'ble Court as referred to in the said judgement of the Hon'ble Court it was specifically ruled by interpreting Rule 10(1) of the West Bengal Services (Death-cum-Retirement Benefit) rules 1971 that unless any pecuniary loss was caused by the delinquent Government employee the Departmental proceeding cannot continue. These two decisions are reported in 1992(1) CHN 354 and 2010(3) CHN (CAL) 871.

In another decision reported in 2008 (CHN) 951 the Division Bench of our Hon'ble Court further observed that there is no scope for proceeding with an inquiry when there is no charge that the Government suffered any pecuniary loss due the any mis-conduct or negligence of the said Government employee (obviously retired).

Thus on scrutiny of the entire file and giving my anxious thought I am of the opinion that there is practically no chance of success if one SLP is filed as against the judgement. The filing of SLP will only drain out the Government Exchequer and will cause suffering to a retired Government employee. The proposal of the Department for filing of SLP is thus considered and rejected.

I. Chatterjee
LRWB 08.12.2011

Government of West Bengal
Land & Land Reforms Department
Section-B(1) : A&P Branch
Writers' Buildings, Kolkata-700001

No. 1224(19)-A&P/4A-16/12

Dated, Kolkata, the 19th February, 2013

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

To : 1) The Director of Land Records & Surveys and
Joint Land Reforms Commissioner, West Bengal,
35, Gopal Nagar Road, Alipore,
Kolkata - 700027.

2) The Additional District Magistrate and
District Land & Land Reforms Officer,
P.O. District

Sub : Incorporation of information regarding Date of Birth of the alleged officer along
with Date of Occurrence of alleged irregularities/illegalities in the Draft Article of
Charges.

With reference to the above mentioned subject the undersigned is directed to state that due to non-availability of Date of birth of the Charged Officer and Date of occurrence of the alleged incidence in the Draft Article of Charges (DP can not be drawn against the C.O. before his retirement), as many Departmental Proceedings cases take long time to reach the stage of Final Order. As a result of which Government in L & L.R Department has to face great difficulties in dealing with the matter with Vigilance Commission, Public Service Commission and WBSAT, wherein some cases the Charged Officer retired scot-free leaving no scope for the Government to frame charge sheet against him.

2. Therefore, he is requested to invariably give the Date of Birth of the incumbent with Date of occurrence of the alleged irregularities & illegalities, against whom DP is contemplated, in the future days, so that the four (4) years' stipulation may be judged well ahead and judicial complications can also be avoided.

3. This may be treated as very urgent.

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

<http://wbllroa.in>