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PART I—Orders and notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT

Audit

NOTIFICATION

No. 3855-F.—31st March 1984.—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 :—

Rules

1. **Short title and commencement.**—(1) These rules may be called the West Bengal Services (Secretariat Common Cadres) Rules, 1984.

(2) They shall come into force on the date of their publication in the *Official Gazette*.
2. **Application.**—These rules shall apply to all Government employees holding, in the Secretariat Departments and Offices mentioned in the Schedule to these Rules, the posts borne in the Secretariat Common Cadres, as formed under rule 4.
3. **Definitions.**—(i) "Appointing Authority": (a) in relation to cadres, posts or grades of Registrars, Officers on Special Duty and Special Officers (borne in the revised scale of pay of Rs. 660—1,600) shall be the Governor; and (b) in relation to cadres, posts or grades of Section Officers, Head Assistants, Upper Division Assistants, Lower Division Assistants, Typists (Grade I) and Typists shall be the Deputy Secretary to the Government in the Home (P. & A. R.) Department which will be in charge of management and control of the Common Cadres constituted under rule 4.

(ii) "Commission" means the Public Service Commission, West Bengal.

(iii) "Common Cadres" means a cadre of same category of posts in the Secretariat Department and Offices formed into a cadre under these rules.

(iv) "Department" and "Offices" mean a Secretariat Department and other Offices under this Government as mentioned in the Schedule.

(v) "Government" means the Government of West Bengal.

(vi) "Revised Scale" means revised scale of pay as promulgated with the West Bengal Services (Revision of Pay and Allowances) Rules, 1981.

(vii) "Schedule" means the Schedule to these rules.

4. **Common Cadres.**—(1) There shall be constituted separate cadres for each of the following categories of posts :—

- (i) Lower Division Assistants,
- (ii) Typists,
- (iii) Upper Division Assistants,
- (iv) Typists Grade I,
- (v) Head Assistants,
- (vi) Section Officers,
- (vii) Registrars, Officers on Special Duty and Special Officers in the revised scale of pay of Rs. 660—1,600.

Note.—Government in the Finance Department may decide, if any other post/posts in the Secretariat Departments and Offices mentioned in the Schedule, will be equivalent to any of the above categories of posts for the purpose of inclusion in any of the common cadres herein constituted.

(2) Each of the Common Cadres mentioned above will be formed with all posts in the respective category in the Secretariat Departments and Offices mentioned in the Schedule.

(3) Any one holding on the date of commencement of these rules, a post in any of the categories as are being constituted into Common Cadres under this rule shall belong to the respective Common Cadre with effect from the said date and shall come under the management and control of the Home (P.&A.R.) Department of this Government.

5. **Management and Control of Cadres.**—(1) Notwithstanding anything contained in any other rules, the Home (P.&A.R.) Department will manage and control the Common Cadres constituted under rule 4.

(2) (i) All the Departments and Offices mentioned in the Schedule shall report vacancies in the posts borne on the respective Common Cadres arising in such Departments and Offices to the Home (P.&A.R.) Department.

(ii) The Home (P.&A.R.) Department will fill up such vacancies by making appointments through direct recruitment, by promotion or otherwise in accordance with the rules regulating such recruitments and in consultation with the Public Service Commission, where necessary.

(3) The services of the incumbents so appointed in respective cadres shall then be placed at the disposal of the respective Departments and Offices, which will issue orders posting the concerned incumbents against the respective vacancies under them.

(4) Notwithstanding the provisions of the West Bengal Services (Classification, Control and Appeal) Rules, 1971,—

- (i) the competent authority of the department to which the incumbent is posted shall have the power of the appointing authority for the purpose of placing him under suspension and of the disciplinary authority for the purpose of taking disciplinary proceedings against him subject to subsequent intimation to the appointing authority of the circumstances leading to the order of suspension or the commencement of the disciplinary proceedings, as the case may be;
- (ii) the competent authority of the Department to which the incumbent is posted may, in the light of the findings in the said disciplinary proceedings, impose any of the penalties specified in the clauses (i), (ii) and (iii) of rule 8 of the West Bengal Services (Classification, Control and Appeals) Rules, 1971 on the incumbent in consultation with the appointing authority but in the event of difference in opinion between the departmental authority and the appointing authority the services of the incumbent shall be replaced at the disposal of the appointing authority and the departmental authority shall transmit to it the proceedings of inquiry and thereupon the appointing authority may pass such orders thereon including an order to commence the proceeding *de novo*, as it deems necessary, after complying with the provisions of rule 10 of the West Bengal Services (Classification, Control and Appeals) Rules, 1971.
- (iii) If the competent authority of the department to which the incumbent is posted is of opinion that any of the penalties specified in the clauses (iv) to (viii) of rule 8 of the West Bengal Services (Classification, Control and Appeals) Rules, 1971 should be imposed on the incumbent it shall replace his services at the disposal of the appointing authority and transmit to it the proceedings of inquiry and thereupon the appointing authority may pass such orders thereon including an order to commence the proceedings *de novo*, as it deems necessary, after complying with the provisions of rule 10 of the West Bengal Services (Classification, Control and Appeals) Rules, 1971.

Explanation.—The disciplinary authority may make an order under this clause on the record of inquiry transmitted by the competent authority of the department to which the incumbent is posted or after holding such inquiry as it may deem necessary. The disciplinary proceedings commenced by the competent authority of the department to which the incumbent is posted shall be taken in consultation with the Public Service Commission, where such consultation is necessary.

6. **Seniority.**—(i) For each of the Common Cadres constituted under rule 4 there shall be a common gradation list.

(ii) In the common gradation list referred to in sub-rule (i), the seniority of a person shall be determined by the provisions of the West Bengal Services (Determination of Seniority) Rules, 1981.

7. **Recruitment.**—Notwithstanding anything contained in any other rules for the time being in force, the recruitment to posts in the Common Cadre constituted under rule 4 shall be regulated in the following manner:—

Posts	Method of Recruitment
(i) Registrars, Officers on Special Duty and Special Officers in the revised scale of pay of Rs. 660—1,600.	By promotion from the combined panel of Section Officers, Head Assistants and Upper Division Assistants borne in Common Cadres prepared by the Commission. Only for the purpose of promotion to the posts of Registrars, Officers on Special Duty and Special Officers in the scale of Rs. 660-1,600 the Section Officers, Head Assistants and Upper Division Assistants shall be treated as belonging to Upper Division Assistant cadre.
(ii) Section Officers	By promotion of Head Assistants borne in common cadre.
(iii) Head Assistants	By promotion of Upper Division Assistants borne in common cadre.
(iv) Upper Division Assistants ..	By promotion of Lower Division Assistants borne in common cadre.
(v) Lower Division Assistants ..	In the manner laid down in Finance Department notification No. 2083-F, dated the 21st July 1964, as amended from time to time.
(vi) Typists (Grade I)	By promotion of Typists borne in common cadre.
(vii) Typists	In the manner laid down in Notification No. 645-Mis., dated the 21st May 1941, as amended, and Finance Department Notification No. 997-F, dated the 6th April 1957, as amended.

8. **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.

9. **Repeal and savings.**—The provisions of any other rules, notifications and orders, in so far as they are repugnant to matters covered by these rules shall be deemed to have been repealed:

Provided that—

- (i) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;
- (ii) promotion/confirmation or appointment to higher cadres, posts or grades and any other service benefits already granted on the basis of the rules and orders in force prior to coming into effect of these rules shall not in any way be adversely affected.

SCHEDULE

List of Departments and Offices

(See Rule 4.)

DEPARTMENTS

- I. Home Department.
- II. Finance Department including Accounts Branch and Financial Advisers offices of R.R. and R., Food and Supplies and Development and Planning Departments.
- IIIA. Legislative Department.
- IIIB. Judicial Department.
- IV. Department of Land and Land Reforms.

- V. Department of Agriculture including Inputs Branch.
- VI. Department of Animal Husbandry and Veterinary Services.
- VII. Department of Forests.
- VIII. Department of Commerce and Industries.
- IX. Department of Labour.
- X. Department of Education including office of State Archives.
- XI. Department of Health and Family Welfare.
- XII. Department of Local Government and Urban Development.
- XIII. Department of Refugee Relief and Rehabilitation, Relief and Welfare, Scheduled Castes and Tribes Welfare Department.
- XIV. Public Works Department including P.W. (Roads) Department and Construction Board.
- XV. Department of Irrigation and Waterways.
- XVI. Department of Food and Supplies.
- XVII. Department of Development and Planning including State Planning Board and Town and Country Planning Branch.
- XVIII. Department of Fisheries.
- XIX. Department of Cottage and Small Scale Industries.
- XX. Department of Excise.
- XXI. Department of Co-operation.
- XXII. Department of Housing.
- XXIII. Department of Panchayats and Community Development including Panchayats and C.D. Branches.
- XXIV. Department of Information and Cultural Affairs.
- XXV. Department of Public Undertakings.
- XXVI. Department of Power.
- XXVII. Department of Industrial Reconstruction.
- XXVIII. Department of Youth Services.
- XXIX. Department of Tourism.
- XXX. Metropolitan Development Department.
- XXXI. Department of Environment.

OFFICES

1. Board of Revenue, West Bengal.
2. Governor's Secretariat.
3. Office of the Military Secretary to the Governor, West Bengal.

By order of the Governor,
P. K. SARKAR,
Secy. to the Govt. of West Bengal.

NOTIFICATION

No. 3856-F.—31st March, 1984.—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:—

Rules

1. **Short title and commencement.**—(i) These rules may be called the West Bengal Services (Secretariat Common Cadres of Deputy Secretaries and Assistant Secretaries) Rules, 1984.
- (ii) They shall come into force on the date of their publication in the *Official Gazette*.

2. **Application.**—These rules shall apply to all Government employees holding in the Secretariat Departments and Offices mentioned in the Schedule the posts borne in the Secretariat Common Cadres formed under rule 4.

3. **Definitions.**—(i) “Appointing Authority” in relation to cadres, posts or grades of Deputy Secretaries and Assistant Secretaries, shall be the Governor.

(ii) “Commission” means the Public Service Commission, West Bengal.

(iii) “Common Cadre” means a cadre of same category of posts in the Secretariat Departments and Offices formed into a Common Cadre under these rules.

(iv) “Department” and “Offices” mean a Secretariat Department and other Offices under the Government as mentioned in the Schedule.

(v) “Government” means the Government of West Bengal.

(vi) “Revised Scale” means the revised scale of pay as promulgated with the West Bengal Services (Revision of Pay and Allowances) Rules, 1981.

(vii) “Schedule” means the Schedule to these rules.

4. **Common Cadres.**—(1) There shall be constituted separate cadres for each of the following categories of posts:—

(i) Assistant Secretaries [other than such posts of Assistant Secretaries as are filled up by transfer of officers belonging to W.B.C.S. (Ex.), W.B.C.S. (Judicial), West Bengal Health Service and West Bengal Engineering Services].

(ii) Deputy Secretaries [other than such posts of Deputy Secretaries as are filled up by transfer of officers belonging to I.A.S., W.B.C.S. (Ex.), W.B.C.S. (Judicial), West Bengal Health Service and West Bengal Senior Service of Engineers].

Note.—Government in the Finance Department may decide if any other post/posts in the Secretariat Departments and Offices mentioned in the Schedule will be equivalent to any of the above categories of posts for the purpose of inclusion in Common Cadres herein constituted.

(2) Each of the Common Cadres mentioned in sub-rule (1) will be formed with all posts in the respective category in the Secretariat Departments and Offices mentioned in the Schedule.

(3) Anyone holding on the date of commencement of these rules, a post of Assistant Secretary or Deputy Secretary as are now being constituted into Common Cadres under this rule, shall belong to the respective Common Cadre with effect from the said date and shall come within the management and control of the Home (P. & A.R.) Department of this Government.

5. **Management and Control of Common Cadres**—(1) Notwithstanding anything contained in any other rules, the Home (P. & A.R.) Department of the Government will manage and control the Common Cadres constituted under rule 4.

(2) (i) All Departments and Offices mentioned in the Schedule, shall report vacancies in the posts of Assistant Secretaries and Deputy Secretaries borne on respective Common Cadres, arising in such Departments and offices to the Home (P. & A. R.) Department.

(ii) The Home (P. & A.R.) Department will fill up such vacancies by making a appointments by promotion in accordance with the rules regulating such recruitments and in consultation with the Commission, where necessary.

(3) The services of the incumbents so appointed in respective Cadres shall then be placed at the disposal of the respective Departments and Offices which will issue orders posting the concerned incumbents against the respective vacancies under them.

6. **Seniority**—(i) For each of the two Common Cadres constituted under rule 4 there shall be a Common Gradation List.

(ii) In the Common Gradation List referred to in sub-rule (i), the seniority of a person shall be determined by the provisions of the West Bengal Services (Determination of Seniority) Rules, 1981.

7. **Recruitment**—(1) Notwithstanding anything contained in any other rules, of the time being in force, the recruitment to posts in the Common Cadres constituted under rule 4 shall be regulated in the following manner :—

Posts	Method of Recruitment
(i) Deputy Secretaries (only such posts as are included in the Common Cadre herein constituted).	By promotion of Assistant Secretaries borne in the Common Cadre for Assistant Secretaries.
(ii) Assistant Secretaries (only such posts as are included in the Common Cadre herein constituted).	By promotion from the combined panel of (i) Registrar, O.S.D., Special Officer (in the Revised Scale of Rs. 660—1,600, (ii) Section Officer, (iii) Head Assistant and (iv) U. D. Assistant—borne in the respective Common Cadres, prepared by the Commission.

Only for the purpose of promotion to the post of Assistant Secretaries, the Registrars, O.S.D., Special Officer, Section Officer, Head Assistant and U.D. Assistant shall be treated as belonging to U. D. Assistant Cadre.

(2) (i) 40% of the total number of posts of Deputy Secretary excluding such posts of Deputy Secretary as are filled up by transfer of officers belonging to I.A.S., W.B.C.S. (Judicial), West Bengal Health Service, West Bengal Senior Services of Engineers and other Services in the Secretariat Departments and offices mentioned in the Schedule shall be filled up by promotion in the manner laid down in sub-rule (1) above.

(ii) 66 2/3% of the total number of posts of Assistant Secretary excluding such posts of Assistant Secretary as are filled up by transfer of officers belonging to W.B.C.S. (Judicial), West Bengal Health Service and West Bengal Engineering Services and other Services in the Secretariat Departments and offices mentioned in the Schedule shall be filled up by promotion in the manner laid down in sub-rule (1) above.

8. **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.

9. **Repeal and savings**.—The provisions of any other rules, notifications and orders, in so far as they are repugnant to matters covered by these rules, shall be deemed to have been repealed: Provided that—

(i) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder.

- (ii) promotion|confirmation or appointment to higher cadres, posts or grades and any other service benefits already granted on the basis of the rules and orders in force prior to coming into effect of these rules, shall not in any way be adversely affected.

SCHEDULE

List of Departments and Offices

(See Rule 4)

DEPARTMENTS

- I. Home Department.
- II. Finance Department including Accounts Branch and Financial Advisers Offices or R.R. and R., Food and Supplies and Development and Planning Departments.
- IIIA. Legislative Department.
- IIIB. Judicial Department.
- IV. Departments of Land and Land Reforms.
- V. Department of Agriculture including inputs Branch.
- VI. Department of Animal Husbandry and Veterinary Services.
- VII. Department of Forests.
- VIII. Department of Commerce and Industries.
- IX. Department of Labour.
- X. Department of Education including office of State Archives.
- XI. Department of Health and Family Welfare.
- XII. Department of Local Government and Urban Development.
- XIII. Department of Refugee Relief and Rehabilitation, Relief and Welfare, Scheduled Castes and Tribes Welfare Department.
- XIV. Public Works Department including P.W. (Roads) Department and Construction Board.
- XV. Department of Irrigation and Waterways.
- XVI. Department of Food and Supplies.
- XVII. Department of Development and Planning including State Planning Board and Town and Country Planning Branch.
- XVIII. Department of Fisheries.
- XIX. Department of Cottage and Small Scale Industries.
- XX. Department of Excise.
- XXI. Department of Co-operation.
- XXII. Department of Housing.
- XXIII. Department of Panchayats and Community Development including Panchayats and C.D. Branches.
- XXIV. Department of Information and Cultural Affairs.
- XXV. Department of Public Undertakings.

- XXVI. Department of Power.
- XXVII. Department of Industrial Reconstruction.
- XXVIII. Department of Youth Services.
- XXIX. Department of Tourism.
- XXX. Metropolitan Development Department.
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